



**City Council
Special Meeting
Monday, May 16, 2022
5:00 PM
Council Chamber & Virtual**

Pursuant to [AB 361](#) Palo Alto City Council meetings will be held as “hybrid” meetings with the option to attend by teleconference/video conference or in person. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate from home or attend in person. Information on how the public may observe and participate in the meeting is located at the end of the agenda. Masks are strongly encouraged if attending in person.

HOW TO PARTICIPATE

VIRTUAL PARTICIPATION

[CLICK HERE TO JOIN](https://cityofpaloalto.zoom.us/j/362027238) (<https://cityofpaloalto.zoom.us/j/362027238>)
Meeting ID: 362 027 238 Phone: 1(669)900-6833

The meeting will be broadcast on Cable TV Channel 26, live on YouTube at <https://www.youtube.com/c/cityofpaloalto>, and streamed to Midpen Media Center at <https://midpenmedia.org>.

TIME ESTIMATES

Time estimates are provided as part of the Council's effort to manage its time at Council meetings. **Listed times are estimates only and are subject to change at any time, including while the meeting is in progress.** The Council reserves the right to use more or less time on any item, to change the order of items and/or to continue items to another meeting. Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public.

PUBLIC COMMENTS

Public Comments will be accepted both in person and via Zoom meeting. All requests to speak will be taken until 5 minutes after the staff's presentation. Written public comments can be submitted in advance to city.council@cityofpaloalto.org and will be provided to the Council and available for inspection on the City's website. Please clearly indicate which agenda item you are referencing in your email subject line.

CALL TO ORDER

CLOSED SESSION (5:00 – 6:00 PM)

Public Comments: Members of the public may speak to the Closed Session item(s); three minutes per speaker.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Authority: Government Code Section 54956.8 Property: 445 Bryant Street, Assessor's Parcel Number 120-15-107 Negotiating Party: JSRFIT LLC,

a California limited liability company d.b.a. Form Fitness City
Negotiators: Ed Shikada and Kiely Nose Subject of Negotiations: Lease
Price and Terms of Payment

SPECIAL ORDERS OF THE DAY (6:00 – 6:15 PM)

2. Proclamation Recognizing National Police Week - May 15-21, 2022 and National Peace Officers' Memorial Day - May 15, 2022
3. Proclamation Recognizing Emergency Medical Services Week May 15-21, 2022

AGENDA CHANGES, ADDITIONS AND DELETIONS

PUBLIC COMMENT (6:15 – 6:30 PM)

Members of the public may speak to any item NOT on the agenda. Council reserves the right to limit the duration of Oral Communications period to 30 minutes.

CONSENT CALENDAR (6:30 – 6:35 pm)

Items will be voted on in one motion unless removed from the calendar by three Council Members.

4. Approve Minutes from the May 2, 2022 City Council Meeting
5. Adoption of a Resolution Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency
6. Approval of Amendment One to Six (6) Enterprise System SAP On-Call Professional Services Contracts with: 1) Avertra Corporation, C20174583A; 2) Peloton Group, LLC., C20174583B; 3) Etech-360, Inc., C20174583C; 4) V3iT Consulting, Inc., C20174583D; 5) IT Resonance, Inc., C20174583E; and 6) Techlink Systems, Inc., C20174583F, to Increase the Level of Services that May be Provided and Increase the Combined not-to-exceed Amount from \$350,000 Annually to \$650,000 Annually in Year 2 and \$1,650,000 Annually in each of Contract Years 3 through 5, for all Six (6) Contracts, Bringing the New Contract not-to-exceed Combined Amount Across all Six (6) Contracts to \$5,950,000 Over a Five-Year Period, for provision of Department-Specific SAP Solutions
7. Approval of Contract Number C22183804 With Jacobs Engineering Group, Inc, (Jacobs) in the Total Amount Not-to-Exceed \$880,569 to Provide Engineering Services for the Joint Intercepting Sewer (JIS Rehab.) Rehabilitation (Phase 1) at the Regional Water Quality Control Plant from the Plant Repair, Retrofit, and Equipment Replacement capital project (WQ-19002) in the Wastewater Treatment Fund

At-Places Memo

8. Approval of Contract No. C22183905 with Prime Government Solutions, Inc. for an Amount Not to Exceed \$136,892 Over a Term of Approximately Five-Years through June 30, 2027 for the Provision of Cloud-based Agenda, Meeting, and Commission Management and Automation Software
9. Adoption of a Resolution for Senate Bill 1, the Road Repair and Accountability Act, for Fiscal Year 2023, Providing the Street Maintenance Project List for Capital Improvement Program Project PE-86070
10. Approval of Amendment Number Two to Contract No. C20175911 with Labyrinth Solutions, Inc., to extend the Contract Term through October 21, 2022 at No Added Cost, for Information Technology Professional Services, Cloud Computing Hosting and Support Services, and As-Needed SAP Application Technical / Functional Support Services.
11. SECOND READING: Adoption of an Ordinance Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning), Chapters 18.04 (Definitions), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) the Retail and Ground Floor Combining Districts. Environmental Review: Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) until December 16, 2022. (FIRST READING: May 2, 2022: PASSED 7-0)
12. SECOND READING: Parks and Recreation Commission Recommend Adopting an Ordinance to Amend the Foothills Nature Preserve Attendance Range to 400-600 Guests (FIRST READING: May 2, 2022: PASSED 7-0)

CITY MANAGER COMMENTS (6:35 – 6:55 PM)

Presentation

BREAK (6:55 – 7:05 PM)

ACTION ITEMS

Include: Reports of Committees/Commissions, Ordinances and Resolutions, Public Hearings, Reports of Officials, Unfinished Business and Council Matters.

13. Approve a Fiscal Year 2023 Program for Domestic Recycling of Mixed Paper and Mixed Rigid Plastics; Approve a Budget Appropriation in the Refuse Fund Fiscal Year 2023 Operating Budget; Direct Staff to Negotiate a Corresponding Contract Amendment with GreenWaste of Palo Alto for Program Costs in an Amount Not to Exceed \$1.2M (7:05 – 7:45 PM)

Public Letters Presentation

14. Adopt Resolutions Authorizing the City Manager to Continue to Close California Avenue from El Camino Real to Park Boulevard, and Ramona Street between Hamilton Avenue and University Avenue Until December 31, 2023 and Direct Staff to Implement Specific Access Lanes and Perimeter Rules (7:45 – 9:15 PM)

[At-Places Memo](#)
[Public Letters](#)
[Presentation](#)

15. PUBLIC HEARING: Adoption of Two Ordinances Implementing the Objective Standards Project, Including: 1) New Chapter 18.24, Contextual Design Criteria and Objective Design Standards; 2) Modifications to Affordable Housing (AH) Overlay District to Eliminate the Legislative Process; 3) Changes to Remove Inconsistencies and Redundancies, and Streamline Project Review Throughout Title 18. (9:15 – 10:45 PM)

[Public Letters](#)
[Presentation](#)

COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS

Members of the public may not speak to the item(s)

ADJOURNMENT

INFORMATION REPORTS

Information reports are provided for informational purposes only to the Council and the public but are not listed for action during this meeting's agenda.

OTHER INFORMATION

Standing Committee Meetings

Finance Committee Meeting May 17, 2022

Schedule of Meetings

Public Letters

PUBLIC COMMENT INSTRUCTIONS

Members of the Public may provide public comments to teleconference meetings via email, teleconference, or by phone.

- 1. Written public comments** may be submitted by email to city.council@cityofpaloalto.org.
- 2. Spoken public comments using a computer** will be accepted through the teleconference meeting. To address the Council, click on the link below to access a Zoom-based meeting. Please read the following instructions carefully.
 - A. You may download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
 - B. You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
 - C. When you wish to speak on an Agenda Item, click on "raise hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
 - D. When called, please limit your remarks to the time limit allotted.
 - E. A timer will be shown on the computer to help keep track of your comments.
- 3. Spoken public comments using a smart phone** will be accepted through the teleconference meeting. To address the Council, download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting ID below. Please follow the instructions B-E above.
- 4. Spoken public comments using a phone** use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name before addressing the Council. You will be advised how long you have to speak. When called please limit your remarks to the agenda item and time limit allotted.

[CLICK HERE TO JOIN](#) **Meeting ID: 362 027 238 Phone:1(669)900-6833**



City of Palo Alto City Council Staff Report

(ID # 14366)

Meeting Date: 5/16/2022

Report Type: Closed Session

**Title: CONFERENCE WITH REAL PROPERTY NEGOTIATORS Authority:
Government Code Section 54956.8 Property: 445 Bryant Street, Assessor's
Parcel Number 120-15-107 Negotiating Party: JSRFIT LLC, a California limited
liability company d.b.a. Form Fitness City Negotiators: Ed Shikada and Kiely
Nose Subject of Negotiations: Lease Price and Terms of Payment**

From: City Manager

Lead Department: Administrative Services



City of Palo Alto

City Council Staff Report

(ID # 14176)

Meeting Date: 5/16/2022

Report Type: Information Reports

Title: Proclamation Recognizing National Police Week - May 15-21, 2022 and National Peace Officers' Memorial Day - May 15, 2022

From: City Manager

Lead Department: Police

Attachments:

- **Attachment2.a:** Attachment A: Peace Officers Memorial Week and Day



Proclamation

National Police Week, May 15-21, 2022 and National Peace Officers' Memorial Day, May 15, 2022

WHEREAS, the United States Congress and President of the United States have designated May 15, 2022 as National Peace Officers' Memorial Day and the week in which it falls as Police Week; and

WHEREAS, the members of the Palo Alto Police Department play an essential role in safeguarding the rights and freedoms of its citizens; and

WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Palo Alto Police Department has grown to be a modern and progressive law enforcement agency which unceasingly provides a vital public service; and

WHEREAS, The City of Palo Alto asks all citizens to join in honoring the police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

NOW, THEREFORE, I, Patrick Burt, Mayor of the City of Palo Alto on behalf of the entire City Council do hereby proclaim the week of May 15-21, 2022, as Police Week and urge all citizens of Palo Alto to observe Sunday May 15, 2022 as Peace Officers' Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Presented: May 16, 2022

Patrick Burt
Mayor



City of Palo Alto

City Council Staff Report

(ID # 14393)

Meeting Date: 5/16/2022

Report Type: Information Reports

Title: Proclamation Recognizing Emergency Medical Services Week May 15-21, 2022

From: City Manager

Lead Department: Fire

Attachments:

- **Attachment3.a:** Emergency Medical Services Week



Proclamation

Emergency Medical Services Week May 15-21, 2022

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, EMS professionals are available twenty-four hours a day, three hundred and sixty-five days a year; and

WHEREAS, quality emergency medical services care dramatically improves survival and reduces mortality and morbidity; and

WHEREAS, emergency medical services have grown to fill a gap by providing essential, out of hospital care; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers and emergency physicians; and

WHEREAS, the members of emergency medical services teams engage in specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and accomplishments of emergency medical services providers by designating Emergency Medical Services Week with the theme “EMS Strong: Always in Service.”

NOW, THEREFORE, I, Pat Burt, Mayor of the City of Palo Alto, on behalf of the City Council do hereby proclaim and call upon all citizens of Palo Alto to observe the week of May 15 – May 21, 2022 as Emergency medical Services Week, with appropriate ceremonies and observances in which our community may join in recognizing the important public safety contributions of our emergency medical technicians and paramedics.

Presented: May 16, 2022

Pat Burt
Mayor



City of Palo Alto
Office of the City Clerk
City Council CAO Report

(ID # 14383)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: Approve Minutes from the May 2, 2022 City Council Meeting

From: Lesley Milton, City Clerk

Staff recommends Council to review and approve the minutes as presented.

ATTACHMENTS:

- **Attachment4.a:** Attachment A: 20220502amCCsm (PDF)



**City Council & Public Improvement Corporation
Joint Special Meeting
Monday, May 2, 2022
5:00 PM**

The City Council of the City of Palo Alto met on this date in virtual teleconference at 5:01 P.M.

Participating Remotely: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent: None

CALL TO ORDER

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION
Subject: Threatened litigation regarding interpretation and application of non-conforming use provisions for 340 Portage and associated addresses, as set forth in September 10, 2021 letter from Sobrato Organization Authority: Potential Exposure to Litigation Under Government Code Section 54956.9(d)(2)
One Case, as Defendant

MOTION: Mayor Burt motioned, seconded by Council Member Dubois to adjourn to Closed Session.

MOTION PASSED: 7-0

SPECIAL ORDER OF THE DAY

2. Appointment of Candidates for the Parks and Recreation Commission

City Council vote results for one partial term position on the Parks and Recreation Commission ending March 31, 2023.

Joy Oche: Burt, Cormack, Filseth, Stone, Tanaka, Kou

Eve Klein: DuBois

Candidate Joy Oche receiving 6 votes was appointed to the full-term expiring March 31, 2023.

RECESS FOR COUNCIL MEETING AND CALL TO ORDER PUBLIC IMPROVEMENT CORPORATION

The Board of Directors for the Palo Alto Public Improvement Corporation was called to order at 9:07 PM

3. Approval of Fiscal Year 2021 Palo Alto Public Improvement Corporation's Annual Financial Statement

MOTION: Board Member Cormack motioned, seconded by Mayor Burt to approve the Fiscal Year (FY) 2021 Annual Financial Report for the Palo Alto Public Improvement Corporation.

MOTION PASSED: 6-1, Tanaka no

ADJOURN PUBLIC IMPROVEMENT CORPORATION AND RECONVENE COUNCIL MEETING

STUDY SESSION

4. Fiscal Year 2023 Proposed Budget Study Session

NO ACTION TAKEN

AGENDA CHANGES, ADDITIONS AND DELETIONS

The Council deferred Item 15 to a future date.

PUBLIC COMMENT

CONSENT CALENDAR

Council Member Tanaka Registered a no vote on item 9.

Mayor Burt requested to pull Item 6.

MOTION: Council Member Cormack motioned, seconded by Mayor Burt to approve Consent Agenda Items 5-11.

5. Approve Minutes from the April 11, 2022 City Council Meeting
6. Policy and Services Committee recommends that the City Council accept the recommendations from the September 14, 2021 and February 8, 2022 committee meetings regarding race and equity, with the following change: schedule a City Council Action Item (May 9, 2022) on whether to pursue a misdemeanor ordinance and other methods to deter hateful speech while complying with the constitution
7. Parks and Recreation Commission Recommend Adopting an Ordinance to Amend the Foothills Nature Preserve Attendance Range to 400-600 Guests
8. PUBLIC HEARING: Adoption of an Ordinance Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning), Chapters 18.04 (Definitions), 18.16 (Neighborhood,

Community, and Service Commercial (CN, CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) the Retail and Ground Floor Combining Districts. Environmental Review: Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) until December 16, 2022.

9. Approval of Contract No. C22183462 with Macias Gini & O'Connell LLP (MGO) for External Financial Audit Services in an Amount Not to Exceed \$599,319 (Including a 10 Percent Contingency Additional Services Amount of \$54,934) Through March 31, 2025.
10. Policy and Services Committee Recommends the City Council Accept the City Auditor's Quarterly Status Report (Q2 of Fiscal Year 2021)
11. SECOND READING: Adoption of **Ordinance XXXX** Amending Existing Palo Alto Municipal Code Chapter 5.30, Disposable Foodware Items and Other Disposable Products, to Comply with California Assembly Bill 1276 (Single-Use Foodware Accessories and Standard Condiments) Requiring Additional Restrictions on the Use of Disposable Foodware and Condiments (FIRST READING: April 18, 2022: PASSED 7-0)

MOTION SPLIT FOR THE PURPOSE OF VOTING

MOTION PASSED Items 5, 7-11: 7-0

MOTION PASSED Item 6: 6-1 - Tanaka no

CITY MANAGER COMMENTS

City Manager Ed Shikada

ACTION ITEMS

12. Adoption of **Resolution XX** Authorizing the Issuance and Sale of One or More Series of General Obligation Refunding (Refinancing) Bonds (Election of 2008) in an Aggregate Principal Amount Not to Exceed \$58 million, and Execution of a Paying Agency Agreement, and Certain Other Related Documents and Authorizing Official Actions Related Thereto

MOTION: Council Member Cormack motioned, seconded by Mayor Burt to approve **Resolution XX** to:

1. Authorize the refinancing of the outstanding Series 2010A and Series 2013A General Obligation (Library) Bonds through the issuance of tax-exempt and federally taxable General Obligation Bonds (Bonds) in the not to exceed amount of \$58,000,000; and
2. Approve the Paying Agency Agreement, Official Notice of Sale, Preliminary Official Statement, Irrevocable Refunding Instructions related to the Series 2010A Bonds, Escrow Deposit and Trust Agreement related to the Series 2013A Bonds Between City of Palo Alto and U.S. Bank Trust Company National Association; and authorize

related documents and actions.

MOTION PASSED: 7-0

13. Policy and Services Committee Recommends that the City Council Direct Staff to Reduce the Length of the Community Survey and Work with the Chair of the Policy & Services Committee as an Ad Hoc

MOTION: Mayor Burt motioned, seconded by Council Member DuBois to authorize the Chair of Policy & Services Committee to work with staff and POLCO to assure compatibility related to benchmarking of any revisions to the survey.

MOTION PASSED: 7-0

14. Clarification of In-Person Attendance Protocols for Council Committees and Boards and Commissions (Continued from April 4, 2022 Meeting)

FINAL MOTION: Council Member Tanaka motioned, seconded by Mayor Burt to direct staff to continue to present the findings for AB 361 for the Council, Commissions and Boards and

- a) Council Members can participate remotely in Council Committee meetings up to 3 times per year;
- b) Board Members and Commissioners can participate remotely but are encouraged to meet in person and the Boards and Commissions should establish a remote attendance policy

MOTION PASSED: 7-0

COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS

CLOSED SESSION

15. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Authority: Government Code Section 54956.8 Property: 300 Homer Avenue, Assessors Parcel Number 120-17-093 Negotiating Party: Palo Alto Museum City Negotiators: Ed Shikada, Kiley Nose Subject of Potential Negotiations: lease Price and Terms of Payment

ITEM CONTINUED TO A FUTURE MEETING

ADJOURNMENT Meeting was adjourned at 11:50 PM.

ATTEST:

APPROVED:

City Clerk

Mayor

NOTE: Action minutes are prepared in accordance with Palo Alto Municipal Code (PAMC) 2.04.160(a) and (b). Summary minutes (sense) are prepared in accordance with PAMC Section 2.04.160(c). Beginning in January 2018, in accordance with [Ordinance No. 5423](#), the City Council found action minutes and the video/audio recordings of Council proceedings to be the official records of both Council and committee proceedings. These recordings are available on the City's website.



City of Palo Alto
Office of the City Clerk
City Council CAO Report

(ID # 14395)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: Adoption of a Resolution Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency

From: Lesley Milton, City Clerk

Recommendation

Adopt a Resolution (**Attachment A**) authorizing the use of teleconferencing under Government Code Section 54953(e) for meetings of the Council and its committees due to the Covid-19 declared state of emergency.

Background

In February and March 2020, the state and the County declared a state of emergency due to the Covid-19 pandemic. Both emergency declarations remain in effect.

On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act, effective October 1, 2021, to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days.

AB 361, codified at California Government Code Section 54953(e), empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act in any of the following circumstances:

- (A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B) (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code § 54953(e)(1).)

In addition, Section 54953(e)(3) requires that policy bodies using teleconferencing reconsider the state of emergency within 30 days of the first teleconferenced meeting after October 1, 2021, and at least every 30 days thereafter, and find that one of the following circumstances exists:

1. The state of emergency continues to directly impact the ability of the members to meet safely in person.
2. State or local officials continue to impose or recommend measures to promote social distancing.

Discussion

At this time, the circumstances in Section 54953(e)(1)(A) exist. The Santa Clara County Health Officer continues to recommend measures to promote outdoor activity, physical distancing and other social distancing measures, such as masking, in certain contexts. (See August 2, 2021 [Order](#).) In addition, the California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures.

Accordingly, Section 54953(e)(1)(A) authorizes the City to continue using teleconferencing for public meetings of its policy bodies, provided that any and all members of the public who wish to address the body or its committees have an opportunity to do so, and that the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing are protected.

To comply with public health directives and promote public safety, Palo Alto policy bodies have been meeting via teleconference since March 2020. On September 27, 2021, Council considered the format for future Council, committee, and Board and Commission meetings. Council determined that beginning November 1, 2021, Council meetings would be conducted using a hybrid format that allows Council Members and the public to decide whether to attend in person, following masking and distancing protocols, or participate via teleconference. Council directed that Council standing and ad-hoc committees and Boards and Commissions would continue meeting via teleconference through January 2022.

Adoption of the Resolution at **Attachment A** will make the findings required by Section 54953(e)(3) to allow the continued use of teleconferencing for Council meetings (for those Council Members who elect to participate remotely) and for Council standing and ad hoc committees. Each Board and Commission will consider and make similar findings.

ATTACHMENTS:

- **Attachment5.a:** Attachment A: Resolution Allowing Hybrid In-Person and Teleconferenced Meetings under Section 54953(e) (PDF)

NOT YET APPROVED

Resolution No. _____

Resolution Making Findings to Allow Teleconferenced Meetings Under California Government
Code Section 54953(e)

R E C I T A L S

A. California Government Code Section 54953(e) empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and

B. In March 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and

C. In February 2020, the Santa Clara County Director of Emergency Services and the Santa Clara County Health Officer declared a local emergency, which declarations were subsequently ratified and extended by the Santa Clara County Board of Supervisors, and those declarations also remain in effect; and

D. On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

E. While federal, State, and local health officials emphasize the critical importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19, the Santa Clara County Health Officer has issued at least one order, on August 2, 2021 (available online at [here](#)), that continues to recommend measures to promote outdoor activity, physical distancing and other social distancing measures, such as masking, in certain contexts; and

F. The California Department of Industrial Relations Division of Occupational Safety and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures; and

G. The Palo Alto City Council has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; now, therefore,

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

1. As described above, the State of California remains in a state of emergency due to the COVID-19 pandemic. At this meeting, the Palo Alto City Council has considered the circumstances of the state of emergency.
2. As described above, State and County officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.

AND BE IT FURTHER RESOLVED, That for at least the next 30 days, meetings of the Palo Alto City Council and its committees will occur in a hybrid format, where both members of the policy body and members of the public may elect to be present in person, utilizing appropriate distancing and masking practices, or participate by teleconferencing technology. Such meetings of the Palo Alto City Council and its committees that occur using teleconferencing technology will provide an opportunity for any and all members of the public who wish to address the body its committees and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the City Clerk is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the Palo Alto City Council within the next 30 days. If the Palo Alto City Council does not meet within the next 30 days, the City Clerk is directed to place a such resolution on the agenda of the immediately following meeting of Palo Alto City Council.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

City Attorney

City Manager



City of Palo Alto City Council Staff Report

(ID # 13993)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: Approval of Amendment One to Six (6) Enterprise System SAP On-Call Professional Services Contracts with: 1) Avertra Corporation, C20174583A; 2) Peloton Group, LLC., C20174583B; 3) Etech-360, Inc., C20174583C; 4) V3iT Consulting, Inc., C20174583D; 5) IT Resonance, Inc., C20174583E; and 6) Techlink Systems, Inc., C20174583F, to Increase the Level of Services that May be Provided and Increase the Combined not-to-exceed Amount from \$350,000 Annually to \$650,000 Annually in Year 2 and \$1,650,000 Annually in each of Contract Years 3 through 5, for all Six (6) Contracts, Bringing the New Contract not-to-exceed Combined Amount Across all Six (6) Contracts to \$5,950,000 Over a Five-Year Period, for provision of Department-Specific SAP Solutions

From: City Manager

Lead Department: IT Department

Recommendation

Staff recommends that the Council approve and authorize the City Manager or their designee to execute amendment one to six (6) Enterprise System SAP On-Call Professional Services contracts with: 1) Avertra Corporation, C20174583A; 2) Peloton Group, LLC., C20174583B; 3) Etech-360, Inc., C20174583C; 4) V3iT Consulting, Inc., C20174583D; 5) IT Resonance, Inc., C20174583E; and 6) Techlink Systems, Inc., C20174583F, to increase the level of services that may be provided and increase the combined not-to-exceed amount from \$350,000 annually to \$650,000 annually in year 2 and \$1,650,000 annually in each of contract years 3 through 5 across all six (6) contracts, bringing the new contract not-to-exceed combined amount across all six contracts to \$5,950,000 over a five-year period, to provide department-specific SAP solutions (Attachment A).

The City does not guarantee any minimum quantity of work or compensation with any of these consultants during the contract period.

Background

The City currently utilizes the SAP enterprise resource planning (ERP) system to support its major finance, human resource and utility billing processes. Staff last reviewed the

viability of SAP through an RFP to procure a new ERP in August of 2017 (RFP 169033). Thirteen proposals were received through a competitive proposal evaluation process and three were shortlisted. After a rigorous bid evaluation process, executive staff reviewed the staff findings and opportunity cost of implementing a new ERP. The RFP was subsequently cancelled on November 14th, 2018 and the vendors were notified of the cancellation. This was outlined in the Council Information Update item (CMR [9826](#)).

As part of the SAP upgrade project activities, the project was split into two phases to reduce risk and smooth continuity of business operations without major disruptions. Phase I of the project upgraded the technical platform (software and hardware) of SAP ERP system to the latest, fully-supported enhancement package version of SAP software components to modernize functionality, implement Single Sign On, deploy the streamlined application, SAP Fiori User Interface, and to migrate from on-premise servers to the cloud. The City Council approved Phase I of the project on October 7, 2019 ([CMR 10033](#)). Phase I was completed successfully in November 2020.

On March 8, 2021, ([CMR 11810](#)) to extend the term with SAP until December 2025 was approved. As noted in the CMR, staff will review and develop recommendations regarding continuing with SAP no later than December 2024.

IT is now moving into Phase II of the project, implementing high priority functionality changes identified during the Phase I of the project. To enhance the functionality of SAP ERP application, highly experienced specialists are required to enable efficient business processes and enhance business functionality.

In July 2019, staff issued a request for proposals (RFP) to identify a number of qualified firms to provide on-call professional services for SAP on an as-needed basis to help with modernization, enhancements, backfill and day-to-day operational fixes; because the City's SAP needs span across many domains, multiple vendors with the associated expertise are required. As a result, six vendors were selected and Council approved five-year contracts for each of these vendors on June 22, 2020 ([CMR 11360](#)). Staff will engage the six contracted vendors to complete this work.

Discussion

In November 2020 the City upgraded SAP ERP software components as planned. This technical upgrade of the ERP system created many opportunities such as performance improvements, process re-engineering, digital transformation, and responsive role-based SAP Fiori user experience, which is available on any device (e.g., laptops and mobile devices).

Following the technical upgrade of the SAP components, several high priority functional enhancements have been identified by multiple business units within our various departments. These high priority projects are expected to be in progress during FY 2022-FY 2025:

Finance:

- Finance Master Data Process improvement, data quality rules and data validation
- Fixed Assets capitalization process improvement
- Financial statements, reporting and management reports
- Annual Reporting and Re-engineer Year-end processing
- Yearly Tax forms - 1099 generation

Purchase, Inventory and Warehouse:

- Purchase Master Data Process improvement, data quality rules & data validation
- Purchase Order Process enhancement
- Purchase Contract Process Enhancements
- Improved Reporting: Inventory Usage, Expenditure on Term Contracting, Vendor Performance and Purchasing Dashboard
- Annual Reporting and Year-end process enhancement

HR & Payroll:

- Employee & Manager Self Service Fiori Applications
- CalPERS and other HR interfaces
- Online W-2
- Special Compensation Implementation
- Payroll Control Center – Automation of Payroll process, setup the Workflow and analytics

Utilities:

- Configuration of Annual Settlement process of Solar Customers
- Meter Replacement and Water Leakage alerts
- Configure the Refuse Management solution in SAP and Improve Reporting
- Customer Support tools enhancement - ICWeb
- Increase Billing accuracy by implementing Meter read notification & creation of interactive record

Office of Management and Budget

- Year-end Process: PR/PO encumbrance, streamline carry forward, & Accruals
- Budget load process improvements
- Optimization / Workflow in Master Data Creation
- Master data creation process optimization
- Reports and Data Validation: ZFIR44N, which needs to reconcile to ZFIR06/ZFIR43
- Develop Position Interface, CIP-Actuals, CIP-PR/PO Commitment
- Forecasting Ability & Multi-Year View

There is a significant cost savings for the City by enabling departments to leverage new/enhanced functionality of the upgraded SAP system. These functional

enhancements will also help improve the process control, IT Risk Management recommendations, audit compliance control, operational efficiency, data quality, and reduction in annual reporting activities.

Resource Impact

The initial \$350,000 was approved and adopted through the Information Technology Fund in Fiscal Years 2021 and 2022 to fund day-to-day operational fixes and enhancements. For SAP Upgrade Phase II enhancements, staff will engage the six contracted vendors to complete this work and will utilize the Enterprise Resource Planning capital improvement project (TE-19000) to pay for the cost of professional services incurred. Currently, there is \$2 million in funding available for this project.

Staff will bring forward a recommendation for additional funding for SAP on-call services, if necessary, during the annual budgeting cycle.

Stakeholder Engagement

The IT Enterprise and Systems Manager meet with numerous City departments at scheduled SAP PMO meetings to discuss enhancements and new initiatives on a regular basis.

Environmental Review

Approval of this agreement does not constitute a project under the California Environmental Quality Act (CEQA); therefore, an environmental assessment is not required.

Attachments:

- **Attachment6.a:** Attachment A: C20174583 A-F Amendment Number 1 SAP On-Call Services

**AMENDMENT NO. 1 TO CONTRACT NO. C20174583A
BETWEEN THE CITY OF PALO ALTO AND
AVERTRA CORPORATION**

This Amendment No.1 (this “Amendment”) to Contract No. C20174583A (the “Contract” as defined below) is entered into as of May 2, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and AVERTRA CORPORATION, a Virginia corporation, located at 580 Herndon Parkway, Herndon, VA 20170 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties for the provision of providing SAP Support Services on an as-needed, project based, time limited basis, as detailed therein.

B. The Parties now wish to amend the Contract in order to increase the quantity of on-call, time-limited SAP Support Services that may be ordered annually from Consultant by City under the Contract and, accordingly, the annual possible (but not guaranteed), per contract year, not-to-exceed compensation amount from Three Hundred Fifty Thousand Dollars (\$350,000) annually for contract year 1, to Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, to One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, for a Contract total not-to-exceed amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the five-year term across the pool of six on-call contracts for SAP Support Services (of which this Contract is one), as detailed herein.

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

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

- a. **Contract.** The term “Contract” shall mean Contract No. C20174583A between CONSULTANT and CITY, dated June 22, 2020.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 4, “NOT TO EXCEED COMPENSATION,” of the Contract is hereby amended to read as follows:

SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Section 1 and Exhibit "A" of this Agreement shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) annually for contract year 1, Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, and One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, however, CONSULTANT acknowledges that the compensation paid to it likely will be less than the afore-stated annual amount per applicable contract year, as the CITY has appropriated that amount to payments to be made under six on-call contracts, of which this Agreement is one. The six on-call contracts shall be administered by the Information Technology Department to ensure the total aggregate of compensation paid per contract year for these SAP on-call project support services across all such contracts will not exceed the afore-stated annual amount per applicable contract year, with a total not to exceed contract amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the term of the Agreement.

The applicable rate schedule by which CONSULTANT will be paid for Services rendered under this Agreement is set out at Exhibit "C-1", entitled "HOURLY RATE SCHEDULE". Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation as set forth herein shall be at no cost to the CITY."

SECTION 3. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO

City Manager

APPROVED AS TO FORM:

City Attorney or designee

Attachments: None

AVERTRA CORPORATION

Officer 1

By:
Name:
Title:

Officer 2 (Required for Corp. or LLC)

By:
Name:
Title:

**AMENDMENT NO. 1 TO CONTRACT NO. C20174583B
BETWEEN THE CITY OF PALO ALTO AND
THE PELOTON GROUP LLC**

This Amendment No.1 (this “Amendment”) to Contract No. C20174583B (the “Contract” as defined below) is entered into as of May 2, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and THE PELOTON GROUP LLC, a Texas Limited Liability corporation dba THE PELOTON ALLIANCE, located at 10101 Southwest Freeway Suite 400, Houston, TX 77074 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties for the provision of providing SAP Support Services on an as-needed, project based, time limited basis, as detailed therein.

B. The Parties now wish to amend the Contract in order to increase the quantity of on-call, time-limited SAP Support Services that may be ordered annually from Consultant by City under the Contract and, accordingly, the annual possible (but not guaranteed), per contract year, not-to-exceed compensation amount from Three Hundred Fifty Thousand Dollars (\$350,000) annually for contract year 1, to Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, to One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, for a Contract total not-to-exceed amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the five-year term across the pool of six on-call contracts for SAP Support Services (of which this Contract is one), as detailed herein.

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

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

- a. **Contract.** The term “Contract” shall mean Contract No. C20174583B between CONSULTANT and CITY, dated June 22, 2020.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 4, “NOT TO EXCEED COMPENSATION,” of the Contract is hereby amended to read as follows:

SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Section 1 and Exhibit "A" of this Agreement shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) annually for contract year 1, Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, and One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, however, CONSULTANT acknowledges that the compensation paid to it likely will be less than the afore-stated annual amount per applicable contract year, as the CITY has appropriated that amount to payments to be made under six on-call contracts, of which this Agreement is one. The six on-call contracts shall be administered by the Information Technology Department to ensure the total aggregate of compensation paid per contract year for these SAP on-call project support services across all such contracts will not exceed the afore-stated annual amount per applicable contract year, with a total not to exceed contract amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the term of the Agreement.

The applicable rate schedule by which CONSULTANT will be paid for Services rendered under this Agreement is set out at Exhibit "C-1", entitled "HOURLY RATE SCHEDULE". Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation as set forth herein shall be at no cost to the CITY."

SECTION 3. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO

City Manager

APPROVED AS TO FORM:

City Attorney or designee

Attachments: None

THE PELOTON GROUP LLC

Officer 1

By:
Name:
Title:

Officer 2 (Required for Corp. or LLC)

By:
Name:
Title:

**AMENDMENT NO. 1 TO CONTRACT NO. C20174583C
BETWEEN THE CITY OF PALO ALTO AND ETECH-360, INC.**

This Amendment No.1 (this “Amendment”) to Contract No. C20174583C (the “Contract” as defined below) is entered into as of May 2, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and ETECH-360, INC., a California corporation, located at P.O. Box 1463, Capo Beach, CA 92624 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties for the provision of providing SAP Support Services on an as-needed, project based, time limited basis, as detailed therein.

B. The Parties now wish to amend the Contract in order to increase the quantity of on-call, time-limited SAP Support Services that may be ordered annually from Consultant by City under the Contract and, accordingly, the annual possible (but not guaranteed), per contract year, not-to-exceed compensation amount from Three Hundred Fifty Thousand Dollars (\$350,000) annually for contract year 1, to Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, to One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, for a Contract total not-to-exceed amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the five-year term across the pool of six on-call contracts for SAP Support Services (of which this Contract is one), as detailed herein.

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

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

- a. **Contract.** The term “Contract” shall mean Contract No. C20174583C between CONSULTANT and CITY, dated June 22, 2020.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 4, “NOT TO EXCEED COMPENSATION,” of the Contract is hereby amended to read as follows:

“SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Section 1 and Exhibit “A” of this Agreement shall not

Vers.: Aug. 5, 2019

exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) annually for contract year 1, Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, and One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, however, CONSULTANT acknowledges that the compensation paid to it likely will be less than the afore-stated annual amount per applicable contract year, as the CITY has appropriated that amount to payments to be made under six on-call contracts, of which this Agreement is one. The six on-call contracts shall be administered by the Information Technology Department to ensure the total aggregate of compensation paid per contract year for these SAP on-call project support services across all such contracts will not exceed the afore-stated annual amount per applicable contract year, with a total not to exceed contract amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the term of the Agreement.

The applicable rate schedule by which CONSULTANT will be paid for Services rendered under this Agreement is set out at Exhibit "C-1", entitled "HOURLY RATE SCHEDULE". Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation as set forth herein shall be at no cost to the CITY."

SECTION 3. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO**ETECH-360, INC.**

City Manager

Officer 1

APPROVED AS TO FORM:

By:
Name:
Title:

City Attorney or designee

Officer 2 (Required for Corp. or LLC)By:
Name:
Title:**Attachments:** None

**AMENDMENT NO. 1 TO CONTRACT NO. C20174583D
BETWEEN THE CITY OF PALO ALTO AND
V2iT CONSULTING, INC.**

This Amendment No.1 (this “Amendment”) to Contract No. C20174583D (the “Contract” as defined below) is entered into as of May 2, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and V2iT CONSULTING, INC., a Delaware corporation, located at 1717 N. Naper Boulevard, Suite #103, Naperville, IL 60563 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties for the provision of providing SAP Support Services on an as-needed, project based, time limited basis, as detailed therein.

B. The Parties now wish to amend the Contract in order to increase the quantity of on-call, time-limited SAP Support Services that may be ordered annually from Consultant by City under the Contract and, accordingly, the annual possible (but not guaranteed), per contract year, not-to-exceed compensation amount from Three Hundred Fifty Thousand Dollars (\$350,000) annually for contract year 1, to Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, to One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, for a Contract total not-to-exceed amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the five-year term across the pool of six on-call contracts for SAP Support Services (of which this Contract is one), as detailed herein.

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

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

- a. **Contract.** The term “Contract” shall mean Contract No. C20174583D between CONSULTANT and CITY, dated June 22, 2020.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 4, “NOT TO EXCEED COMPENSATION,” of the Contract is hereby amended to read as follows:

SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Section 1 and Exhibit "A" of this Agreement shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) annually for contract year 1, Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, and One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, however, CONSULTANT acknowledges that the compensation paid to it likely will be less than the afore-stated annual amount per applicable contract year, as the CITY has appropriated that amount to payments to be made under six on-call contracts, of which this Agreement is one. The six on-call contracts shall be administered by the Information Technology Department to ensure the total aggregate of compensation paid per contract year for these SAP on-call project support services across all such contracts will not exceed the afore-stated annual amount per applicable contract year, with a total not to exceed contract amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the term of the Agreement.

The applicable rate schedule by which CONSULTANT will be paid for Services rendered under this Agreement is set out at Exhibit "C-1", entitled "HOURLY RATE SCHEDULE". Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation as set forth herein shall be at no cost to the CITY."

SECTION 3. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO**V2iT CONSULTING, INC.**

City Manager

Officer 1

APPROVED AS TO FORM:

By:
Name:
Title:

City Attorney or designee

Officer 2 (Required for Corp. or LLC)By:
Name:
Title:**Attachments:** None

**AMENDMENT NO. 1 TO CONTRACT NO. C20174583E
BETWEEN THE CITY OF PALO ALTO AND IT RESONANCE, INC.**

This Amendment No.1 (this “Amendment”) to Contract No. C20174583E (the “Contract” as defined below) is entered into as of May 2, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and IT RESONANCE, INC., an Illinois corporation, located at 1560 Wall Street, Suite #136, Naperville, IL 60563 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties for the provision of providing SAP Support Services on an as-needed, project based, time limited basis, as detailed therein.

B. The Parties now wish to amend the Contract in order to increase the quantity of on-call, time-limited SAP Support Services that may be ordered annually from Consultant by City under the Contract and, accordingly, the annual possible (but not guaranteed), per contract year, not-to-exceed compensation amount from Three Hundred Fifty Thousand Dollars (\$350,000) annually for contract year 1, to Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, to One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, for a Contract total not-to-exceed amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the five-year term across the pool of six on-call contracts for SAP Support Services (of which this Contract is one), as detailed herein.

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

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

- a. **Contract.** The term “Contract” shall mean Contract No. C20174583E between CONSULTANT and CITY, dated June 22, 2020.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 4, “NOT TO EXCEED COMPENSATION,” of the Contract is hereby amended to read as follows:

“SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Section 1 and Exhibit “A” of this Agreement shall not

Vers.: Aug. 5, 2019

exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) annually for contract year 1, Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, and One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, however, CONSULTANT acknowledges that the compensation paid to it likely will be less than the afore-stated annual amount per applicable contract year, as the CITY has appropriated that amount to payments to be made under six on-call contracts, of which this Agreement is one. The six on-call contracts shall be administered by the Information Technology Department to ensure the total aggregate of compensation paid per contract year for these SAP on-call project support services across all such contracts will not exceed the afore-stated annual amount per applicable contract year, with a total not to exceed contract amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the term of the Agreement.

The applicable rate schedule by which CONSULTANT will be paid for Services rendered under this Agreement is set out at Exhibit "C-1", entitled "HOURLY RATE SCHEDULE". Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation as set forth herein shall be at no cost to the CITY."

SECTION 3. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO**IT RESONANCE, INC.**

City Manager

Officer 1

APPROVED AS TO FORM:

By:

Name:

Title:

City Attorney or designee

Officer 2 (Required for Corp. or LLC)

By:

Name:

Title:

Attachments: None

**AMENDMENT NO. 1 TO CONTRACT NO. C20174583F
BETWEEN THE CITY OF PALO ALTO AND
TECHLINK SYSTEMS, INC.**

This Amendment No.1 (this “Amendment”) to Contract No. C20174583F (the “Contract” as defined below) is entered into as of May 2, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and TECHLINK SYSTEMS, INC., a California corporation, located at 220 Montgomery Street, Suite #1018, San Francisco, CA 94104 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties for the provision of providing SAP Support Services on an as-needed, project based, time limited basis, as detailed therein.

B. The Parties now wish to amend the Contract in order to increase the quantity of on-call, time-limited SAP Support Services that may be ordered annually from Consultant by City under the Contract and, accordingly, the annual possible (but not guaranteed), per contract year, not-to-exceed compensation amount from Three Hundred Fifty Thousand Dollars (\$350,000) annually for contract year 1, to Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, to One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, for a Contract total not-to-exceed amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the five-year term across the pool of six on-call contracts for SAP Support Services (of which this Contract is one), as detailed herein.

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

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

- a. **Contract.** The term “Contract” shall mean Contract No. C20174583F between CONSULTANT and CITY, dated June 22, 2020.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 4, “NOT TO EXCEED COMPENSATION,” of the Contract is hereby amended to read as follows:

SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Section 1 and Exhibit "A" of this Agreement shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) annually for contract year 1, Six Hundred Fifty Thousand Dollars (\$650,000) annually for contract year 2, and One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) annually for contract years 3 through 5, however, CONSULTANT acknowledges that the compensation paid to it likely will be less than the afore-stated annual amount per applicable contract year, as the CITY has appropriated that amount to payments to be made under six on-call contracts, of which this Agreement is one. The six on-call contracts shall be administered by the Information Technology Department to ensure the total aggregate of compensation paid per contract year for these SAP on-call project support services across all such contracts will not exceed the afore-stated annual amount per applicable contract year, with a total not to exceed contract amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000) over the term of the Agreement.

The applicable rate schedule by which CONSULTANT will be paid for Services rendered under this Agreement is set out at Exhibit "C-1", entitled "HOURLY RATE SCHEDULE". Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation as set forth herein shall be at no cost to the CITY."

SECTION 3. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO**TECHLINK SYSTEMS, INC.**

City Manager

Officer 1

APPROVED AS TO FORM:

By:

Name:

Title:

City Attorney or designee

Officer 2 (Required for Corp. or LLC)

By:

Name:

Title:

Attachments: None



City of Palo Alto City Council Staff Report

(ID # 14164)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: Approval of Contract Number C22183804 With Jacobs Engineering Group, Inc, (Jacobs) in the Total Amount Not-to-Exceed \$880,569 to Provide Engineering Services for the Joint Intercepting Sewer (JIS Rehab.) Rehabilitation (Phase 1) at the Regional Water Quality Control Plant from the Plant Repair, Retrofit, and Equipment Replacement capital project (WQ-19002) in the Wastewater Treatment Fund

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council approve and authorize the City Manager or their designee to execute the attached contract with Jacobs Engineering Group, Inc. (Jacobs) ([C22183804](#)) in an amount not to exceed \$880,569 for engineering services for the Joint Intercepting Sewer Rehabilitation (Phase 1) project funded by the Plant Repair, Retrofit, and Equipment Replacement Capital Improvement Project (WQ-19002) in the Wastewater Treatment Fund. The contract amount includes \$800,517 for basic services and \$80,052 for additional services. The contract term is through January 31, 2025.

Background

The City owns and maintains a 72-inch diameter trunk sewer, that serves as a transmission system backbone for sewage flows into the Regional Water Quality Control Plant (RWQCP, Plant). The trunk sewer, known as the Joint Intercepting Sewer (JIS), conveys raw wastewater from Mountain View, Los Altos, Los Altos Hills, and a portion of Palo Alto. The JIS is a 72-inch diameter sewer maintained by the RWQCP. The other City of Palo Alto sewers are maintained by the City's Utilities Department. The JIS is outside of the Plant's property line and the largest sanitary sewer in the City. The capacity allocation for the JIS is shown in Table 1 below. The JIS conveys more than half of the Plant's influent. It is approximately 9,000-feet long and is generally aligned parallel to Highway 101, runs through the Baylands Nature Preserve, and runs along the western edge of the closed City landfill. The trunk sewer was constructed in 1972 and consists primarily of 13-foot-long sections of 60-inch and 72-inch reinforced concrete pipeline without an internal lining or external coating. Gaskets are single or double-rubber gaskets at bell and spigot joints. The need for rehabilitation or replacement of the Joint Intercepting

Sewer was identified in the [Long Range Facilities Plan \(LFRP\)](#), which was adopted by the Council in July 2012.

Table 1: Capacity Allocation and Cost Share

Item	Mountain View	Palo Alto	Los Altos	Los Altos Hills	Total
Trunk Line Capacity (million gallons per day)	50.00	14.59	12.00	3.41	80.00
Trunk Line Cost Share	62.50%	18.24%	15.00%	4.26%	100.00%

Field investigations were completed in December 2020. The field work included closed circuit television (CCTV), sonar to estimate sewer sediment accumulation, and visual inspections. The assessment prioritized which pipe segments, manholes, and junction boxes needed rehabilitation; the highest priority segments and manholes are included in the Joint Intercepting Sewer Rehabilitation (JISR) Phase 1 Project. The rehabilitation project includes structural repairs to a section of the trunk sewer, approximately 2,400 feet long, where evaluators found exposed or corroded rebar, cracks, fractures, joint separations, and offsets.

The field investigation revealed that the balance of the approximately 6,600 feet long trunk sewer has less severe deterioration and could be reassessed and rehabilitated in a five-to-ten-year time horizon as Phase 2. See attached sketch (Attachment A) showing project phases.

Discussion

In February 2021, an analysis of alternative rehabilitation methods was completed. The alternatives analysis found cured-in-place pipe (CIPP) lining with temporary wastewater bypass to be the most favorable JIS rehabilitation technology between manhole (MH) 4 and junction box (JB) 1. The analysis also found grout repair coupled with epoxy lining or calcium aluminate to be the most favorable manhole rehabilitation method. An approximate five-week long full flow bypass is required because there are no redundant sewer lines to convey the JIS flow during the CIPP relining work. Additionally, there are several laterals connected to the JIS associated with the City landfill and RWQCP operations. These laterals along the Phase 1 project area will need to be incorporated into the bypass plan. The construction of this project will be done under CIP project WQ-24000, when the funding will be available in FY 2024.

Scope of Services Description

The consultant will provide engineering services during all phases of the project: preliminary design; design; permitting support; bid period services; and construction services. The consultant will design the project such that relining work can be completed without interruption to the Plant and pump station operations, except as allowed under special circumstances. The consultant will provide overall coordination and management of engineering (e.g., civil, structural, geotechnical, etc.), other professional services, and field investigations required for the successful development of a consolidated set of detailed design documents consisting of specifications and drawings that result in a final construction bid

package. The key element of the design is the development of specification of the bypass pumping system including redundancy requirements and contingency planning so that Plant operations will not be interrupted during construction.

The Plant is unable to lower the water level in the most downstream segment (approximately 80 feet) of the JIS; so that section could not be accessed for evaluation during the field investigation in 2020. This section will be evaluated by the consultant when flow is bypassed during construction and it is accessible. The consultant will then recommend appropriate rehabilitation method as part of this Phase 1.

Summary of Solicitation Process

On November 10, 2021, a request for proposals (RFP) for the project was posted on the PlanetBids website, the City's eProcurement platform, and 2028 vendors were notified. The solicitation period was posted for 35 days and 2 proposals were received. The solicitation closed on December 15, 2021. Due to the specialized nature of the work (e.g., the size of the trunk sewer diameter as well as the complexity of the wastewater bypass near the RWQCP), few engineering firms were expected to have the necessary experience.

Proposal Description/Number:	Design Services for Joint Intercepting Sewer Rehabilitation (Phase 1)/ RFP No. 183804
<i>Proposed Length of Project:</i>	20 months
<i>Number of Vendors Notified:</i>	2028
<i>Number of Proposal Packages Downloaded</i>	36
<i>Total Days to Respond to Proposal:</i>	35
<i>Mandatory Pre-Proposal Meeting Date:</i>	November 22, 2021
<i>Number of Firms Attendees at Pre-Proposal Meeting</i>	7 Firms. 11 attendees total
<i>Public Link to Solicitation</i>	https://pbsystem.planetbids.com/portal/25569-bo/bo-detail/88399
<i>Number of Proposals Received</i>	2
<i>Range of Proposal Amounts Submitted:</i>	\$321,250 to \$800,517

The wastewater treatment enterprise's capital improvement program consultant, Woodard & Curran, estimated the cost of services for RFP No. 183804 to be between \$750,000 and \$800,000.

Evaluation of Proposals

The proposals were evaluated and determined to be responsive to the criteria identified in the RFP. An evaluation committee, consisting of staff from the Public Works Department RWQCP and Woodard & Curran reviewed the proposals. The committee carefully reviewed each firm's qualifications and submittal in response to the criteria identified in the RFP, including quality and completeness of proposal, quality and effectiveness of services, experience with projects of similar scope and complexity (e.g. large diameter pipe rehabilitation, complicated bypassing

design and operations, bypass support, etc.), prior record of performance, cost, proposer's financial stability, and ability to provide future maintenance and/or services.

A key differentiator between the proposals was the experience with projects of similar scope and complexity section. The Jacobs proposal included 13 relevant projects to demonstrate experience, including five large diameter (42-inch or greater) rehabilitation projects within the past 10 years. The Harris proposal included 11 relevant projects and no large diameter rehabilitation projects within the past 10 years. Jacobs proposal also included 6 projects with complex bypass pumping similar to that required for the RWQCP. This element of the work requires extensive coordination with RWQCP operations staff and understanding of plant operating constraints, both of which Jacobs has experience with from previous RWQCP projects. A summary of the relevant projects is summarized in Table 2 below.

Table 2: Project Comparisons

Project Type	Harris	Jacobs
Total Relevant Projects	11	13
Pipeline Rehabilitation Projects	7	9
Large Diameter Pipeline Projects	3	6
Large Diameter Pipeline Projects within Last 10 Years	0	5

Both firms were invited to participate in oral interviews on January 13, 2022. The evaluation committee selected Jacobs. Jacobs' proposed team meets the experience requirements, has a good record on similar projects, and has an efficient and innovative approach to the project. While the Jacobs cost proposal is significantly higher than the Harris proposal, the evaluation concluded that Jacobs is substantially better prepared to manage and mitigate the consequential risks presented by the project. More than half of the Plant's influent flows will be bypassed to facilitate the rehabilitation of the trunk sewer. The bypassing and relining activity is in proximity to both salt water and freshwater marshes, further emphasizing the criticality of the services.

This contract is on the City's professional services template, which permits the City to terminate without cause/for convenience by providing written notice to the contractor. In the event the City finds itself facing a challenging budget situation, and it is determined that City resources need to be refocused elsewhere, the City can terminate for convenience. Other options include termination due to non-appropriation of funds or amending the contract to reduce the cost, for example, by reducing the scope of work. The contract may also be temporarily suspended by written notice of the City Manager

Timeline

The base design work is estimated to be completed fourteen months after the issuance of the notice to proceed. Due to Plant operational constraints, the construction field activities can only be performed during the dry season (targeted for 2024). Construction, including the mobilization/demobilization, materials procurement and equipment set ups, is anticipated to

take approximately ten months to complete.

Resource Impact

Funding for the design of this project, as recommended in this report, is available in the Fiscal Year 2022 Plant Repair, Retrofit, and Equipment Replacement Capital Improvement Program project (WQ-19002) in the Wastewater Treatment Fund and apportioned shares according to agreements with Mountain View, Los Altos, Los Altos Hills, and Palo Alto. Stanford and East Palo Alto Sanitary District do not have any share in this project. The cost allocation is restated below in Table 3. The Palo Alto share of the project is 18.24% of the total expense.

Funding for construction of the Joint Intercepting Sewer Rehabilitation (Phase 1) project is recommended as part of the FY 2023 Capital Budget (WQ-24000). This project is subject to Council approval, and funding will be secured through revenue bond. The bond process will commence when the design is progressed enough to identify the costs associated with construction more closely.

Table 3: Cost Share

Item	Unit	Mountain View	Palo Alto	Los Altos	Los Altos Hills	Total
Trunk Line Cost Share	%	62.50%	18.24%	15.00%	4.26%	100%

Policy Implications

Authorization of this project does not represent a change in existing policies.

Stakeholder Engagement

This project is part of the RWQCP's major capital improvement program funded by Palo Alto and the five additional partner agencies who use the RWQCP for wastewater treatment. The five partner agencies are regularly updated on both the need for and the progress of wastewater treatment capital work. Updates are provided each year at an annual meeting and at other periodic meetings established to inform partner agency staff about the major capital improvement program. With respect to Palo Alto itself, the open meetings on the budget process serve as the main vehicle for engaging the community on both new projects such as this and associated rate impacts.

Staff reached out to Mountain View, Los Altos, and Los Altos Hills staff to explain the project and cost allocation. Mountain View recently completed CIPP relining work on a 42-inch diameter sanitary sewer near Shoreline Park. Given Mountain View's relevant recent experience, City staff conducted outreach with their engineering and operational staff to understand key technical issues in selecting a CIPP relining consultant.

In addition, staff have been reaching out to the water quality control plant community to gain increased insight into significant capital improvements to existing infrastructure. This has

helped continue to inform staff's recommended approach to management of the capital program and how to best position the City against risks, uncertainties, and complexities.

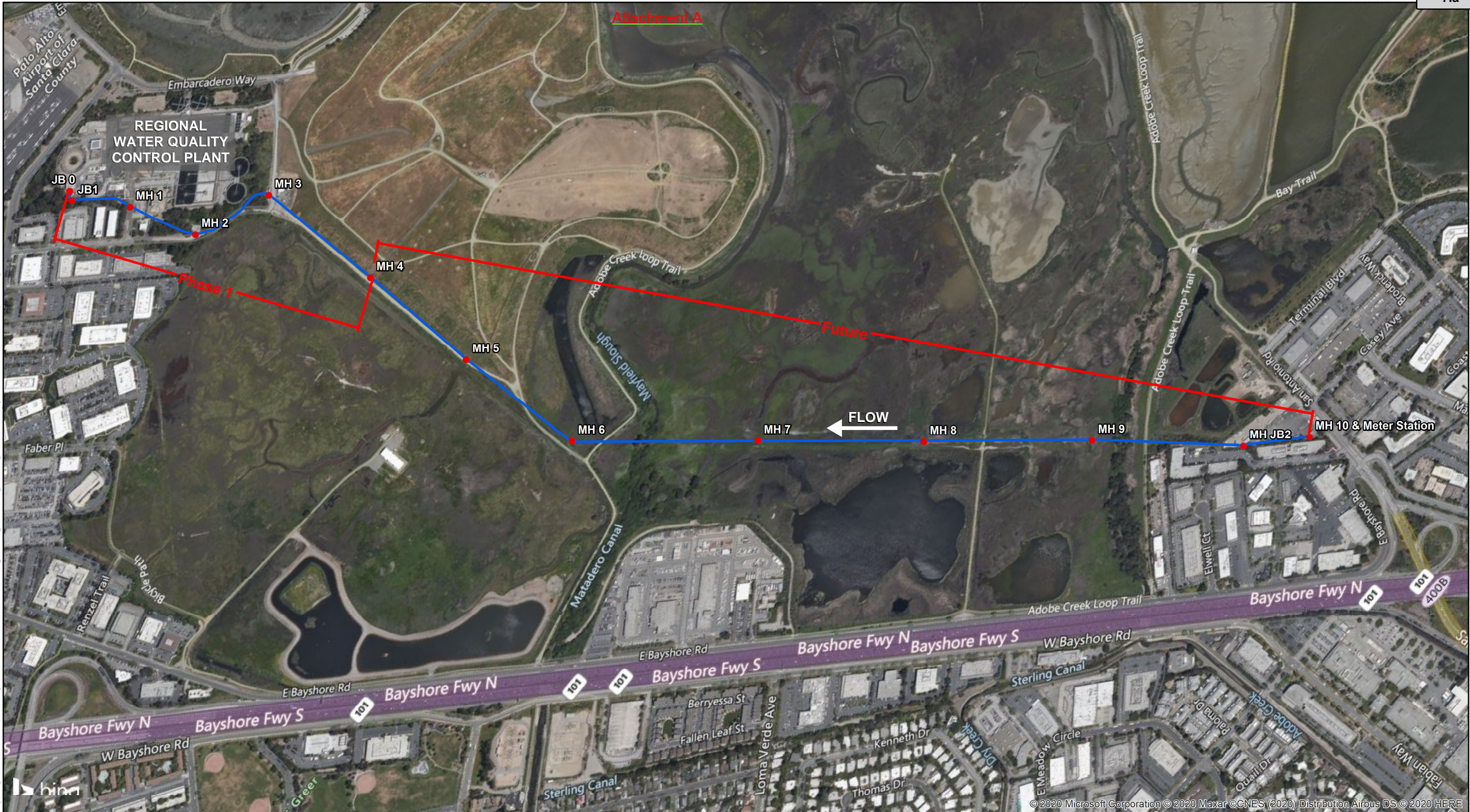
Environmental Review

The award of a contract for design services is not a project under the California Environmental Quality Act (CEQA). Evaluation under CEQA will be completed prior to award of the construction contract and commencement of the construction phase of the project. The construction of the project is anticipated to be categorically exempt under CEQA Guidelines Section 15301(b), as it consists of maintenance of existing wastewater treatment facilities with no expansion of the existing use.

Attachments:

- **Attachment7.a:** Attachment A - Sketch Showing Phases

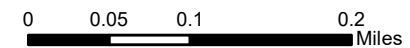
Figure Exported: 7/29/2020 By: kbradley Using: \\woodwardcurran.net\shared\Projects\RMC\038014 Palo Alto RWQCP Program Management\B. Program Management\7. Other Projects\72 Inch Cond Assem\CA\Maps\PaloAlto_72Inch.mxd



Palo Alto Trunk Sewer Condition Assessment

Legend

- Manholes and Structures
- Trunk Sewer Interceptor



**WOODARD
& CURRAN**
Project #: 0038014.01
Map Created: July 2020

Third Party GIS Disclaimer: This map is for reference and graphical purposes only and should not be relied upon by third parties for any legal decisions. Any reliance upon the map or data contained herein shall be at the users' sole risk. Data Sources:



City of Palo Alto City Council Staff Report

(ID # 14206)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: Approval of Contract No. C22183905 with Prime Government Solutions, Inc. for an Amount Not to Exceed \$136,892 Over a Term of Approximately Five-Years through June 30, 2027 for the Provision of Cloud-based Agenda, Meeting, and Commission Management and Automation Software

From: City Manager

Lead Department: City Clerk

Recommendation

Staff recommends that Council approve and authorize the City Manager or their designee to execute Contract No. C22183905 with Prime Government Solutions, Inc. in an amount not to exceed \$171,400 for a term of approximately five years through June 30, 2027 for the provision of a City-wide, cloud-based public meeting management software solution to include agenda workflow automation, real time meeting management tools, video streaming and Board and Commission management functionality.

Background

In August of 2010 the City of Palo Alto entered into an agreement with IQM2 to provide agenda automation services. This system was used by all City Departments to create legislative reports and agendas for City Council Meetings, Council Standing Committee meetings and several Board and Commission meetings. This system's most used functionality was to route agenda reports through virtual workflow queues for review and modification prior to publication. IQM2 was acquired by Granicus and in 2018 the City renewed the contract for services, which expires in 2022. Since the initial acquisition of the agenda automation software both the industry as well as the needs of the City have changed. New services have become available that are not currently provided by the Granicus system that could enable staff to streamline the process of creating and compiling agenda packets, publishing meeting materials in responsive design formats, increasing staff efficiency, improving transparency and access to legislative records and other tools to improve the meeting process.

Discussion

Staff recommends the City Council authorize the City Manager to execute an agreement with Prime Government Solutions, Inc. in an amount not to exceed \$171,400 for a roughly five-year term through June 27, 2027 for the provisions of a Citywide, cloud-based public meeting management software solution to include agenda workflow automation system, real time meeting management tools, video streaming and Board and Commission management functionality. Implementing this new solution will help the City move forward with efficiency of preparing staff reports, agendas and minutes for public meetings, facilitating a more efficient and inclusive meeting environment as well as improving transparency and access to records for the public and staff.

Changing providers from Granicus to Prime Government Solutions, Inc. will provide additional efficiency tools to staff, as well as increased access to meetings and records by the public in a self-serve capacity.

Solicitation Process

On December 16, 2021, a request for proposals (RFP) for the project was posted online on the PlanetBids website, the City's eProcurement platform, and 1,497 vendors were notified. The solicitation period was posted for 40 days and 5 proposals were received. The solicitation closed on January 11, 2022.

Table 1: Summary of Request for Proposal	
Proposal Description	Agenda and Meeting Management System (RFP183905)
<i>Proposed Length of Project</i>	~Five Years
<i>Number of Vendors Notified</i>	1,497
<i>Number of Proposal Packages Downloaded</i>	19
<i>Total Days to Respond to Proposal</i>	40
<i>Pre-Proposal Meeting</i>	No
<i>Pre-Proposal Meeting Date</i>	N/A
<i>Number of Proposals Received</i>	5
<i>Proposal Price Range</i>	\$84,445 to \$237,226
<i>Public Link to Solicitation</i>	https://pbsystem.planetbids.com/portal/25569/bo/bo-detail/89376

Staff reviewed the five proposals and deemed all five of the proposals as responsive in accordance with the requirements of the request for proposals.

Evaluation of Proposals

Staff created a city-wide evaluation committee consisting of representatives of the highest-use departments; Public Works, Planning and Development Services, Utilities, Information Technology, the City Manager's and the City Clerk's Offices. Team members represented different user roles of the existing system including staff report authors, reviewers and approvers, and administrative and clerk support roles. The committee carefully reviewed each firm's qualifications and proposal according to the RFP's criteria, including:

- quality and completeness of the proposal,
- quality and effectiveness of services,
- experience with projects of similar scope and complexity,
- prior record of performance,
- cost,
- proposer's financial condition,
- ability to provide future services and add-on capabilities,
- system reliability and up-time,
- ability to provide timely and responsive customer service, and
- the system must have high level of usability, teachability, simplicity, and intuitiveness.

Based on the team's evaluation of proposals, staff selected Prime Government Solutions Inc. to be recommended for an award of contract to deliver, software, installation, support and training services for the comprehensive city-wide agenda and meeting automation and legislative history software system.

The evaluation team is recommending that the City Council award an agreement to Prime Government Solutions, Inc. for legislative management software for a term of approximately five years through June 30, 2027. This agreement will include subscription to web-based software as a service, infrastructure to integrate for video capabilities, customization of templates for all City Council, Committees and Commissions, additional meeting management functionalities such as electronic voting, public participation management and includes abundant training for staff prior to, during and after implementation. This software is intended to improve staff efficiency and provide increased access to the public meeting process, before, during and after meetings.

The attached proposed contract (Attachment A) is on the City's professional services template, which permits the City to terminate without cause/for convenience by providing written notice to the contractor. In the event the City finds itself facing a challenging budget situation, and it is determined that City resources need to be refocused elsewhere, the City can terminate for convenience. Other options include termination due to non-appropriation of funds or amending the contract to reduce the cost, for example, by reducing the scope of work. The contract may also be temporarily suspended by written notice of the City Manager.

Timeline

The implementation timeline for this project is anticipated to be approximately 20 weeks (6 months). During this time staff in the City Clerk's Office, Information Technology Department as well as the staff liaisons for the Board and Commissions will work with the PrimeGov vendor implementation team to design and customize the templates, workflows and processes for the needs of the City. Following that phase Prime Government Solutions, Inc. will work on citywide training to train staff users in all departments on the functionalities of the new system simultaneous to our existing processes. This means that staff will be maintaining the existing system and practices in parallel with the implementation of this new system. Finally, after thorough testing, the team go live with the public facing portal and activate the meeting management functionalities live at a public meeting.

Resource Impact

The current contract with Granicus to provide meeting management software is \$12,000 annually. The Prime Government Solutions, Inc. contract is \$39,400 for the initial year, and \$29,200 thereafter with a 5 percent annual CPI increase for the remaining four years of the contract. The total not to exceed cost over the five-year term is approximately \$171,400. The services to be provided by Prime Government Solutions, Inc. will include the same base of services plus additional features such as one-click document combining and publishing, minutes preparation, video integration, and searchable public portals. Also included is a Board and Commission Management module that offers live voting and public speaker facilitation. Data migration of historic records, video streaming and archiving services are also included in this contract.

The current FY 2022 cost is budgeted in the Information Technology Department, no additional funding is requested. Continued funding for this contract is recommended in the FY 2023 Proposed Budget and subject to City Council adoption in June 2022, and annual appropriation of funds thereafter.

In addition to the cost of the contract, this process will require staff resources citywide at all levels in this organization. Support for the development of templates, processes, and system configuration will require dedicated resources typically used for support of Council, Boards, Committees, and Commissions to ensure a smooth development and transition. Training for authors citywide will also require resources as staff learn the new system and maintain the current system. This system is used daily by staff throughout the City to produce the weekly packets of information, and running parallel processes is important to ensure day-to-day business continues. This will require additional staff attention and focus to this citywide project.

Stakeholder Engagement

Staff from key departments were engaged in evaluation of proposals under the RFP, as detailed above.

Policy Implications

This recommendation does not present any changes to existing City policies and aligns with the City's Charter requirements.

Environmental Review

This is not a project under Section 21065 for purposes of the California Environmental Quality Act (CEQA).

Attachments:

- **Attachment8.a:** Attachment A: Prime Government Solutions Inc. Contract, C22183905

CITY OF PALO ALTO CONTRACT NO. C22183905

**AGREEMENT FOR PROFESSIONAL SERVICES – SOFTWARE-AS-A-SERVICE
("SAAS")
BETWEEN THE CITY OF PALO ALTO AND
PRIME GOVERNMENT SOLUTIONS, INC.**

This Agreement for Professional Services – Software-as-a-Service ("SAAS") (this "Agreement") is entered into as of the 16th day of May, 2022 (the "Effective Date"), by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and PRIME GOVERNMENT SOLUTIONS, INC., a Utah corporation, located at 3429 Derry Street, Harrisburg, PA 17111 ("CONSULTANT").

The following recitals are a substantive portion of this Agreement and are fully incorporated herein by this reference:

RECITALS

A. CITY intends to implement and provide a comprehensive organization-wide agenda and meeting automation and legislative history software system (the "Project") and desires to engage a consultant to deliver software, installation, support and training services in connection with the Project (the "Services", as detailed more fully in Exhibit A).

B. CONSULTANT represents that it, its employees and subconsultants, if any, possess the necessary professional expertise, qualifications, and capability, and all required licenses and/or certifications to provide the Services.

C. CITY, in reliance on these representations, desires to engage CONSULTANT to provide the Services as more fully described in Exhibit A, entitled "SCOPE OF SERVICES".

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

SECTION 1. SCOPE OF SERVICES. CONSULTANT shall perform the Services described in Exhibit A in accordance with the terms and conditions contained in this Agreement. The performance of all Services shall be to the reasonable satisfaction of CITY.

SECTION 2. TERM.

The term of this Agreement shall be from the date of its full execution through June 30, 2027 unless terminated earlier pursuant to Section 19 (Termination) of this Agreement.

SECTION 3. SCHEDULE OF PERFORMANCE. Time is of the essence in the performance of Services under this Agreement. CONSULTANT shall complete the Services within the term of this Agreement and in accordance with the schedule set forth in Exhibit B, entitled "SCHEDULE OF PERFORMANCE". Any Services for which times for performance are not specified in this

Agreement shall be commenced and completed by CONSULTANT in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the CONSULTANT. CITY's agreement to extend the term or the schedule for performance shall not preclude recovery of damages for delay if the extension is required due to the fault of CONSULTANT.

SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services shall be based on the compensation structure detailed in Exhibit C, entitled "COMPENSATION," including any reimbursable expenses specified therein, and the maximum total compensation shall not exceed **One Hundred Seventy-One Thousand Three Hundred Ninety-Nine Dollars and Twenty-Four Cents. (\$171,399.24).** The hourly schedule of rates, if applicable, is set out in Exhibit C-1, entitled "SCHEDULE OF RATES." Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation set forth in this Section 4 shall be at no cost to the CITY.

SECTION 5. INVOICES. In order to request payment, CONSULTANT shall submit invoices to the CITY describing the Services performed and the applicable charges (including, if applicable, an identification of personnel who performed the Services, hours worked, hourly rates, and reimbursable expenses), based upon Exhibit C or, as applicable, CONSULTANT's schedule of rates set forth in Exhibit C-1. If applicable, the invoice shall also describe the percentage of completion of each task. The information in CONSULTANT's invoices shall be subject to verification by CITY. CONSULTANT shall send all invoices to CITY's Project Manager at the address specified in Section 13 (Project Management) below. CITY will generally process and pay invoices within thirty (30) days of receipt of an acceptable invoice.

SECTION 6. QUALIFICATIONS/STANDARD OF CARE. All Services shall be performed by CONSULTANT or under CONSULTANT's supervision. CONSULTANT represents that it, its employees and subcontractors, if any, possess the professional and technical personnel necessary to perform the Services required by this Agreement and that the personnel have sufficient skill and experience to perform the Services assigned to them. CONSULTANT represents that it, its employees and subcontractors, if any, have and shall maintain during the term of this Agreement all licenses, permits, qualifications, insurance and approvals of whatever nature that are legally required to perform the Services. All Services to be furnished by CONSULTANT under this Agreement shall meet the professional standard and quality that prevail among professionals in the same discipline and of similar knowledge and skill engaged in related work throughout California under the same or similar circumstances.

SECTION 7. COMPLIANCE WITH LAWS. CONSULTANT shall keep itself informed of and in compliance with all federal, state and local laws, ordinances, regulations, and orders that may affect in any manner the Project or the performance of the Services or those engaged to perform Services under this Agreement, as amended from time to time. CONSULTANT shall procure all permits and licenses, pay all charges and fees, and give all notices required by law in the performance of the Services.

SECTION 8. ERRORS/OMISSIONS. CONSULTANT is solely responsible for costs, including, but not limited to, increases in the cost of Services, arising from or caused by CONSULTANT's errors and omissions, including, but not limited to, the costs of corrections such errors and omissions, any change order markup costs, or costs arising from delay caused by the

errors and omissions or unreasonable delay in correcting the errors and omissions.

SECTION 9. COST ESTIMATES. If this Agreement pertains to the design of a public works project, CONSULTANT shall submit estimates of probable construction costs at each phase of design submittal. If the total estimated construction cost at any submittal exceeds the CITY's stated construction budget by ten percent (10%) or more, CONSULTANT shall make recommendations to CITY for aligning the Project design with the budget, incorporate CITY approved recommendations, and revise the design to meet the Project budget, at no additional cost to CITY.

SECTION 10. INDEPENDENT CONTRACTOR. CONSULTANT acknowledges and agrees that CONSULTANT and any agent or employee of CONSULTANT will act as and shall be deemed at all times to be an independent contractor and shall be wholly responsible for the manner in which CONSULTANT performs the Services requested by CITY under this Agreement. CONSULTANT and any agent or employee of CONSULTANT will not have employee status with CITY, nor be entitled to participate in any plans, arrangements, or distributions by CITY pertaining to or in connection with any retirement, health or other benefits that CITY may offer its employees. CONSULTANT will be responsible for all obligations and payments, whether imposed by federal, state or local law, including, but not limited to, FICA, income tax withholdings, workers' compensation, unemployment compensation, insurance, and other similar responsibilities related to CONSULTANT's performance of the Services, or any agent or employee of CONSULTANT providing same. Nothing in this Agreement shall be construed as creating an employment or agency relationship between CITY and CONSULTANT or any agent or employee of CONSULTANT. Any terms in this Agreement referring to direction from CITY shall be construed as providing for direction as to policy and the result of CONSULTANT's provision of the Services only, and not as to the means by which such a result is obtained.

SECTION 11. ASSIGNMENT. The parties agree that the expertise and experience of CONSULTANT are material considerations for this Agreement. CONSULTANT shall not assign or transfer any interest in this Agreement nor the performance of any of CONSULTANT's obligations hereunder without the prior written approval of the City Manager. Any purported assignment made without the prior written approval of the City Manager will be void and without effect. Subject to the foregoing, the covenants, terms, conditions and provisions of this Agreement will apply to, and will bind, the heirs, successors, executors, administrators and assignees of the parties.

SECTION 12. SUBCONTRACTING. ☒ CONSULTANT shall not subcontract any portion of the Services to be performed under this Agreement without the prior written authorization of the City Manager or designee. In the event CONSULTANT does subcontract any portion of the work to be performed under this Agreement, CONSULTANT shall be fully responsible for all acts and omissions of subcontractors.

SECTION 13. PROJECT MANAGEMENT. CONSULTANT will assign Michelle Cooper, Sales Direct, 3429 Derry Street, Harrisburg, PA 17111, Telephone: 512-347-9399, Email: michelle.cooper@primegov.com as the CONSULTANT's Project Manager to have supervisory responsibility for the performance, progress, and execution of the Services and represent CONSULTANT during the day-to-day performance of the Services. If circumstances cause the

substitution of the CONSULTANT's Project Manager or any other of CONSULTANT's key personnel for any reason, the appointment of a substitute Project Manager and the assignment of any key new or replacement personnel will be subject to the prior written approval of the CITY's Project Manager. CONSULTANT, at CITY's request, shall promptly remove CONSULTANT personnel who CITY finds do not perform the Services in an acceptable manner, are uncooperative, or present a threat to the adequate or timely completion of the Services or a threat to the safety of persons or property.

CITY's Project Manager is Lesley Milton, City Clerk's Office, 250 Hamilton Avenue, Palo Alto, CA, 94301 Telephone: 6560-329-2571 Email: Lesley.milton@cityofpaloalto.org. CITY's Project Manager will be CONSULTANT's point of contact with respect to performance, progress and execution of the Services. CITY may designate an alternate Project Manager from time to time.

SECTION 14. INTELLECTUAL PROPERTY; DATA. All work product, including without limitation, all writings, drawings, studies, sketches, photographs, plans, reports, specifications, computations, models, recordings, data, documents, and other materials and copyright interests developed under this Agreement, in any format or media, as unique to this engagement with CITY, shall be and remain the exclusive property of CITY without restriction or limitation upon their use. CONSULTANT makes no representation of the suitability of the work product for use in or application to circumstances not contemplated by the Scope of Services.

14.1 Intellectual Property Rights in the SAAS. CONSULTANT and/or its licensor(s), as applicable, retain all right, title, and interest in and to the SAAS, further defined as the online-hosted SAAS to be provided by CONSULTANT to CITY, its Authorized Users (defined below), and public users (if applicable, as addressed in Section 14.2 below), pursuant to this Agreement, as detailed in Exhibit A ("Scope of Services"), including without limitation all Software (defined below) used to provide the SAAS and all graphics, user interfaces, logos, and trademarks reproduced through the SAAS. This Agreement does not grant CITY any intellectual property license or rights in or to the SAAS or any of its components or any Documentation (defined below) except those expressly granted herein. CITY recognizes that the SAAS and its components and the Documentation are protected by copyright and other laws. "Software" means the online-hosted computer software application(s) residing on CONSULTANT-provided servers that CONSULTANT uses to provide to CITY the Services detailed in this Agreement, and that CONSULTANT makes digitally accessible to the CITY, its Authorized Users, and public users (if applicable, as addressed in Section 14.2 below), via the internet. "Documentation" means the technical publications relating to the use of the SAAS, such as reference, installation, administrative and programmer or user manuals, made available by CONSULTANT to CITY.

14.2 Grant of Right to Use the SAAS. Subject to the terms of this Agreement, CONSULTANT hereby grants to CITY a non-exclusive, non-assignable license to access and use the SAAS for the term of this Agreement as contemplated herein. The license granted to CITY hereunder includes the right to provide to the CITY's Authorized Users access to the SAAS in accordance with this Agreement. "Authorized User" means all persons holding a valid ID and password issued by the CITY pursuant to this Agreement. If the SAAS provided pursuant to this Agreement consists of, or includes, public-facing functionalities, the license granted hereunder also extends to public users to access and use the public-facing functionalities of the SAAS. CONSULTANT warrants that it has the right to provide the foregoing license to access and use

the SAAS pursuant to this Agreement, that CONSULTANT has obtained any and all necessary permissions from third parties to provide the SAAS, and that access to and use of the SAAS in accordance with the terms of this Agreement shall not infringe the copyright of any third party.

14.3 **Ownership of Data; Grant of License to City Data.** The parties acknowledge and agree that CITY owns the City data, content, documents, materials and other information, in any format or media, collected, stored, imported or inputted into, or gathered by, the SAAS, including without limitation data from third parties (“City Data”); that the CITY has a right to control, access and retrieve City Data at any time during the term of the Agreement, in computer-readable format. The CITY hereby grants to CONSULTANT and its subcontractors, if any, the limited, non-exclusive, non-transferable, revocable rights to access and use City Data during the term of this Agreement solely for the purposes of performing CONSULTANT’s obligations to CITY hereunder and supporting CITY’s use of the SAAS hereunder, as well as to generate aggregated, system-wide collations of industry and business data in a non-attributed, non-identifiable manner for product improvement and product creation that does not identify CITY or detail of its particular data, and as is otherwise expressly permitted under this Agreement. This Agreement does not grant CONSULTANT or its subcontractors, if any, any intellectual property license or rights in or to the City Data except those expressly granted herein. Upon termination or expiration, if CITY will leave the SAAS, CONSULTANT and CITY shall work together to provide CITY with a copy of City Data in mutually-agreed computer-readable format(s). CITY shall have the option to choose from one of several methods to obtain a copy of City Data. Once such data has been provided to CITY, CONSULTANT shall use, or cause to be used, industry-standard secure means of destruction or erasure of any City Data remaining in its possession and, at the CITY’s request, certify the same.

14.4. **Data Security.** CONSULTANT will maintain, or cause to be maintained, a data security program for the SAAS that will include reasonable administrative, physical, technical, organizational and other security measures to protect against unauthorized access to, or destruction, loss, unavailability or alteration of, any City Data accessed by CONSULTANT and its subcontractors, if any, in the performance of this Agreement including without limitation City Data processed or stored by the SAAS.

SECTION 15. AUDITS. CONSULTANT agrees to permit CITY and its authorized representatives to audit, at any reasonable time during the term of this Agreement and for four (4) years from the date of final payment, CONSULTANT’s books and accounting records, invoices, materials, payrolls or other data pertaining to its Services under this Agreement, including without limitation records demonstrating compliance with the requirements of Section 10 (Independent Contractor) and records related to invoicing. CONSULTANT further agrees to maintain and retain accurate books and records in accordance with generally accepted accounting principles for at least four (4) years after the expiration or earlier termination of this Agreement or the completion of any audit hereunder, whichever is later. CITY will provide reasonable notice in advance and in writing of any audit conducted by CITY under this Section and any such audit will be at CITY’s expense.

SECTION 16. INDEMNITY.

16.1. To the fullest extent permitted by law, CONSULTANT shall indemnify,

defend and hold harmless CITY, its Council members, officers, employees and agents (each an “Indemnified Party”) from and against any and all demands, claims, or liability of any nature, including death or injury to any person, property damage or any other loss, including all costs and expenses of whatever nature including attorney’s fees, experts fees, court costs and disbursements (“Claims”) resulting from, arising out of or in any manner related to performance or nonperformance by CONSULTANT, its officers, employees, agents or contractors under this Agreement, regardless of whether or not it is caused in part by an Indemnified Party.

16.2. Notwithstanding the above, nothing in this Section 16 shall be construed to require CONSULTANT to indemnify an Indemnified Party from a Claim arising from the active negligence or willful misconduct of an Indemnified Party that is not contributed to by any act of, or by any omission to perform a duty imposed by law or agreement by, CONSULTANT, its officers, employees, agents or contractors under this Agreement.

16.3. The acceptance of CONSULTANT’s Services and duties by CITY shall not operate as a waiver of the right of indemnification. The provisions of this Section 16 shall survive the expiration or early termination of this Agreement.

SECTION 17. WAIVERS. No waiver of a condition or nonperformance of an obligation under this Agreement is effective unless it is in writing in accordance with Section 29.4 of this Agreement. No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted shall apply solely to the specific instance expressly stated. No single or partial exercise of any right or remedy will preclude any other or further exercise of any right or remedy.

SECTION 18. INSURANCE.

18.1. CONSULTANT, at its sole cost and expense, shall obtain and maintain, in full force and effect during the term of this Agreement, the insurance coverage described in Exhibit D, entitled “INSURANCE REQUIREMENTS”. CONSULTANT and its contractors, if any, shall obtain a policy endorsement naming CITY as an additional insured under any general liability or automobile policy or policies.

18.2. All insurance coverage required hereunder shall be provided through carriers with AM Best’s Key Rating Guide ratings of A-:VII or higher which are licensed or authorized to transact insurance business in the State of California. Any and all contractors of CONSULTANT retained to perform Services under this Agreement will obtain and maintain, in full force and effect during the term of this Agreement, identical insurance coverage, naming CITY as an additional insured under such policies as required above.

18.3. Certificates evidencing such insurance shall be filed with CITY concurrently with the execution of this Agreement. The certificates will be subject to the approval of CITY’s Risk Manager and will contain an endorsement stating that the insurance is primary coverage and will not be canceled, or materially reduced in coverage or limits, by the insurer except after filing with the Purchasing Manager thirty (30) days’ prior written notice of the cancellation or modification. If the insurer cancels or modifies the insurance and provides less than thirty (30) days’ notice to CONSULTANT, CONSULTANT shall provide the Purchasing Manager written

notice of the cancellation or modification within two (2) business days of the CONSULTANT's receipt of such notice. CONSULTANT shall be responsible for ensuring that current certificates evidencing the insurance are provided to CITY's Chief Procurement Officer during the entire term of this Agreement.

18.4. The procuring of such required policy or policies of insurance will not be construed to limit CONSULTANT's liability hereunder nor to fulfill the indemnification provisions of this Agreement. Notwithstanding the policy or policies of insurance, CONSULTANT will be obligated for the full and total amount of any damage, injury, or loss caused by or directly arising as a result of the Services performed under this Agreement, including such damage, injury, or loss arising after the Agreement is terminated or the term has expired.

SECTION 19. TERMINATION OR SUSPENSION OF AGREEMENT OR SERVICES.

19.1. The City Manager may suspend the performance of the Services, in whole or in part, or terminate this Agreement, with or without cause, by giving thirty (30) days prior written notice thereof to CONSULTANT. If CONSULTANT fails to perform any of its material obligations under this Agreement, in addition to all other remedies provided under this Agreement or at law, the City Manager may terminate this Agreement sooner upon written notice of termination. Upon receipt of any notice of suspension or termination, CONSULTANT will discontinue its performance of the Services on the effective date in the notice of suspension or termination.

19.2. In event of suspension or termination, CONSULTANT will deliver to the City Manager on or before the effective date in the notice of suspension or termination, any and all work product, as detailed in Section 14 (Intellectual Property; Data), whether or not completed, prepared by CONSULTANT or its contractors, if any, in the performance of this Agreement. Such work product is the property of CITY, as detailed in Section 14 (Intellectual Property; Data).

19.3. In event of suspension or termination, CONSULTANT will be paid for the Services rendered and work products delivered to CITY in accordance with the Scope of Services up to the effective date in the notice of suspension or termination; provided, however, if this Agreement is suspended or terminated on account of a default by CONSULTANT, CITY will be obligated to compensate CONSULTANT only for that portion of CONSULTANT's Services provided in material conformity with this Agreement as such determination is made by the City Manager acting in the reasonable exercise of his/her discretion. The following Sections will survive any expiration or termination of this Agreement: 14, 15, 16, 17, 19.2, 19.3, 19.4, 20, 25, 27, 28, 29 and 30.

19.4. No payment, partial payment, acceptance, or partial acceptance by CITY will operate as a waiver on the part of CITY of any of its rights under this Agreement, unless made in accordance with Section 17 (Waivers).

SECTION 20. NOTICES.

All notices hereunder will be given in writing and mailed, postage prepaid, by certified mail, addressed as follows:

To CITY: Office of the City Clerk
City of Palo Alto
Post Office Box 10250
Palo Alto, CA 94303

With a copy to the Purchasing Manager

To CONSULTANT: Attention of the Project Manager at the address of
CONSULTANT recited on the first page of this Agreement.

CONSULTANT shall provide written notice to CITY of any change of address.

SECTION 21. CONFLICT OF INTEREST.

21.1. In executing this Agreement, CONSULTANT covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the Services.

21.2. CONSULTANT further covenants that, in the performance of this Agreement, it will not employ subcontractors or other persons or parties having such an interest. CONSULTANT certifies that no person who has or will have any financial interest under this Agreement is an officer or employee of CITY; this provision will be interpreted in accordance with the applicable provisions of the Palo Alto Municipal Code and the Government Code of the State of California, as amended from time to time. CONSULTANT agrees to notify CITY if any conflict arises.

21.3. If the CONSULTANT meets the definition of a “Consultant” as defined by the Regulations of the Fair Political Practices Commission, CONSULTANT will file the appropriate financial disclosure documents required by the Palo Alto Municipal Code and the Political Reform Act of 1974, as amended from time to time.

SECTION 22. NONDISCRIMINATION; COMPLIANCE WITH ADA.

22.1. As set forth in Palo Alto Municipal Code Section 2.30.510, as amended from time to time, CONSULTANT certifies that in the performance of this Agreement, it shall not discriminate in the employment of any person due to that person’s race, skin color, gender, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, pregnancy, genetic information or condition, housing status, marital status, familial status, weight or height of such person. CONSULTANT acknowledges that it has read and understands the provisions of Section 2.30.510 of the Palo Alto Municipal Code relating to Nondiscrimination Requirements and the penalties for violation thereof, and agrees to meet all requirements of Section 2.30.510 pertaining to nondiscrimination in employment.

22.2. CONSULTANT understands and agrees that pursuant to the Americans Disabilities Act (“ADA”), programs, services and other activities provided by a public entity to the public, whether directly or through a contractor or subcontractor, are required to be accessible

to the disabled public. CONSULTANT will provide the Services specified in this Agreement in a manner that complies with the ADA and any other applicable federal, state and local disability rights laws and regulations, as amended from time to time. CONSULTANT will not discriminate against persons with disabilities in the provision of services, benefits or activities provided under this Agreement.

SECTION 23. ENVIRONMENTALLY PREFERRED PURCHASING AND ZERO WASTE REQUIREMENTS. CONSULTANT shall comply with the CITY's Environmentally Preferred Purchasing policies which are available at CITY's Purchasing Department, hereby incorporated by reference and as amended from time to time. CONSULTANT shall comply with waste reduction, reuse, recycling and disposal requirements of CITY's Zero Waste Program. Zero Waste best practices include, first, minimizing and reducing waste; second, reusing waste; and, third, recycling or composting waste. In particular, CONSULTANT shall comply with the following Zero Waste requirements:

(a) All printed materials provided by CONSULTANT to CITY generated from a personal computer and printer including but not limited to, proposals, quotes, invoices, reports, and public education materials, shall be double-sided and printed on a minimum of 30% or greater post-consumer content paper, unless otherwise approved by CITY's Project Manager. Any submitted materials printed by a professional printing company shall be a minimum of 30% or greater post-consumer material and printed with vegetable-based inks.

(b) Goods purchased by CONSULTANT on behalf of CITY shall be purchased in accordance with CITY's Environmental Purchasing Policy including but not limited to Extended Producer Responsibility requirements for products and packaging. A copy of this policy is on file at the Purchasing Department's office.

(c) Reusable/returnable pallets shall be taken back by CONSULTANT, at no additional cost to CITY, for reuse or recycling. CONSULTANT shall provide documentation from the facility accepting the pallets to verify that pallets are not being disposed.

SECTION 24. COMPLIANCE WITH PALO ALTO MINIMUM WAGE ORDINANCE. CONSULTANT shall comply with all requirements of the Palo Alto Municipal Code Chapter 4.62 (Citywide Minimum Wage), as amended from time to time. In particular, for any employee otherwise entitled to the State minimum wage, who performs at least two (2) hours of work in a calendar week within the geographic boundaries of the City, CONSULTANT shall pay such employees no less than the minimum wage set forth in Palo Alto Municipal Code Section 4.62.030 for each hour worked within the geographic boundaries of the City of Palo Alto. In addition, CONSULTANT shall post notices regarding the Palo Alto Minimum Wage Ordinance in accordance with Palo Alto Municipal Code Section 4.62.060.

SECTION 25. NON-APPROPRIATION. This Agreement is subject to the fiscal provisions of the Charter of the City of Palo Alto and the Palo Alto Municipal Code, as amended from time to time. This Agreement will terminate without any penalty (a) at the end of any fiscal year in the event that funds are not appropriated for the following fiscal year, or (b) at any time within a fiscal year in the event that funds are only appropriated for a portion of the fiscal year and funds for this Agreement are no longer available. This Section shall take precedence in the event of a conflict with any other covenant, term, condition, or provision of this Agreement.

SECTION 26. PREVAILING WAGES AND DIR REGISTRATION FOR PUBLIC

WORKS CONTRACTS.

☒ 26.1. **This Project is not subject to prevailing wages and related requirements.** CONSULTANT is not required to pay prevailing wages and meet related requirements under the California Labor Code and California Code of Regulations in the performance and implementation of the Project if the contract:

- (1) is not a public works contract;
- (2) is for a public works construction project of \$25,000 or less, per California Labor Code Sections 1782(d)(1), 1725.5(f) and 1773.3(j); or
- (3) is for a public works alteration, demolition, repair, or maintenance project of \$15,000 or less, per California Labor Code Sections 1782(d)(1), 1725.5(f) and 1773.3(j).

SECTION 27. CLAIMS PROCEDURE FOR “9204 PUBLIC WORKS PROJECTS”. For purposes of this Section 27, a “9204 Public Works Project” means the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind. (Cal. Pub. Cont. Code § 9204.) Per California Public Contract Code Section 9204, for Public Works Projects, certain claims procedures shall apply, as set forth in Exhibit F, entitled “Claims for Public Contract Code Section 9204 Public Works Projects”.

☒ **This Project is not a 9204 Public Works Project.**

SECTION 28. CONFIDENTIAL INFORMATION.

28.1. In the performance of this Agreement, CONSULTANT may have access to CITY’s Confidential Information (defined below). CONSULTANT will hold Confidential Information in strict confidence, not disclose it to any third party, and will use it only for the performance of its obligations to CITY under this Agreement and for no other purpose. CONSULTANT will maintain reasonable and appropriate administrative, technical and physical safeguards to ensure the security, confidentiality and integrity of the Confidential Information. Notwithstanding the foregoing, CONSULTANT may disclose Confidential Information to its employees, agents and subcontractors, if any, to the extent they have a need to know in order to perform CONSULTANT’s obligations to CITY under this Agreement and for no other purpose, provided that the CONSULTANT informs them of, and requires them to follow, the confidentiality and security obligations of this Agreement.

28.2. “Confidential Information” means all data, information (including without limitation “Personal Information” about a California resident as defined in Civil Code Section 1798 et seq., as amended from time to time) and materials, in any form or media, tangible or intangible, provided or otherwise made available to CONSULTANT by CITY, directly or indirectly, pursuant to this Agreement. Confidential Information excludes information that CONSULTANT can show by appropriate documentation: (i) was publicly known at the time it was provided or has subsequently become publicly known other than by a breach of this Agreement; (ii) was rightfully in CONSULTANT’s possession free of any obligation of confidence prior to receipt of Confidential Information; (iii) is rightfully obtained by CONSULTANT from a third party without breach of any confidentiality obligation; (iv) is independently developed by employees of CONSULTANT without any use of or access to the

Confidential Information; or (v) CONSULTANT has written consent to disclose signed by an authorized representative of CITY.

28.3. Notwithstanding the foregoing, CONSULTANT may disclose Confidential Information to the extent required by order of a court of competent jurisdiction or governmental body, provided that CONSULTANT will notify CITY in writing of such order immediately upon receipt and prior to any such disclosure (unless CONSULTANT is prohibited by law from doing so), to give CITY an opportunity to oppose or otherwise respond to such order.

28.4. CONSULTANT will notify City promptly upon learning of any breach in the security of its systems or unauthorized disclosure of, or access to, Confidential Information in its possession or control, and if such Confidential Information consists of Personal Information, CONSULTANT will provide information to CITY sufficient to meet the notice requirements of Civil Code Section 1798 et seq., as applicable, as amended from time to time.

28.5. Prior to or upon termination or expiration of this Agreement, CONSULTANT will honor any request from the CITY to return or securely destroy all copies of Confidential Information. All Confidential Information is and will remain the property of the CITY and nothing contained in this Agreement grants or confers any rights to such Confidential Information on CONSULTANT.

28.6. If selected in Section 30 (Exhibits), this Agreement is also subject to the terms and conditions of the Information Privacy Policy and Cybersecurity Terms and Conditions.

SECTION 29. MISCELLANEOUS PROVISIONS.

29.1. This Agreement will be governed by California law, without regard to its conflict of law provisions.

29.2. In the event that an action is brought, the parties agree that trial of such action will be vested exclusively in the state courts of California in the County of Santa Clara, State of California.

29.3. The prevailing party in any action brought to enforce the provisions of this Agreement may recover its reasonable costs and attorneys' fees expended in connection with that action. The prevailing party shall be entitled to recover an amount equal to the fair market value of legal services provided by attorneys employed by it as well as any attorneys' fees paid to third parties.

29.4. This Agreement, including all exhibits, constitutes the entire and integrated agreement between the parties with respect to the subject matter of this Agreement, and supersedes all prior agreements, negotiations, representations, statements and undertakings, either oral or written. This Agreement may be amended only by a written instrument, which is signed by the authorized representatives of the parties and approved as required under Palo Alto Municipal Code, as amended from time to time.

29.5. If a court of competent jurisdiction finds or rules that any provision of this

Agreement is void or unenforceable, the unaffected provisions of this Agreement will remain in full force and effect.

29.6. In the event of a conflict between the terms of this Agreement and the exhibits hereto (per Section 30) or CONSULTANT's proposal (if any), the Agreement shall control. In the event of a conflict between the exhibits hereto and CONSULTANT's proposal (if any), the exhibits shall control.

29.7. The provisions of all checked boxes in this Agreement shall apply to this Agreement; the provisions of any unchecked boxes shall not apply to this Agreement.

29.8. All section headings contained in this Agreement are for convenience and reference only and are not intended to define or limit the scope of any provision of this Agreement.

29.9. This Agreement may be signed in multiple counterparts, which, when executed by the authorized representatives of the parties, shall together constitute a single binding agreement.

SECTION 30. EXHIBITS. Each of the following exhibits, if the check box for such exhibit is selected below, is hereby attached and incorporated into this Agreement by reference as though fully set forth herein:

- | | | |
|-------------------------------------|------------|------------------------------------|
| <input checked="" type="checkbox"/> | EXHIBIT A: | SCOPE OF SERVICES |
| <input checked="" type="checkbox"/> | EXHIBIT B: | SCHEDULE OF PERFORMANCE |
| <input checked="" type="checkbox"/> | EXHIBIT C: | COMPENSATION |
| <input checked="" type="checkbox"/> | EXHIBIT D: | INSURANCE REQUIREMENTS |
| <input checked="" type="checkbox"/> | EXHIBIT E: | INFORMATION PRIVACY POLICY |
| <input checked="" type="checkbox"/> | EXHIBIT F: | CYBERSECURITY TERMS AND CONDITIONS |

THIS AGREEMENT IS NOT COMPLETE UNLESS ALL SELECTED EXHIBITS ARE ATTACHED.

CONTRACT NO. C22183905 SIGNATURE PAGE

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

CITY OF PALO ALTO

City Manager

APPROVED AS TO FORM:

City Attorney or DesigneePRIME GOVERNMENT SOLUTIONS,
INC.By: Name: Sherif AgibTitle: President

SEE ATTACHED CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT FOR RETURN

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of ALAMEDAOn 05/03/2022

Date

before me,

VIMAL P. SOLANKI, NOTARY PUBLIC

Here Insert Name and Title of the Officer

personally appeared

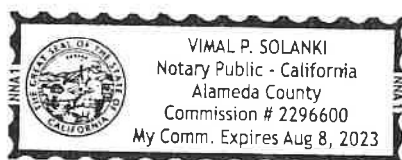
SHERIF ABIB

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Vimal P. Solanki NOTARY PUBLIC
Signature of Notary Public
VIMAL P. SOLANKI

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document:

SEE BELOW

Document Date:

05/03/2022

Number of Pages:

39

Signer(s) Other Than Named Above:

N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name:

SHERIF ABIB☐ Corporate Officer — Title(s):PRESIDENT☐ Partner — ☐ Limited ☐ General☐ Individual☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other:

Signer Is Representing:

PRIME GOVERNMENT SOLUTIONS, Inc.

Signer's Name:

☐ Corporate Officer — Title(s):☐ Partner — ☐ Limited ☐ General☐ Individual☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other:

Signer Is Representing:

©2015 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item #5907

CITY OF PALO ALTO CONTRACT NO. C22183905 - AGREEMENT FOR PROFESSIONAL SERVICES - SOFTWARE AS A SERVICE ("SAAS") BETWEEN THE CITY OF PALO ALTO AND PRIME GOVERNMENT SOLUTIONS, Inc.

EXHIBIT A SCOPE OF SERVICES

CONSULTANT shall provide the Services detailed in this Exhibit A, entitled “SCOPE OF SERVICES”.

CONSULTANT will provide to CITY access to and use of its PrimeGov Legislative Management software (also referred to herein as “PrimeGov”), providing an end-to-end online-hosted software-as-a-service (“SAAS”) solution designed to provide the necessary tools for effective and transparent creation of legislative meeting content. The solution consists of the software and services detailed below.

The PrimeGov Legislative Management platform is a single, hosted software solution that can be partitioned into separate modules when the client is looking to start with a specific function only. If the client decides to add services in the future, the client never has to worry about integration of data migration issues because all modules share the same database.

The following PrimeGov modules are included under this Agreement:

- Agenda Automation
- Meeting Management
 - including Member Voting
- Video Streaming
- Committee Management

Further details are provided below on each PrimeGov module, other functionalities included in PrimeGov, the project planning and implementation activities, objectives, and assumptions.

(Task 1) Agenda Automation will allow CITY staff to create meeting types, agenda items, upload related documents to create an agenda and materials packet. Meeting documents and supporting materials can be compiled for distribution to the staff, public, council members, and more.

CITY will:

- Complete On-Boarding Assessment including:
 - Documentation of Item Types
 - Documentation of Meeting Types for each meeting body
 - Documentation of the proposed meeting schedule for each meeting body
 - Produce and share full Word samples including numbering, font, size and other formatting details for each meeting body:
 - Agenda
 - Packet
 - Notice of Cancellation
- Identify sections and items included in each meeting body
- Review and discuss modifications required to accommodate CONSULTANT’S PrimeGov best practices, current functionality, and consistency of the proposed meeting document templates
- Complete Agenda Training

- Complete User Acceptance Testing
- Conduct end-user training
- Review and Sign off Agenda configuration

CONSULTANT will:

- Review and configure meeting types (e.g., regular, special, and workshop) that are provided as part of the on-boarding assessment including:
 - Agenda
 - Minutes
 - Packet
 - Notice of Cancellation
- Review and configure item types
- Perform a gap analysis to review functionality and identify potential feature requests and enhancements that can be evaluated for inclusion in a future release.
- Complete end-to-end agenda testing
- Deliver full document set per meeting with the proposed layout and design
- Provide agenda training

Agenda Automation: Forms/Workflow will allow for the automation of the item submission process in the Agenda Automation module. This will enable users to ensure items are reviewed electronically and that users can always know where an item is at in the process. Workflow allows for linear routing of an item with its supporting materials on its journey to an agenda. Workflow is flexible and will enable users to have an ad-hoc review process via peer review while also allowing the administration to design a consistent approval process. Items can be created at any time and added to the agenda automatically when the approved process is complete. The workflow steps can be routed to users or groups to ensure an end-to-end electronic process.

Following is an example of the Agenda Item Approval Workflow:

- | | |
|----------------------------|---------------------------|
| 1. Create document | 7. Department Head review |
| 2. Create item | 8. Legal review |
| 3. Add item to the meeting | 9. Finance review |
| 4. Attach documents | 10. City Manager review |
| 5. Originator review | 11. City Clerk review |
| 6. Peer review | 12. Approve on agenda |

CITY will:

- Complete on-boarding assessment including:
- Documentation of the workflow process
 - Form to initiate a submission
 - Notification Emails
 - Workflow Steps
 - Identification of originators
 - Identification of Review Groups
 - Identification of Review Users
 - Staff Report (cover page)
 - Word sample
- Identify a decision maker and lead procedural discussions regarding the item approval process.
- Review and discuss modifications required to accommodate CONSULTANT's PrimeGov best practices, current functionality, and consistency of the proposed item approval workflow.
- Review and discuss modifications required to accommodate CONSULTANT's

PrimeGov best practices, current functionality, and consistency of the proposed form and staff report document.

- Provide technical resources required for add-in installation on CITY workstations and is responsible for end-user support.
- Complete workflow training.
- Complete user acceptance testing.
- Conduct workflow end user training.
- Review and sign-off on workflow configuration.

CONSULTANT will:

- Review and configure workflows provided as part of the on-boarding assessment including:
 - Workflow Design
 - Workflow Configuration
 - Notification Emails
- Review and configure item submission forms with accompanying staff report that is provided as part of the on-boarding assessment including:
 - HTML form design
 - Staff report Word document content controls
- Perform a gap analysis to review functionality and identify potential feature requests and enhancements that can be evaluated for inclusion in a future release.
- Complete end-to-end workflow and forms testing
- Provide workflow training

(Task 2) Meeting Management will allow the meeting administrator to run a meeting and record roll call, minutes, motions, votes, notes, and actions with ease. The CONSULTANT's PrimeGov real-time Minutes tools provide a single interface that allows all aspects of the meeting to be managed often by a single user. The real-time meeting tools also offer options for citizen engagement information regarding the active item, speakers, motion information, and votes can be displayed in chambers or online via the public portal in real time. Minutes provides a means to record motions, votes, minutes and other facets of the meeting. Also, agenda items can be added, removed, edited and re-arranged as changes occur during the meeting.

CITY will:

- Complete On-Boarding Assessment including:
 - Documentation of Motion Types
 - Documentation of Motion Type configuration
 - Minutes
 - Motion template
 - Action template
 - Vote result template
- Produce and share complete Word samples including numbering, font, size and other formatting details for each meeting body:
 - Minutes
- Identify sections and items to be included in each meeting body
- Review and discuss modifications required to accommodate CONSULTANT's PrimeGov best practices, current functionality, and consistency of the proposed minute

- templates
- Complete Minutes Training

CONSULTANT will:

- Review and configure Meeting Types (e.g., Regular, Special, and Workshop) that are provided as part of the on-boarding assessment including:
 - Minutes
- Review and configure:
 - Motion Types
 - Motion Type configuration
 - Motion template
 - Action template
 - Vote Result template
- Deliver complete document set per meeting with the proposed layout and design
- Provide Minutes training

(Subset of Task 2) Member Voting will provide a means for members to record their vote during a meeting within Meeting Management and offers the ability to communicate the voting process of agenda items to the public. This solution allows voting members and support personnel the opportunity to electronically view items and supporting documentation on the agenda and to electronically cast votes on motions. The Member Voting solution also provides a more automated and effective approach to recording the events of the meeting to make it easy for the supporting personnel to follow along and manage the meeting as it is in session.

CITY will:

- Complete On-Boarding Assessment including:
 - Motion Types
 - Roles
 - Voting options
 - Public Comment
 - Request to Speak
- Complete Member Voting training
- Perform a Mock Meeting or other User Acceptance Testing
- Review and sign off on Member Voting configuration

CONSULTANT will:

- Configure and review Voting for the Meeting Types, including:
 - Motion Types
 - Roles
 - Voting Options
 - Speaker Management
- Provide Member Voting training

(Task 3) Video Streaming will provide high-quality live stream and on-demand audio and/or video of your meetings. The video is immediately available for on-demand access via the interactive agenda on the public portal. The events of the meeting can be time-stamped by

activating an item in the Meeting Viewer or adding a timestamp via meeting details.

CITY will:

- Complete on-boarding assessment, including:
 - YouTube account configured for embedded live streaming
 - Complete Installation of Encoder
 - Provide HDMI or SDI Video Feed
 - Provide HDMI or Analog Audio
 - Provide Network connection
 - RJ-45 Ethernet
 - Static IP Address
 - Gateway
 - DNS
- Complete Video training
- Review and sign off on Video configuration

CONSULTANT will:

- Provide Video Installation Configuration Guide
- Configure PrimeGov API/Google AUTH/Zoom
- Perform a video streaming test
- Provide Video Streaming training

(Task 4) Committee Management will allow CITY staff to easily add and edit committees, members, positions, and terms. The public portal will allow for automated application and appointment management through internal workflows built within the CONSULTANT's PrimeGov system. In one succinct view, a user can take care of all committee tasks efficiently and effectively. Committee Management makes it easy to create initial and subsequent terms quickly, and even split terms if a seat becomes vacant mid-term. Also included are vacancy reports, expiring seats reports, and expiring training reports.

CITY will:

- Complete On-Boarding Assessment including:
 - Documentation of Committees, Active Positions and Members
 - Documentation of Current Terms (Start Date/End Date), Nominating and Appointing Entities
 - Documentation of Training Types
 - Documentation of Application Management workflow process:
 - Position Application Form to initiate a submission
 - Workflow Steps
 - Identification of Review Users & Groups
 - Notification Emails
- Complete User Acceptance Testing
- Review and Sign off Committee Management configuration
- Complete Committee Management training

CONSULTANT will:

- Review and Configure Committees that are provided as part of the on-boarding assessment including:
 - Boards and Commissions, Active Positions, and Active Members
 - Current Terms, Nominating and Appointing Entities
- Configure a Committee Management public portal to allow for public display of committee information and acceptance of applications for advertised positions
- Review and discuss modifications required to accommodate CONSULTANT's PrimeGov best practices, existing functionality, and consistency of the proposed Committee Management.
- Perform a Gap Analysis to review functionality and identify potential feature requests and enhancements that can be evaluated for inclusion in a future release.
- Configure up to one (1) Position Application Form for vacant position applications.
- Configure up to one (1) Application Workflow to support the stages of the application lifecycle.
- Complete end to end Committee Management testing.
- Provide Committee Management training.

(Task 5) Data migration services will be provided.

The following are also included with the CONSULTANT's provision of its PrimeGov Legislative Management software solution:

Global Software and Services

PrimeGov Public Portal will be integrated directly within the CITY's website providing a seamless look and feel. Constituents will be able to search for and view meeting materials, and video. The portal also provides the ability for citizens to search the voting history of elected officials. This includes the meeting history, voting records, speakers, and video specific to the item. An internal portal can also be used if the CITY would like to publish meeting documentation internally before it being made available to the public.

- For CITY, the PrimeGov Public Portal will be integrated directly within CITY's website through an iFrame.

CITY will:

- Provide technical resources required for integration on the CITY website and is responsible for end-user support of website.

CONSULTANT will:

- Review and configure Public Portal and provide technical guidance for successful integration.

PrimeGov Historical Import (Conversion) CONSULTANT will import historical data utilization of a utility that has been specifically developed for the conversion process.

CITY will:

- Complete On-Boarding Assessment including:

- Identification of Content
- Identification of the location of data and supporting files
- Provide access to data and supporting files for import
- Provide media files in MP4 video format
- Provide a clear and understandable naming convention to identify files and their location
- Customer Acceptance Testing
- Review and sign off on Historical Import results

CONSULTANT will:

- Import of up to seven (7) years' worth of historic documents for meeting types identified as part of PrimeGov Agenda Automation implementation, including:
 - Agendas
 - Minutes
 - Packets
- Provide a Conversion report outlining successful import counts and identification of failed record imports.
- Complete one import and one delta import of data after initial import.

PrimeGov Administration will allow users and administrators access to the PrimeGov platform from any location with access to an internet connection. All system settings and security are managed and administered from the PrimeGov administrative platform.

CITY will:

- Complete On-Boarding Assessment including:
 - Identities/Users
 - Roles
 - Departments
 - Department Heads
 - Security and Permissions
 - Email Settings
- Customer Acceptance Testing
- Complete PrimeGov Administrator Training
- Review and sign off on Administration

CONSULTANT will:

- Deploy a Cloud Production Environment instance including:
 - Software Suite outlined above
 - Identities/User
 - Email Address
 - First Name
 - Last Name
 - Department
 - Title
 - Roles
 - Administrator
 - General CITY Staff
 - Committee
 - Members
 - Departments
 - Department Heads
 - Security and Permissions
 - Email Settings
- Provide PrimeGov Administrator Training

PrimeGov Reporting The PrimeGov reporting engine will allow users to configure reports on any data stored in the system. Users can create “views” using system tools then use those views to

create their own report. Standard reports are also provided and include:

- Committee Member Reports
- Committee Vacancy Reports
- Vote Records
- Attendance Records
- Audit Reports (login, adds, deletes, etc.)
- Usage Reports (Items Submitted, Items Approved, Review Time)

All reports can be exported to (PDF, CSV, and Excel). Users can filter and re-run standard reports or save them.

PrimeGov API The PrimeGov Legislative Management Suite is driven by Restful Web Services. This allows virtually anyone (other software vendors, open data developers) the CITY allows to consume the data available in the system. Access is controlled by the CITY and the available “datasets” are published by the CITY, just like publishing an agenda.

Customization and Development

Customization and Development is not included in this Project Scope.

General Project Requirements

The following are the general project requirements based upon the processes described above for this PrimeGov implementation.

CITY will:

- Commit a Project lead and relevant Subject Matter Experts, as needed for successful project delivery.
- Lead development or procedural discussions, produce end-user training documentation, and conduct end-user training sessions, as needed.
- Provide technical resources required for video streaming
- Provide technical resources required for add-in installation on CITY workstations and is responsible for end-user support.
- Complete Training assigned
- Complete User Acceptance Testing
- Provide feedback and sign off all phases of the project
- Ensure local infrastructure complies with published minimum requirements.
- Provide resources required to use remote sharing software for meetings such as GoToMeeting or Microsoft Teams

CONSULTANT will:

- Commit a project lead and other subject matter experts, as needed for successful project delivery
- Note: Implementation tasks are estimates until the completion of the Gap analysis. After completion of the Gap analysis, CONSULTANT and CITY will review the Implementation project requirements, including but not limited to, Future State process designs, work effort estimates, timelines, and software, and enter into a separate contract

for services, if necessary.

- Test and Deploy Software Upgrades and Patches
- Review and conduct a Demonstration of the entire solution in the PrimeGov platform as a refresher of system features and including the approval process.

CONSULTANT will perform a gap analysis with CITY at each step to clarify and confirm the agenda management processes and CONSULTANT's PrimeGov best practices and functionality.

CONSULTANT will be responsible for the following project management tasks:

- Project Tracking
- Weekly Status Calls
- Regular remote share working sessions
- Issue resolution portal for tracking of issues identified as issues, defects, feature requests, and bugs.
- Review and configuration of user and role permissions within the PrimeGov Solution
- CONSULTANT will perform testing of the software functionality and provide support during CITY user acceptance testing before production.
- Training will be provided to those individuals identified as testers for successful User Acceptance Testing

EXHIBIT B SCHEDULE OF PERFORMANCE

CONSULTANT shall perform the Services so as to complete each milestone within the number of days/weeks or the date timeframes specified below. The time to complete each milestone may be increased or decreased by mutual written agreement of the Project Managers for CONSULTANT and CITY so long as all work is completed within the term of the Agreement. CONSULTANT shall provide a detailed schedule of work consistent with the schedule below within 2 weeks of receipt of the notice to proceed (“NTP”) from the CITY.

Date	Task/Milestone
Week of May 16, 2022	PrimeGov Project Team Assigned & Welcome Letter sent to Palo Alto
Week of May 16, 2022	Kick-off Call with Palo Alto Team & PrimeGov Implementation Team
May-June 2022	Project Design & Agenda Automation Phase
June-July 2022	Agenda & Workflow Configuration & Testing
July-August 2022	Agenda Automation Training
August 2022	Agenda Automation Go Live
July – September 2022	Stage 2 Meeting Management & Member Voting
July – September 2022	Stage 3 Video Streaming
September – October 2022	Stage 4 Committee Management
October 2022	Complete Project Go Live
May 2022 – June 30, 2027	Ongoing Annual Provision of Access to and Use of PrimeGov Software-as-a-Service (SAAS) and Provision of Support and Maintenance

EXHIBIT C COMPENSATION

CITY agrees to compensate CONSULTANT for Services performed in accordance with the terms and conditions of this Agreement, and as set forth in the budget schedule below. Compensation shall be based on the budget schedule below up to the not to exceed budget amount for each task set forth below.

CITY's Project Manager may approve in writing the transfer of budget amounts between any of the tasks or categories listed below, provided that the total compensation for the Services, including any specified reimbursable expenses, and the total compensation for Additional Services (if any, per Section 4 of the Agreement) do not exceed the amounts set forth in Section 4 of this Agreement.

CONSULTANT agrees to complete all Services, any specified reimbursable expenses, and Additional Services (if any, per Section 4), within this/these amount(s). Any work performed or expenses incurred for which payment would result in a total exceeding the maximum amount of compensation set forth in this Agreement shall be at no cost to the CITY.

(CONTINUED ON THE NEXT PAGE.)

BUDGET SCHEDULE

The following Budget Schedule provides the Annual Cost of PrimeGov Software Solution (Tasks 1-5) and One-Time Costs, as applicable. The Annual Costs for the provision of the PrimeGov Software Solution include licensing, support and maintenance.

TASK	NOT-TO-EXCEED AMOUNTS		
	One-Time Cost	Annual Cost	Subtotals
CONTRACT YEAR 1			
Task 1 Agenda Automation	--	\$6,100.00	
Task 2 Meeting Management & Member Voting	--	\$8,670.00	
Task 3 Video Streaming	--	\$10,068.00	
Task 4 Committee Management	--	\$4,335.00	
Task 5 Data Migration (included in Annual Costs, Contract Years 1 & 2)	--	\$0.00	
Standard Implementation Costs	\$3,000.00	--	
1 Standard Encoder	\$2,000.00	--	
Data Migration (Additional 5 Years)	\$5,500.00		
Subtotals Contract Year 1	\$10,500.00	\$29,173.00	\$39,373.00
CONTRACT YEAR 2			
Tasks 1-5 Annual Cost as in previous Contract Year plus 5% Annual Increase)	--	\$30,631.65	
Subtotals Contract Year 2	--	\$30,631.65	\$30,631.65
CONTRACT YEAR 3			
Tasks 1-5 Annual Cost as in previous Contract Year plus 5% Annual Increase)	--	\$32,163.23	
Subtotals Contract Year 3	--	\$32,163.23	\$32,163.23
CONTRACT YEAR 4			
Tasks 1-5 Annual Cost as in previous Contract Year plus 5% Annual Increase)	--	\$33,771.39	
Subtotals Contract Year 4	--	\$33,771.39	\$33,771.39
CONTRACT YEAR 5			
Tasks 1-5 Annual Cost as in previous Contract Year plus 5% Annual Increase)	--	\$35,459.97	
Subtotals Contract Year 5	--	\$35,459.97	\$35,459.97
SUBTOTAL – CONTRACT YEARS 1-5			\$171,399.24
REIMBURSABLE EXPENSES (if any)			\$0.00
ADDITIONAL SERVICES (per Section 4)			\$0.00
TOTAL NOT TO EXCEED COMPENSATION			\$171,399.24

REIMBURSABLE EXPENSES

CONSULTANT'S ordinary business expenses, such as administrative, overhead, administrative support time/overtime, information systems, software and hardware, photocopying, telecommunications (telephone, internet), in-house printing, insurance and other ordinary business expenses, are included within the scope of payment for Services and are not reimbursable expenses hereunder.

Reimbursable expenses, if any are specified as reimbursable under this section, will be reimbursed at actual cost. The expenses (by type, e.g. travel) for which CONSULTANT will be reimbursed are: **NONE** up to the not-to-exceed amount of: **\$0.00**.

EXHIBIT D INSURANCE REQUIREMENTS

CONSULTANTS TO THE CITY OF PALO ALTO (CITY), AT THEIR SOLE EXPENSE, SHALL FOR THE TERM OF THE CONTRACT OBTAIN AND MAINTAIN INSURANCE IN THE AMOUNTS FOR THE COVERAGE SPECIFIED BELOW, **AFFORDED BY COMPANIES WITH AM BEST'S KEY RATING OF A-VII, OR HIGHER, LICENSED OR AUTHORIZED TO TRANSACT INSURANCE BUSINESS IN THE STATE OF CALIFORNIA.**

AWARD IS CONTINGENT ON COMPLIANCE WITH CITY'S INSURANCE REQUIREMENTS AS SPECIFIED HEREIN.

REQUIRED	TYPE OF COVERAGE	REQUIREMENT	MINIMUM LIMITS	
			EACH OCCURRENCE	AGGREGATE
YES YES	WORKER'S COMPENSATION EMPLOYER'S LIABILITY	STATUTORY STATUTORY	STATUTORY	STATUTORY
YES	GENERAL LIABILITY, INCLUDING PERSONAL INJURY, BROAD FORM PROPERTY DAMAGE BLANKET CONTRACTUAL, AND FIRE LEGAL LIABILITY	BODILY INJURY	\$1,000,000	\$1,000,000
		PROPERTY DAMAGE	\$1,000,000	\$1,000,000
		BODILY INJURY & PROPERTY DAMAGE COMBINED.	\$1,000,000	\$1,000,000
YES	AUTOMOBILE LIABILITY, INCLUDING ALL OWNED, HIRED, NON-OWNED	BODILY INJURY	\$1,000,000	\$1,000,000
		- EACH PERSON	\$1,000,000	\$1,000,000
		- EACH OCCURRENCE	\$1,000,000	\$1,000,000
		PROPERTY DAMAGE	\$1,000,000	\$1,000,000
		BODILY INJURY AND PROPERTY DAMAGE, COMBINED	\$1,000,000	\$1,000,000
YES	PROFESSIONAL LIABILITY, INCLUDING, ERRORS AND OMISSIONS, MALPRACTICE (WHEN APPLICABLE), AND NEGLIGENT PERFORMANCE	ALL DAMAGES	\$1,000,000	
YES	THE CITY OF PALO ALTO IS TO BE NAMED AS AN ADDITIONAL INSURED: CONSULTANT, AT ITS SOLE COST AND EXPENSE, SHALL OBTAIN AND MAINTAIN, IN FULL FORCE AND EFFECT THROUGHOUT THE ENTIRE TERM OF ANY RESULTANT AGREEMENT, THE INSURANCE COVERAGE HEREIN DESCRIBED, INSURING NOT ONLY CONSULTANT AND ITS SUBCONSULTANTS, IF ANY, BUT ALSO, WITH THE EXCEPTION OF WORKERS' COMPENSATION, EMPLOYER'S LIABILITY AND PROFESSIONAL INSURANCE, NAMING AS ADDITIONAL INSUREDS CITY, ITS COUNCIL MEMBERS, OFFICERS, AGENTS, AND EMPLOYEES.			

I. INSURANCE COVERAGE MUST INCLUDE:

- A. A CONTRACTUAL LIABILITY ENDORSEMENT PROVIDING INSURANCE COVERAGE FOR CONSULTANT'S AGREEMENT TO INDEMNIFY CITY.

II. THE CONSULTANT MUST SUBMIT CERTIFICATES(S) OF INSURANCE EVIDENCING REQUIRED COVERAGE AT THE FOLLOWING URL: [HTTPS://WWW.PLANETBIDS.COM/PORTAL/PORTAL.CFM?COMPANYID=25569](https://www.planetbids.com/portal/portal.cfm?companyid=25569)

III. ENDORSEMENT PROVISIONS WITH RESPECT TO THE INSURANCE AFFORDED TO ADDITIONAL INSUREDS:

A. PRIMARY COVERAGE

WITH RESPECT TO CLAIMS ARISING OUT OF THE OPERATIONS OF THE NAMED INSURED, INSURANCE AS AFFORDED BY THIS POLICY IS PRIMARY AND IS NOT ADDITIONAL TO OR CONTRIBUTING WITH ANY OTHER INSURANCE CARRIED BY OR FOR THE BENEFIT OF THE

ADDITIONAL INSURED.

B. CROSS LIABILITY

THE NAMING OF MORE THAN ONE PERSON, FIRM, OR CORPORATION AS INSURED UNDER THE POLICY SHALL NOT, FOR THAT REASON ALONE, EXTINGUISH ANY RIGHTS OF THE INSURED AGAINST ANOTHER, BUT THIS ENDORSEMENT, AND THE NAMING OF MULTIPLE INSURED, SHALL NOT INCREASE THE TOTAL LIABILITY OF THE COMPANY UNDER THIS POLICY.

C. NOTICE OF CANCELLATION

1. IF THE POLICY IS CANCELED BEFORE ITS EXPIRATION DATE FOR ANY REASON OTHER THAN THE NON-PAYMENT OF PREMIUM, THE CONSULTANT SHALL PROVIDE CITY AT LEAST A THIRTY (30) DAY WRITTEN NOTICE BEFORE THE EFFECTIVE DATE OF CANCELLATION.
2. IF THE POLICY IS CANCELED BEFORE ITS EXPIRATION DATE FOR THE NON-PAYMENT OF PREMIUM, THE CONSULTANT SHALL PROVIDE CITY AT LEAST A TEN (10) DAY WRITTEN NOTICE BEFORE THE EFFECTIVE DATE OF CANCELLATION.

EVIDENCE OF INSURANCE AND OTHER RELATED NOTICES ARE REQUIRED TO BE FILED WITH THE CITY OF PALO ALTO AT THE FOLLOWING URL:

<HTTPS://WWW.PLANETBIDS.COM/PORTAL/PORTAL.CFM?COMPANYID=25569>

OR

HTTP://WWW.CITYOFPALOALTO.ORG/GOV/DEPTS/ASD/PLANET_BIDS_HOW_TO.ASP

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

**INFORMATION PRIVACY POLICY****POLICY STATEMENT**

The City of Palo Alto (the “City”) strives to promote and sustain a superior quality of life for persons in Palo Alto. In promoting the quality of life of these persons, it is the policy of the City, consistent with the provisions of the California Public Records Act, California Government Code §§ 6250 – 6270, to take appropriate measures to safeguard the security and privacy of the personal (including, without limitation, financial) information of persons, collected in the ordinary course and scope of conducting the City’s business as a local government agency. These measures are generally observed by federal, state and local authorities and reflected in federal and California laws, the City’s rules and regulations, and industry best practices, including, without limitation, the provisions of California Civil Code §§ 1798.3(a), 1798.24, 1798.79.8(b), 1798.80(e), 1798.81.5, 1798.82(e), 1798.83(e)(7), and 1798.92(c). Though some of these provisions do not apply to local government agencies like the City, the City will conduct business in a manner which promotes the privacy of personal information, as reflected in federal and California laws. The objective of this Policy is to describe the City’s data security goals and objectives, to ensure the ongoing protection of the Personal Information, Personally Identifiable Information, Protected Critical Infrastructure Information and Personally Identifying Information of persons doing business with the City and receiving services from the City or a third party under contract to the City to provide services. The terms “Personal Information,” “Protected Critical Infrastructure Information”, “Personally Identifiable Information” and “Personally Identifying Information” (collectively, the “Information”) are defined in the California Civil Code sections, referred to above, and are incorporated in this Policy by reference.

PURPOSE

The City, acting in its governmental and proprietary capacities, collects the Information pertaining to persons who do business with or receive services from the City. The Information is collected by a variety of means, including, without limitation, from persons applying to receive services provided by the City, persons accessing the City’s website, and persons who access other information portals maintained by the City’s staff and/or authorized third-party contractors. The City is committed to protecting the privacy and security of the Information collected by the City. The City acknowledges federal and California laws, policies, rules, regulations and procedures, and industry best practices are dedicated to ensuring the Information is collected, stored and utilized in compliance with applicable laws.

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

The goals and objectives of the Policy are: (a) a safe, productive, and inoffensive work environment for all users having access to the City's applications and databases; (b) the appropriate maintenance and security of database information assets owned by, or entrusted to, the City; (c) the controlled access and security of the Information provided to the City's staff and third party contractors; and (d) faithful compliance with legal and regulatory requirements.

SCOPE

The Policy will guide the City's staff and, indirectly, third party contractors, which are by contract required to protect the confidentiality and privacy of the Information of the persons whose personal information data are intended to be covered by the Policy and which will be advised by City staff to conform their performances to the Policy should they enjoy conditional access to that information.

CONSEQUENCES

The City's employees shall comply with the Policy in the execution of their official duties to the extent their work implicates access to the Information referred to in this Policy. A failure to comply may result in employment and/or legal consequences.

EXCEPTIONS

In the event that a City employee cannot fully comply with one or more element(s) described in this Policy, the employee may request an exception by submitting Security Exception Request. The exception request will be reviewed and administered by the City's Information Security Manager (the "ISM"). The employee, with the approval of his or her supervisor, will provide any additional information as may be requested by the ISM. The ISM will conduct a risk assessment of the requested exception in accordance with guidelines approved by the City's Chief Information Officer ("CIO") and approved as to form by the City Attorney. The Policy's guidelines will include at a minimum: purpose, source, collection, storage, access, retention, usage, and protection of the Information identified in the request. The ISM will consult with the CIO to approve or deny the exception request. After due consideration is given to the request, the exception request disposition will be communicated, in writing, to the City employee and his or her supervisor. The approval of any request may be subject to countermeasures established by the CIO, acting by the ISM.

MUNICIPAL ORDINANCE

This Policy will supersede any City policy, rule, regulation or procedure regarding information privacy.

RESPONSIBILITIES OF CITY STAFF

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

A. RESPONSIBILITY OF CIO AND ISM

The CIO, acting by the ISM, will establish an information security management framework to initiate and coordinate the implementation of information security measures by the City's government.

The City's employees, in particular, software application users and database users, and, indirectly, third party contractors under contract to the City to provide services, shall be guided by this Policy in the performance of their job responsibilities.

The ISM will be responsible for: (a) developing and updating the Policy; (b) enforcing compliance with and the effectiveness of the Policy; (c) the development of privacy standards that will manifest the Policy in detailed, auditable technical requirements, which will be designed and maintained by the persons responsible for the City's IT environments; (d) assisting the City's staff in evaluating security and privacy incidents that arise in regard to potential violations of the Policy; (e) reviewing and approving department-specific policies and procedures which fall under the purview of this Policy; and (f) reviewing Non-Disclosure Agreements (NDAs) signed by third party contractors, which will provide services, including, without limitation, local or 'cloud-based' software services to the City.

B. RESPONSIBILITY OF INFORMATION SECURITY STEERING COMMITTEE

The Information Security Steering Committee (the "ISSC"), which is comprised of the City's employees, drawn from the various City departments, will provide the primary direction, prioritization and approval for all information security efforts, including key information security and privacy risks, programs, initiatives and activities. The ISSC will provide input to the information security and privacy strategic planning processes to ensure that information security risks are adequately considered, assessed and addressed at the appropriate City department level.

C. RESPONSIBILITY OF USERS

All authorized users of the Information will be responsible for complying with information privacy processes and technologies within the scope of responsibility of each user.

D. RESPONSIBILITY OF INFORMATION TECHNOLOGY (IT) MANAGERS

The City's IT Managers, who are responsible for internal, external, direct and indirect connections to the City's networks, will be responsible for configuring, maintaining and securing the City's IT networks in compliance with the City's information security and privacy policies. They are also responsible for timely internal reporting of events that may have compromised network, system or data security.

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

E. RESPONSIBILITY OF AUTHORIZATION COORDINATION

The ISM will ensure that the City's employees secure the execution of Non-Disclosure Agreements (NDA), whenever access to the Information will be granted to third party contractors, in conjunction with the Software as a Service (SaaS) Security and Privacy Terms and Conditions. An NDA must be executed prior to the sharing of the Information of persons covered by this Policy with third party contractors. The City's approach to managing information security and its implementation (i.e. objectives, policies, processes, and procedures for information security) will be reviewed independently by the ISM at planned intervals, or whenever significant changes to security implementation have occurred.

The CIO, acting by the ISM, will review and recommend changes to the Policy annually, or as appropriate, commencing from the date of its adoption.

GENERAL PROCEDURE FOR INFORMATION PRIVACY**A. OVERVIEW**

The Policy applies to activities that involve the use of the City's information assets, namely, the Information of persons doing business with the City or receiving services from the City, which are owned by, or entrusted to, the City and will be made available to the City's employees and third party contractors under contract to the City to provide Software as a Service consulting services. These activities include, without limitation, accessing the Internet, using e-mail, accessing the City's intranet or other networks, systems, or devices.

The term "information assets" also includes the personal information of the City's employees and any other related organizations while those assets are under the City's control. Security measures will be designed, implemented, and maintained to ensure that only authorized persons will enjoy access to the information assets. The City's staff will act to protect its information assets from theft, damage, loss, compromise, and inappropriate disclosure or alteration. The City will plan, design, implement and maintain information management systems, networks and processes in order to assure the appropriate confidentiality, integrity, and availability of its information assets to the City's employees and authorized third parties.

B. PERSONAL INFORMATION AND CHOICE

Except as permitted or provided by applicable laws, the City will not share the Information of any person doing business with the City, or receiving services from the City, in violation of this Policy, unless that person has consented to the City's sharing of such information during the conduct of the City's business as a local government agency with third parties under contract to the City to provide services.

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

C. METHODS OF COLLECTION OF PERSONAL INFORMATION

The City may gather the Information from a variety of sources and resources, provided that the collection of such information is both necessary and appropriate in order for the City to conduct business as a local government agency in its governmental and proprietary capacities. That information may be gathered at service windows and contact centers as well as at web sites, by mobile applications, and with other technologies, wherever the City may interact with persons who need to share such formation in order to secure the City's services.

The City's staff will inform the persons whose Information are covered by this Policy that the City's web site may use "cookies" to customize the browsing experience with the City of Palo Alto web site. The City will note that a cookie contains unique information that a web site can use to track, among others, the Internet Protocol address of the computer used to access the City's web sites, the identification of the browser software and operating systems used, the date and time a user accessed the site, and the Internet address of the website from which the user linked to the City's web sites. Cookies created on the user's computer by using the City's web site do not contain the Information, and thus do not compromise the user's privacy or security. Users can refuse the cookies or delete the cookie files from their computers by using any of the widely available methods. If the user chooses not to accept a cookie on his or her computer, it will not prevent or prohibit the user from gaining access to or using the City's sites.

D. UTILITIES SERVICE

In the provision of utility services to persons located within Palo Alto, the City of Palo Alto Utilities Department ("CPAU") will collect the Information in order to initiate and manage utility services to customers. To the extent the management of that information is not specifically addressed in the Utilities Rules and Regulations or other ordinances, rules, regulations or procedures, this Policy will apply; provided, however, any such Rules and Regulations must conform to this Policy, unless otherwise directed or approved by the Council. This includes the sharing of CPAU-collected Information with other City departments except as may be required by law.

Businesses and residents with standard utility meters and/or having non-metered monthly services will have secure access through a CPAU website to their Information, including, without limitation, their monthly utility usage and billing data. In addition to their regular monthly utilities billing, businesses and residents with non-standard or experimental electric, water or natural gas meters may have their usage and/or billing data provided to them through non-City electronic portals at different intervals than with the standard monthly billing.

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

Businesses and residents with such non-standard or experimental metering will have their Information covered by the same privacy protections and personal information exchange rules applicable to Information under applicable federal and California laws.

E. PUBLIC DISCLOSURE

The Information that is collected by the City in the ordinary course and scope of conducting its business could be incorporated in a public record that may be subject to inspection and copying by the public, unless such information is exempt from disclosure to the public by California law.

F. ACCESS TO PERSONAL INFORMATION

The City will take reasonable steps to verify a person's identity before the City will grant anyone online access to that person's Information. Each City department that collects Information will afford access to affected persons who can review and update that information at reasonable times.

G. SECURITY, CONFIDENTIALITY AND NON-DISCLOSURE

Except as otherwise provided by applicable law or this Policy, the City will treat the Information of persons covered by this Policy as confidential and will not disclose it, or permit it to be disclosed, to third parties without the express written consent of the person affected. The City will develop and maintain reasonable controls that are designed to protect the confidentiality and security of the Information of persons covered by this Policy.

The City may authorize the City's employee and or third party contractors to access and/or use the Information of persons who do business with the City or receive services from the City. In those instances, the City will require the City's employee and/or the third party contractors to agree to use such Information only in furtherance of City-related business and in accordance with the Policy.

If the City becomes aware of a breach, or has reasonable grounds to believe that a security breach has occurred, with respect to the Information of a person, the City will notify the affected person of such breach in accordance with applicable laws. The notice of breach will include the date(s) or estimated date(s) of the known or suspected breach, the nature of the Information that is the subject of the breach, and the proposed action to be taken or the responsive action taken by the City.

H. DATA RETENTION / INFORMATION RETENTION

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

The City will store and secure all Information for a period of time as may be required by law, or if no period is established by law, for seven (7) years, and thereafter such information will be scheduled for destruction.

I. SOFTWARE AS A SERVICE (SAAS) OVERSIGHT

The City may engage third party contractors and vendors to provide software application and database services, commonly known as Software-as-a-Service (SaaS).

In order to assure the privacy and security of the Information of those who do business with the City and those who received services from the City, as a condition of selling goods and/or services to the City, the SaaS services provider and its subcontractors, if any, including any IT infrastructure services provider, shall design, install, provide, and maintain a secure IT environment, while it performs such services and/or furnishes goods to the City, to the extent any scope of work or services implicates the confidentiality and privacy of the Information.

These requirements include information security directives pertaining to: (a) the IT infrastructure, by which the services are provided to the City, including connection to the City's IT systems; (b) the SaaS services provider's operations and maintenance processes needed to support the IT environment, including disaster recovery and business continuity planning; and (c) the IT infrastructure performance monitoring services to ensure a secure and reliable environment and service availability to the City. The term "IT infrastructure" refers to the integrated framework, including, without limitation, data centers, computers, and database management devices, upon which digital networks operate.

Prior to entering into an agreement to provide services to the City, the City's staff will require the SaaS services provider to complete and submit an Information Security and Privacy Questionnaire. In the event that the SaaS services provider reasonably determines that it cannot fulfill the information security requirements during the course of providing services, the City will require the SaaS services provider to promptly inform the ISM.

J. FAIR AND ACCURATE CREDIT TRANSACTION ACT OF 2003

CPAU will require utility customers to provide their Information in order for the City to initiate and manage utility services to them.

Federal regulations, implementing the Fair and Accurate Credit Transactions Act of 2003 (Public Law 108-159), including the Red Flag Rules, require that CPAU, as a "covered financial institution or creditor" which provides services in advance of payment and which can affect consumer credit, develop and implement procedures for an identity theft program for new and existing accounts to detect, prevent, respond and mitigate potential identity theft of its customers' Information.

POLICY AND PROCEDURES 1-64/IT

Revised: December 2017

CPAU procedures for potential identity theft will be reviewed independently by the ISM annually or whenever significant changes to security implementation have occurred. The ISM will recommend changes to CPAU identity theft procedures, or as appropriate, so as to conform to this Policy.

There are California laws which are applicable to identity theft; they are set forth in California Civil Code § 1798.92.

NOTE: Questions regarding this policy should be referred to the Information Technology Department, as appropriate.


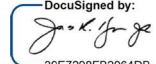
Recommended:	 <small>7914D9897578424...</small>	12/5/2017
	_____ Director Information Technology/CIO	_____ Date
Approved:	 <small>39E7298FB2064DB...</small>	12/13/2017
	_____ City Manager	_____ Date

EXHIBIT "F"**CYBERSECURITY TERMS AND CONDITIONS**

In order to assure the privacy and security of the personal information of the City's customers and people who do business with the City, including, without limitation, vendors, utility customers, library patrons, and other individuals and companies, who are required to share such information with the City, as a condition of receiving services from the City or selling goods and services to the City, including, without limitation, the Software as a Service services provider (the "Consultant") and its subcontractors, if any, including, without limitation, any Information Technology ("IT") infrastructure services provider, shall design, install, provide, and maintain a secure IT environment, described below, while it renders and performs the Services and furnishes goods, if any, described in the Statement of Work, Exhibit B, to the extent any scope of work implicates the confidentiality and privacy of the personal information of the City's customers. The Consultant shall fulfill the data and information security requirements (the "Requirements") set forth in Part A below.

A "secure IT environment" includes (a) the IT infrastructure, by which the Services are provided to the City, including connection to the City's IT systems; (b) the Consultant's operations and maintenance processes needed to support the environment, including disaster recovery and business continuity planning; and (c) the IT infrastructure performance monitoring services to ensure a secure and reliable environment and service availability to the City. "IT infrastructure" refers to the integrated framework, including, without limitation, data centers, computers, and database management devices, upon which digital networks operate.

In the event that, after the Effective Date, the Consultant reasonably determines that it cannot fulfill the Requirements, the Consultant shall promptly inform the City of its determination and submit, in writing, one or more alternate countermeasure options to the Requirements (the "Alternate Requirements" as set forth in Part B), which may be accepted or rejected in the reasonable satisfaction of the Information Security Manager (the "ISM").

Part A. Requirements:

The Consultant shall at all times during the term of any contract between the City and the Consultant:

- (a) Appoint or designate an employee, preferably an executive officer, as the security liaison to the City with respect to the Services to be performed under this Agreement.
- (b) Comply with the City's Information Privacy Policy:
- (c) Microsoft cloud provider, Microsoft Azure has adopted and implemented information security and privacy policies that are documented, are accessible to the City, and conform to ISO 27001/2 – Information Security Management Systems (ISMS) Standards. See the following:
http://www.iso.org/iso/home/store/catalogue_tc/catalogue_detail.htm?csnumber=42103
http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=50297
- (d) Conduct routine data and information security compliance training of its personnel that is appropriate to their role.
- (e) Develop and maintain detailed documentation of the IT infrastructure, including software versions and patch levels.

- (f) Develop an independently verifiable process, consistent with industry standards, for performing professional and criminal background checks of its employees that (1) would permit verification of employees' personal identity and employment status, and (2) would enable the immediate denial of access to the City's confidential data and information by any of its employees who no longer would require access to that information or who are terminated.
- (g) Provide a list of IT infrastructure components in order to verify whether the Consultant has met or has failed to meet any objective terms and conditions.
- (h) Implement access accountability (identification and authentication) architecture and support role-based access control ("RBAC") and segregation of duties ("SoD") mechanisms for all personnel, systems, and Software used to provide the Services. "RBAC" refers to a computer systems security approach to restricting access only to authorized users. "SoD" is an approach that would require more than one individual to complete a security task in order to promote the detection and prevention of fraud and errors.
- (i) Assist the City in undertaking annually an assessment to assure that: (1) all elements of the Services' environment design and deployment are known to the City, and (2) it has implemented measures in accordance with industry best practices applicable to secure coding and secure IT architecture.
- (j) Provide and maintain secure intersystem communication paths that would ensure the confidentiality, integrity, and availability of the City's information.
- (k) Deploy and maintain IT system upgrades, patches and configurations conforming to current patch and/or release levels by not later than one (1) week after its date of release. Emergency security patches must be installed within 24 hours after its date of release.
- (l) Provide for the timely detection of, response to, and the reporting of security incidents, including on-going incident monitoring with logging.
- (m) Notify the City within one (1) hour of detecting a security incident that results in the unauthorized access to or the misuse of the City's confidential data and information.
- (n) Inform the City that any third party service provider(s) meet(s) all of the Requirements.
- (o) Perform security self-audits on a regular basis and not less frequently than on a quarterly basis, and provide the required summary reports of those self-audits to the ISM on the annual anniversary date or any other date agreed to by the Parties.
- (p) Accommodate, as practicable, and upon reasonable prior notice by the City, the City's performance of random site security audits at the Consultant's site(s), including the site(s) of a third-party service provider(s), as applicable. The scope of these audits will extend to the Consultant's and its third-party service provider(s)' awareness of security policies and practices, systems configurations, access authentication and authorization, and incident detection and response.
- (q) Cooperate with the City to ensure that to the extent required by applicable laws, rules and regulations, and the Confidential Information will be accessible only by the Consultant and any authorized third-party service provider's personnel.
- (r) Perform regular, reliable secured backups of all data needed to maximize the availability of the Services. Adequately encrypt the City of Palo Alto's data, during the operational process, hosted at rest, and the backup stage at the Vendors' environment (including Vendor's contracting organization's environment).
- (s) Maintain records relating to the Services for a period of three (3) years after the expiration or earlier termination of this Agreement and in a mutually agreeable storage medium. Within thirty (30) days after the effective date of expiration or earlier termination of this Agreement, all of those records relating to the performance of the Services shall be provided to the ISM.

- (t) Maintain the Confidential Information in accordance with applicable federal, state, and local data and information privacy laws, rules, and regulations.
- (u) Encrypt the Confidential Information before delivering the same by electronic mail to the City and or any authorized recipient.
- (v) Provide Network Layer IP filtering services to allow access only from the City of Palo Alto's IP address to the Vendor environment (primarily hosted for the City of Palo Alto).
- (w) Offer a robust disaster recovery and business continuity (DR-BCP) solutions to the City for the systems and services the Vendor provides to the City.
- (x) Provide and support Single Sign-on (SSO) and Multifactor Authentication (MFA) solutions for authentication and authorization services from the "City's environment to the Vendor's environment," and Vendor's environment to the Vendor's cloud services/hosted environment." The Vendor shall allow two employees of the City to have superuser and super-admin access to the Vendor's IT environment, and a cloud-hosted IT environment belongs to the City.
- (y) Unless otherwise addressed in the Agreement, shall not hold the City liable for any direct, indirect or punitive damages whatsoever including, without limitation, damages for loss of use, data or profits, arising out of or in any way connected with the City's IT environment, including, without limitation, IT infrastructure communications.
- (z) The Vendor must provide evidence of valid cyber liability insurance policy per the City's **EXHIBIT "D" INSURANCE REQUIREMENTS.**

Part B. Alternate Requirements:



City of Palo Alto City Council Staff Report

(ID # 14236)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: Adoption of a Resolution for Senate Bill 1, the Road Repair and Accountability Act, for Fiscal Year 2023, Providing the Street Maintenance Project List for Capital Improvement Program Project PE-86070

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council adopt the attached resolution for Fiscal Year 2023, providing a project list funded by Senate Bill 1, the Road Repair and Accountability Act (Attachment A).

Background/Discussion

Senate Bill 1 (SB 1) established the Road Maintenance and Rehabilitation Account (RMRA) in 2017 to address deferred maintenance on the state highway and local streets and roads systems, with funding to be approved annually. Palo Alto's RMRA funding estimate for FY 2023 is \$1,542,218. SB 1 funding requires that Council approve a resolution (Attachment A) providing a project list that includes four components:

- Project description;
- The locations of each proposed project;
- Schedule for completion; and
- Estimated useful life of improvement.

The adopted resolution must be sent to the California Transportation Commission by July 1, 2022. Staff recommends the RMRA funding for FY 2023 be recognized in the Gas Tax Fund and transferred to the Capital Improvement Fund to be added to the Street Maintenance Project, capital improvement program project PE-86070. This funding recommendation is included in the Fiscal Year 2023 Proposed Capital Budget. The SB 1 funding supports the City's goal of achieving an average citywide Pavement Condition Index (PCI) of 85 by 2019 with no street having a PCI less than 60. The City reached the 85 PCI goal in December 2018, and the additional funding helps enable the City to address streets that still have PCI scores less than 60. The funding will be used for the Fiscal Year 2023 Asphalt Paving Project for the streets shown in Attachment B. Work on this project is anticipated to be completed by Summer 2023. An award of construction contract is anticipated to be brought to Council for approval in Fall 2022. The estimated useful life of a street overlay is 30 years.

Resource Impact

Monthly appropriations from the State Controller's Office will begin in July 2022 for Palo Alto's FY 2023 RMRA funding. Ongoing funding is estimated to be \$1.2 million annually. Funding from RMRA in future fiscal years will be recognized and appropriated as part of the annual CIP budget process.

Stakeholder Engagement

Stakeholder engagement is not applicable to this resolution.

Environmental Review

The adoption of this resolution does not meet the definition of a project under Public Resources Code Section 21065, thus no environmental assessment under the California Environmental Quality Act is required.

Attachments:

- **Attachment9.a:** Attachment A - Draft SB1 FY2023 Resolution
- **Attachment9.b:** Attachment B - FY2023 Overlay List and Map

ATTACHMENT A
Resolution No. _____

Resolution of the Council of the City of Palo Alto to Adopt a List of
Projects for Fiscal Year 2022-2023 Funded by SB 1: The Road Repair
and Accountability Act of 2017

R E C I T A L S

A. Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

B. SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Palo Alto (City) are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

C. The City must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1 by resolution, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

D. The City, will receive an estimated \$1,542,218 in RMRA funding in Fiscal Year 2023 from SB 1; and

E. This is the fifth year in which the City is receiving SB 1 funding which enables the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

F. The City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

G. The funding from SB 1 will help the City maintain and rehabilitate various streets throughout the City this year and many similar projects into the future; and

H. The 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in "excellent" condition and this revenue will help us maintain the overall quality of our road system and implement complete streets projects over the next decade; and

I. The SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE, the Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City of Palo Alto hereby adopts the following list of streets planned to be funded in-part or solely with fiscal year 2022-2023 with Road Maintenance and Rehabilitation Account revenues:

FY 2023 Street Resurfacing Project includes pavement repair, sidewalk, curb and gutter replacement, upgraded curb ramps, and street paving. The following streets are included in the FY2023 Street Resurfacing Project: Acacia Avenue (El Camino Real to Angle), Addison Avenue (Cowper Street to Webster Street), Ash Street (California Avenue to Sherman Avenue), Bryson Avenue (Middlefield Road to End), Cambridge Avenue (Birch Street to Park Blvd), Community Lane (Harriet Street to Wilson Street), Community Lane (Newell Road to Cedar Street), Dartmouth Street (Werry Park to College Avenue), Embarcadero Way (Embarcadero Road to End), Florence Street (Lytton Avenue to University Avenue), Fulton Street (Embarcadero Road to Tennyson Avenue), James Road (El Camino Way to Narrow), Kent Place (Center Drive to End), Lane 6 East (High Street to Emerson Street), Loma Verde Avenue (Emerson Street to Ramona Street), Loma Verde Avenue (Waverley Street to Cowper Street), Los Trancos Road (City Limits to City Limits), Morris Drive (Maddux Drive to Greer Road), Park Blvd (Park Avenue to Castilleja Avenue), Seale Avenue (Middlefield Road to Fulton Street), and Wilson Street (Hopkins Avenue to Parkinson Avenue).

The estimated useful life is 30 years. Construction of FY2023 Street Resurfacing Project will start in Fall 2022 and be completed in Summer 2023.

SECTION 3. The Council finds that the adoption of this resolution does not meet the definition of a project under Public Resources Code Section 21065, thus no environmental assessment under the California Environmental Quality Act is required.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Public Works

Director of Administrative Services

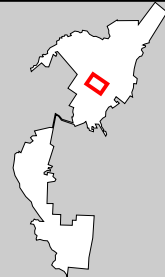
**ATTACHMENT B
FY2023 OVERLAY LIST**

9.b

FY 2023 Overlay (July 2022 - June 2023)			
Street	From Street	To Street	PCI
Acacia Avenue	El Camino Real	Angle	53
Addison Avenue	Copwer Street	Webster Street	49
Ash Street	California Avenue	Sherman Avenue	24
Bryson Avenue	Middlefield Road	End	42
Cambridge Avenue	Birch Street	Park Boulevard	52
Community Lane	Harriet Street	Wilson Street	38
Community Lane	Newell Road	Pine Street	54
Community Lane	Pine Street	Cedar Street	56
Dartmouth Street	Werry Park	College Avenue	55
Embarcadero Way	Embarcadero Road	End	51
Florence Street	Lytton Avenue	Univeristy Avenue	51
Fulton Street	Embarcadero Road	Tennyson Avenue	33
James Road	El Camino Way	Narrow	38
Kent Place	Center Drive	End	55
Lane 6 East	High Street	Emerson Street	36
Loma Verde Avenue	Emerson Street	Ramona Street	51
Loma Verde Avenue	Waverley Street	Kipling Street	59
Loma Verde Avenue	Kipling Street	Cowper Street	54
Los Trancos Road	City Limits	City Limits	42
Morris Drive	Maddux Drive	Greer Road	49
Park Boulevard	Park Avenue	Birch Street	53
Park Boulevard	Birch Street	Castilleja Avenue	49
Seale Avenue	Middlefield Road	Fulton Street	48
Wilson Street	Hopkins Avenue	Parkinson Avenue	52
Average PCI:			48

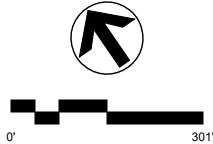


The City of
Palo Alto



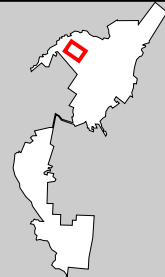
FY2023 OVERLAY MAP

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



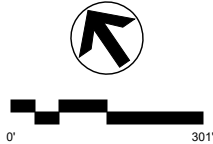


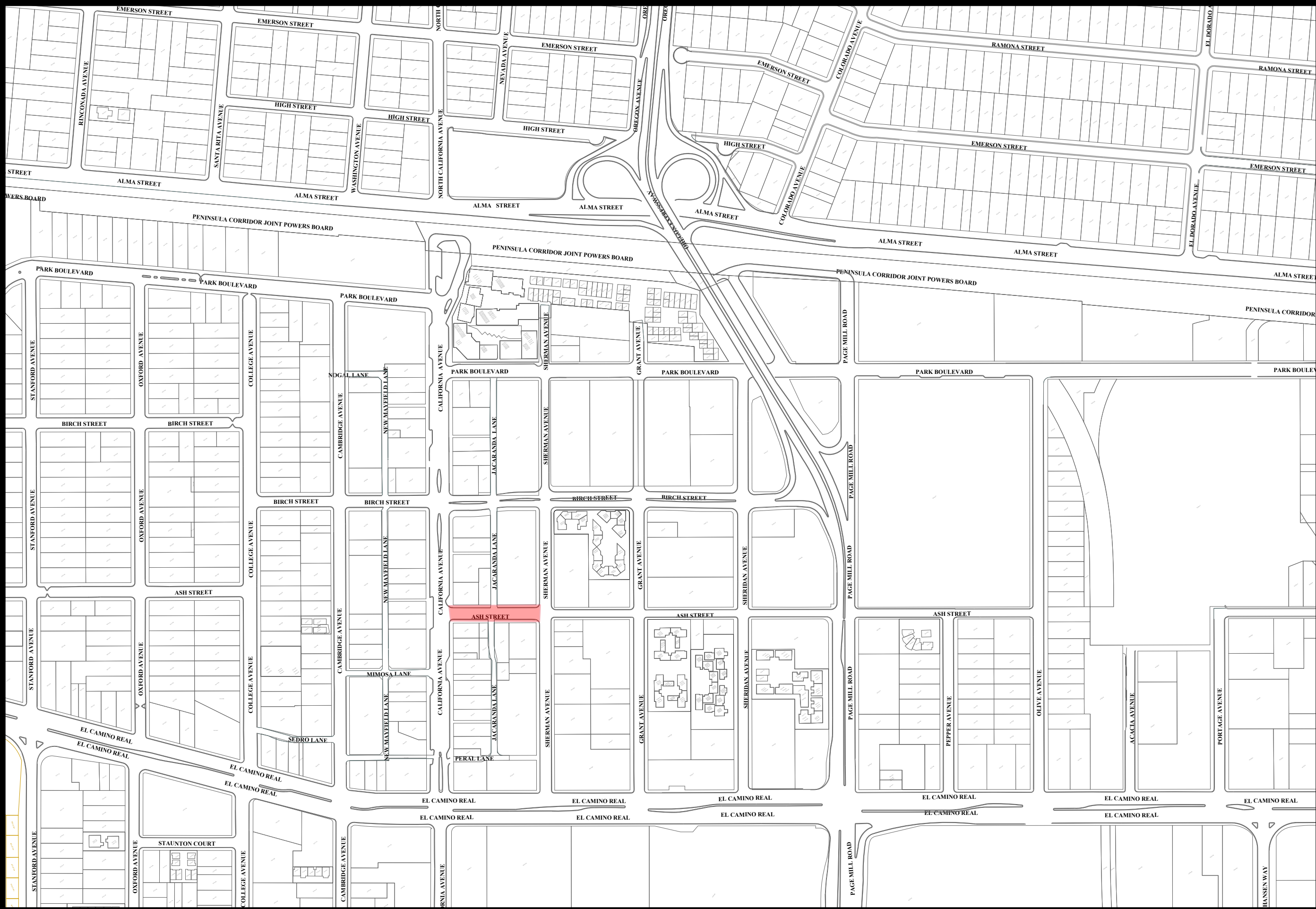
The City of
Palo Alto



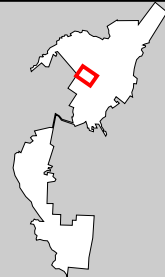
FY2023 OVERLAY MAP

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



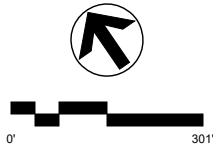


The City of
Palo Alto



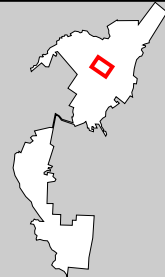
FY2023 OVERLAY MAP

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





The City of
Palo Alto



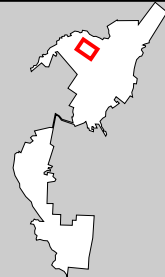
FY2023 OVERLAY MAP

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



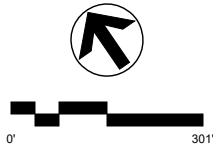


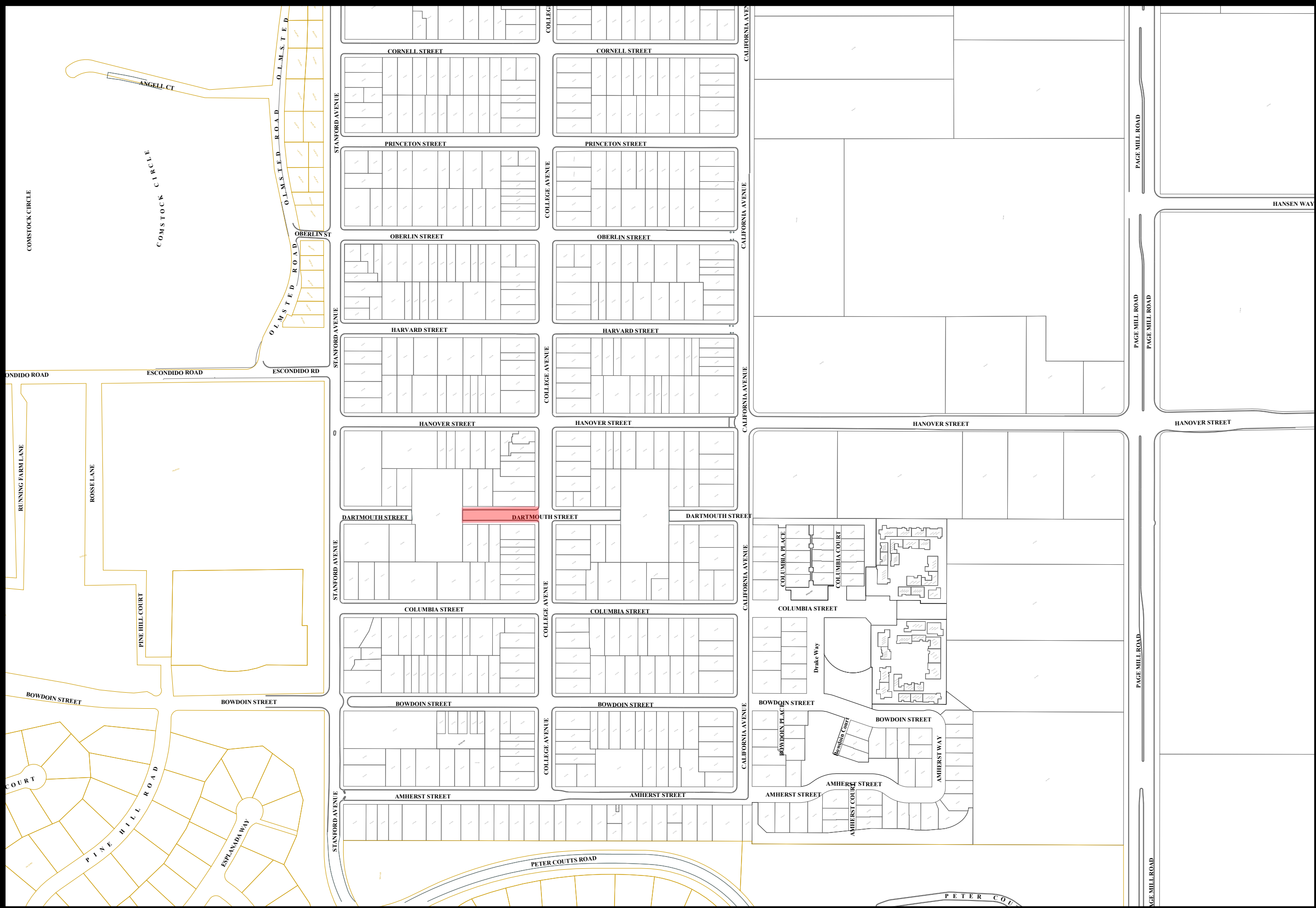
The City of
Palo Alto



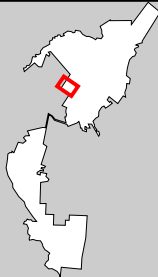
FY2023 OVERLAY MAP

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



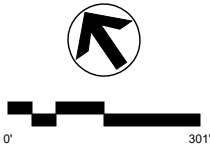


The City of
Palo Alto



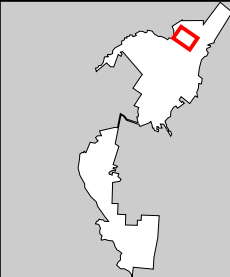
FY2023 OVERLAY MAP

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



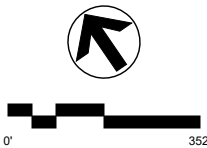


The City of
Palo Alto



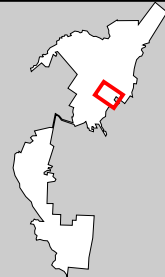
FY2023 OVERLAY MAP

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



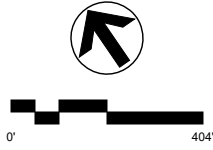


The City of
Palo Alto



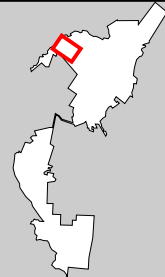
FY2023 OVERLAY MAP

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



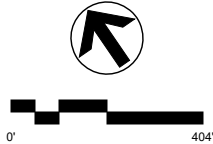


The City of
Palo Alto



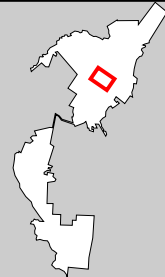
FY2023 OVERLAY MAP

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





The City of
Palo Alto



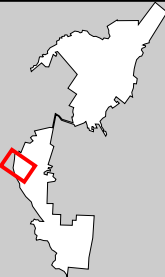
FY2023 OVERLAY MAP

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



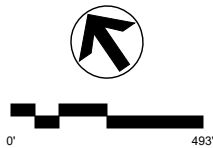


The City of
Palo Alto



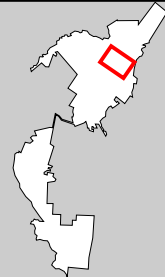
FY2023 OVERLAY MAP

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





The City of
Palo Alto



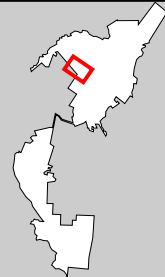
FY2023 OVERLAY MAP

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





The City of
Palo Alto



FY2023 OVERLAY MAP

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





City of Palo Alto City Council Staff Report

(ID # 14322)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: Approval of Amendment Number Two to Contract No. C20175911 with Labyrinth Solutions, Inc., to extend the Contract Term through October 21, 2022 at No Added Cost, for Information Technology Professional Services, Cloud Computing Hosting and Support Services, and As-Needed SAP Application Technical / Functional Support Services.

From: City Manager

Lead Department: IT Department

Recommendation

Approve and authorize the City Manager or their designee to execute the attached amendment number two to Contract No. C20175911 (Attachment A) with Labyrinth Solutions, Inc., to extend the contract term through October 21, 2022 at no added cost, for information technology professional services, SAP cloud computing hosting and support services, and as-needed SAP application technical / functional support services, while the contract with the new vendor selected by the City's formal solicitation process is negotiated, approved and executed, and the transition to the new vendor is implemented.

Background

The City's history with SAP began in 2002, when the City selected SAP as its preferred vendor for the City's Enterprise Resource Planning (ERP) system. The purpose was to integrate various business processes within the City, which enabled staff to move in the direction of Digital Government. The SAP ERP system was implemented in 2003 and supports Accounting, Finance, Purchasing, Project Management, Plant Maintenance, Budgeting, Payroll, Human Resource Management, and Service Order Management. In 2019, the City completed a major upgrade and migrated the SAP ERP infrastructure to the cloud.

The original contract with Labyrinth Solutions, Inc., (LSI) was approved by Council and signed in 2019, [CMR 10033](#) for a three-year term for the SAP ERP upgrade, migration, and cloud hosting and support services. In 2021, a six-month term extension was executed by the City Manager (no change to the compensation), expiring April 21, 2022 (Attachment B).

Discussion

The extension of the contract term with LSI enables the City to complete the contract negotiation, approval and execution process for the new contract with the new vendor selected through formal competitive solicitation. In addition, the City requested LSI continue to be available for at least four weeks to transfer over the existing Amazon Web Services (AWS) SAP ERP account and knowledge in order to have a successful transition. Amendment Two to the contract with LSI is for time only, no additional compensation is requested as the transition to the new vendor is implemented.

This scope of services is distinct from the applications-focused professional services being presented for Council approval separately. Staff will be returning to Council in late May/early June for the approval of the contract with the selected vendor chosen from the City's formal solicitation process. Staff will provide LSI written notice 30 days prior to termination of its contract once the new vendor contract is fully executed and the transition is complete.

Resource Impact

Funding for this contract was budgeted in the Technology Fund as part of the Fiscal Year 2022 Adopted Operating Budget. No additional funding of this contract is being requested.

Environmental Review

This is not a project under the California Environmental Quality Act (CEQA).

Attachments:

- **Attachment10.a:** Attachment A: C20175911 - Amendment Number 2 - ext term only_final
- **Attachment10.b:** Attachment B: C20175911 - Amendment Number 1_ext term only

**AMENDMENT NO. 2 TO CONTRACT NO. C20175911
BETWEEN THE CITY OF PALO ALTO AND LABYRINTH SOLUTIONS INC.**

This Amendment No. 2 (this "Amendment") to Contract No. C20175911 (the "Contract" as defined below) is entered into as of May 2, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and LABYRINTH SOLUTIONS INC., a Massachusetts corporation, located at 303 Wayman Street, Suite 300, Waltham, MA, 02451 ("CONSULTANT"). CITY and CONSULTANT are referred to collectively as the "Parties" in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties hereto for the provision of information technology professional services, cloud computing hosting and support services, and as-needed SAP application technical / functional support services, as detailed therein.

B. Contract C20175911, previously pursuant to CMAS # 3-19-70-3652A, is updated by CMAS # 3-21-10-1067, GSA Base Schedule # GS-35F-540GA, CMAS term dates from October 25, 2021 to July 11, 2022.

C. Pursuant to Amendment No. 1, the Parties previously amended the Contract to extend the term through April 21, 2022 at no added cost to the City in order to complete a formal solicitation process and award a new contract.

D. The Parties now wish to amend the Contract in order to extend the term of the contract by 6-months through October 21, 2022 at no added cost to the City in order to execute and transition the new contract awarded.

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

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

- a. **Contract.** The term "Contract" shall mean Contract No. C20175911 between CONSULTANT and CITY, dated October 9, 2019 as amended by:

Amendment No.1, dated December 13, 2021.

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

SECTION 2. Section 6, "TERM," of the Contract is hereby amended to read as follows:

Vers.: Aug. 5, 2019

“6. Term. The term of the Agreement shall commence on the date provided in the Notice to Proceed issued in writing by the CITY as provided for in the section entitled “Schedule of Performance” in the Statement of Work, and shall continue for thirty-six (36) months thereafter, unless terminated earlier as provided for in this Agreement.”

SECTION 3. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO**LABYRINTH SOLUTIONS INC.**

City Manager

Officer 1

APPROVED AS TO FORM:

DocuSigned by:
By: 
Name: Nader Tirandazi
Title: CEO

City Attorney or designee

Attachments: None

**AMENDMENT NO. 1 TO CONTRACT NO. C20175911
BETWEEN THE CITY OF PALO ALTO AND LABYRINTH SOLUTIONS INC.**

This Amendment No. 1 (this “Amendment”) to Contract No. C20175911 (the “Contract” as defined below) is entered into as of December 13, 2021, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and LABYRINTH SOLUTIONS INC., a Massachusetts corporation, located at 303 Wayman Street, Suite 300, Waltham, MA, 02451 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties hereto for the provision of providing information technology professional services, cloud computing hosting and support services, and as-needed SAP application technical / functional support services, as detailed therein.

B. Contract C20175911, previously pursuant to CMAS # 3-19-70-3652A, is updated by CMAS # 3-21-10-1067, GSA Base Schedule # GS-35F-540GA, CMAS term dates from October 25, 2021 to July 11, 2022.

C. The Parties now wish to amend the Contract in order to extend the term of the contract by 6-months, from October 22, 2021 to April 21, 2022, to complete the formal solicitation process and execute the new contract awarded. This amendment is at no added cost to the City.

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

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

- a. **Contract.** The term “Contract” shall mean Contract No. C20175911 between CONSULTANT and CITY, dated October 9, 2019.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 6. “TERM” of the Contract is hereby amended to read as follows:

“6. Term. The term of the Agreement shall commence on the date provided in the Notice to Proceed issued in writing by the CITY as provided for in the section entitled “Schedule of Performance” in the Statement of Work, and shall continue for thirty (30) months thereafter, unless terminated earlier as provided for in this Agreement.

Vers.: Aug. 5, 2019

SECTION 3. **Legal Effect.** Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 4. **Incorporation of Recitals.** The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment **effective** as of the date first above written.

CITY OF PALO ALTO

DocuSigned by:

Ed Shikada

City Manager

APPROVED AS TO FORM:

DocuSigned by:

Cassie Coleman

City Attorney or designee

LABYRINTH SOLUTIONS INC.**Officer 1**

DocuSigned by:

By:

Nader Tirandazi

Name: Nader Tirandazi

Title: CEO

Attachments: None



City of Palo Alto City Council Staff Report

(ID # 14382)

Report Type: Consent Calendar

Meeting Date: 5/16/2022

Summary Title: SECOND READING: Retail Temporary Ordinance Extension

Title: SECOND READING: Adoption of an Ordinance Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning), Chapters 18.04 (Definitions), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) the Retail and Ground Floor Combining Districts. Environmental Review: Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) until December 16, 2022. (FIRST READING: May 2, 2022: PASSED 7-0)

From: City Manager

Lead Department: Planning and Development Services

This was heard by the City Council on May 2, 2022 for a first reading and was approved 7- 0. No changes were made to the Ordinance; it is now before you for a second reading.

Attachments:

Attachment11.a: Attachment A: Ordinance Temporarily Extending Ord 5517 Amending PAMC Ch 18.04, 18.16, 18.18, 18.30 (PDF)

NOT YET ADOPTED

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Temporarily Extending Ordinance 5517, Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning), Chapters 18.04 (Definitions), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) – the Retail and Ground Floor combining districts

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

- A. On April 5, 2021 the City Council adopted Ordinance 5517 to temporarily relax certain zoning regulations in the City’s commercial zoning districts to address some of the economic challenges created by the COVID-19 pandemic and to spur economic activity.
- B. The City Council directed the Planning and Transportation Commission (PTC) to review certain elements of the temporary ordinance and provide a recommendation to the City Council.
- C. On March 30, 2022 the PTC recommended that the term of Ordinance 5517 be extended to allow additional time for consideration of whether the temporary relaxation of zoning regulations should remain indefinitely, and whether such regulations should be otherwise amended.
- D. The public health, safety, or welfare require that the amendments temporarily enacted by Ordinance 5517 remain in effect without interruption while the PTC conducts its additional review.

SECTION 2. The effective date of Ordinance 5517 of the Palo Alto City Council, attached hereto as Exhibit A and incorporated herein, is hereby extended so that the Ordinance shall expire upon the earlier of December 16, 2022 or adoption of replacement legislation by the City Council. Upon expiration of Ordinance 5517, the City Clerk shall direct the City’s codifier to update the Palo Alto Municipal Code as appropriate.

SECTION 3. 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 4. 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

NOT YET ADOPTED

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 5. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline sections 15061(b)(3) because it can be seen.

SECTION 6. 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

Ordinance No. 5517

Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning), Chapters 18.04 (Definitions), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) – the Retail and Ground Floor Combining Districts

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

- A. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency due to the threat of Coronavirus Disease 2019 (“COVID-19”).
- B. As a result of the COVID-19 pandemic and the public health response, restaurant, retail, tourism, and hospitality business has significantly declined and the nation is experiencing a recession.
- C. The City Council desires to relax certain zoning regulations in the City’s commercial zoning districts to address some of the economic challenges created by the COVID-19 pandemic and to spur economic activity.
- D. The public health, safety, or welfare require that such changes to the City’s zoning regulations be enacted for a temporary period and as expediently as possible, without review by the Planning and Transportation Commission pursuant to Palo Alto Municipal Code section 18.80.090.

SECTION 2. Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

18.04.030 Definitions

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

[. . .]

(45) “Drive-in/drive-through service” means a feature or characteristic of a use involving sales of products or provision of services to occupants in vehicles, including drive-in or drive-up windows and drive- through services such as mechanical automobile washing, pharmacy windows, coffee stands, automatic teller machines, etc.

[. . .]

(47) “Eating and drinking service” means a use providing preparation and retail sale of food and beverages with a full menu and providing indoor seating area. Eating and drinking service include presence of a full commercial kitchen and commercial dishwasher. including restaurants, fountains, cafes, coffee shops, sandwich shops, ice cream parlors, taverns, cocktail lounges and similar uses. For establishments with incidental sale alcoholic beverages, a minimum of 50% of revenues from an ‘eating and drinking service’ must be derived from the sale of food. Related definitions are provided in subsections (45) (Drive-in/drive-through service), (125)(B) (Intensive retail service) and (136) (Take-out service).

[. . .]

(95) “Medical office” means a use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for such practice by the state of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services. Medical office use does not include the storage or use of hazardous materials in excess of the permit quantities as defined in Title 15 of the Municipal Code. Medical gas storage or use shall be allowed up to 1,008 cubic feet per gas type and flammable liquids storage and use shall be allowed up to 20 gallons total (including waste).

(95.1) ~~(A)~~—“Medical research” means a use related to medical and/or dental research, testing and analysis, including but not limited to trial and clinical research. Biomedical and pharmaceutical research and development facilities are not included in this definition. Medical Research does not include the storage or use of quantities of hazardous materials above the exempt quantities listed in Title 15 of the Municipal Code nor any toxic gas regulated by Title 15. Additionally, Medical Research may include storage and use of etiological (biological) agents up to and including Risk Group 2 or Bio Safety Level 2 (Center for Disease Control).

(95.2) ~~(B)~~—“Medical support retail” means a retail use providing sales, rental, service, or repair of medical products and services to consumers or businesses, and whose location near hospitals or medical offices facilitates the provision of medical care or medical research. Examples of medical retail uses typically include, but are not limited to, pharmacies, sale of prosthetics, and sale of eyeglasses or other eye care products.

(95.3) ~~(C)~~ “Medical support service” means a use providing administrative support functions for healthcare providers or facilities, intended to support the operations of hospitals or of medical and dental office uses, and whose location near those medical facilities enhances the interaction between medical providers and/or facilitates the provision of medical care or medical research. Examples of medical support service uses typically include, but are not limited to, administration and billing services, public relations, training, and fundraising. Hospitals and ambulance services are not included in this definition.

[. . .]

(114) “Personal service” means a use providing services of a personal convenience nature, and cleaning, repair or sales incidental thereto, including:

(A) Beauty shops, nail salons, day spas, and barbershops;

(B) Self-service laundry and cleaning services; laundry and cleaning pick-up stations where all cleaning or servicing for the particular station is done elsewhere; and laundry and cleaning stations where the cleaning or servicing for the particular station is done on site, utilizing equipment meeting any applicable Bay Area Air Quality Management District requirements, so long as no cleaning for any other station is done on the same site, provided that the amount of hazardous materials stored does not at any time exceed the threshold which would require a permit under Title 17 (Hazardous Materials Storage) of this code;

(C) Repair and fitting of clothes, shoes, and personal accessories;

(D) Quick printing and copying services where printing or copying for the particular service is done on site, so long as no quick printing or copying for any off-site printing or copying service is done on the same site;

(E) Internet and other consumer electronics services;

(F) Film, data and video processing shops, including shops where processing for the particular shop is done on site, so long as no processing for any other shop is done on the same site;

(G) Art, dance or music studios intended for an individual or small group of persons in a class (see “commercial recreation” for other activities); and

(H) Fitness and exercise studios, or similar uses, in a space having of 1,800 5,000 square feet or fewer of gross floor area (see “commercial recreation” for uses exceeding 5,000 square feet other activities).

(I) Learning centers intended for individual or small group settings, including tutoring, standardized test preparation, language classes, after-school programs, cooking classes, and similar uses.

[. . .]

(125) “Retail service” means a use open to the public during typical business hours and predominantly engaged in providing retail sale, rental, service, processing, or repair of items primarily intended for consumer or household use.

(A) “Extensive retail service,” as used with respect to parking requirements, means a retail sales use having more than seventy-five percent of the gross floor area used for display, sales, and related storage of bulky commodities, including household furniture and appliances, lumber and building materials, carpeting and floor covering, air conditioning and heating equipment, and similar goods, which uses have demonstrably low parking demand generation per square foot of gross floor area.

(B) "Intensive retail service" as used with respect to parking requirements, means any retail service use not defined as extensive retail service and including limited food service (i.e. 'ready-to-eat' food and/or beverage shops without a full commercial kitchen, where food and/or beverages are ready to consume at the time of sale and any seating area is limited; examples include sandwiches, frozen desserts, non-alcoholic beverages, and baked items).

[. . .]

(136) "Take-out service" means a characteristic of an eating or drinking service which encourages, on a regular basis, consumption of food or beverages, such as prepared or prepackaged items, outside of a building, in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises, or off-site. Take-out service does not include intensive retail service uses, as defined in subsection (125)(B).

[. . .]

SECTION 3. Section 18.16.040 (Land Uses) of Chapter 18.16 (Neighborhood, Community, and Service Commercial (CN, CC, CS) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

The uses of land allowed by this chapter in each commercial zoning district are identified in the following tables. Land uses that are not listed on the tables are not allowed, except where otherwise noted. Where the last column on the following tables ("Subject to Regulations in") includes a section number, specific regulations in the referenced section also apply to the use; however, provisions in other sections may apply as well.

(a) Commercial Zones and Land Uses

Permitted and conditionally permitted land uses for each commercial zone are shown in Table 1:

TABLE 1

PERMITTED AND CONDITIONALLY PERMITTED USES

P = Permitted Use CUP = Conditional Use Permit Required

LAND USE	CN(4)	CC, CC(2)	CS (4)	Subject to Regulations In:
ACCESSORY AND SUPPORT USES				
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.	P	P	P	18.42
Drive-in services or take-out services associated with permitted uses ⁽³⁾	CUP	CUP	CUP	18.42

Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet.		CUP		18.42, 18.40.160
Safe Parking				18.42.160
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business and Trade Schools		P	P	
Churches and Religious Institutions	P	P	P	
Private Educational Facilities	CUP	P	P	
Private Clubs, Lodges, or Fraternal Organizations	CUP	P	P	
MANUFACTURING AND PROCESSING USES				
Recycling Centers	CUP	CUP	CUP	
Warehousing and Distribution			CUP	
OFFICE USES				
Administrative Office Services			P	18.16.050
Medical Offices	CUP (5)	CUP (5)	CUP (5)	18.16.050
Professional and General Business Offices	P	P	P	18.16.050
PUBLIC/QUASI-PUBLIC USES				
Utility Facilities essential to provision of utility services but excluding construction or storage yards, maintenance facilities, or corporation yards.	CUP	CUP	CUP	
RECREATION USES				
Commercial Recreation	CUP (5)	CUP (5)	CUP (5)	18.40.160
Outdoor Recreation Services	CUP	CUP	CUP	

RESIDENTIAL USES				
Multiple-Family	P(1)	P(1)	P(1)	18.16.060(b) and (c)
Home Occupations	P	P	P	
Residential Care Homes	P	P	P	
RETAIL USES				
Eating and Drinking Services, excluding drive-in and take-out services	P	P	P	18.40.160
Retail Services, excluding liquor stores	P	P	P	18.40.160
Liquor stores	CUP	P	P	18.40.160
Shopping Centers		P		18.16.060(e), 18.40.160
SERVICE USES				
Ambulance Services	CUP	CUP	CUP	
Animal Care, excluding boarding and kennels	P	P	P	
Boarding and Kennels			CUP	
Automobile Service Stations	CUP	CUP	CUP	18.30(G)
Automotive Services			CUP	
Convalescent Facilities	CUP	P	P	
Day Care Centers	P	P	P	18.40.160
Small Family Day Care Homes	P	P	P	
Large Family Day Care Homes	P	P	P	
Small Adult Day Care Homes	P	P	P	
Large Adult Day Care Homes	CUP	P	P	
Banks and Financial Services V	CUP	P(2)	P(2)	
General Business Services		CUP	P	
Hotels		P	P	18.16.060(d), 18.40.160

Mortuaries	CUP	P	P	
Neighborhood Business Services	P			18.16.060(f)
Personal Services	P	P <u>(6)</u>	P	18.16.060(f), 18.40.160
Reverse Vending Machines	P	P	P	
TEMPORARY USES				
Farmer's Markets	CUP	CUP	CUP	
Temporary Parking Facilities, provided that such facilities shall remain no more than five years.	CUP	CUP	CUP	
TRANSPORTATION USES				
Parking as a principal use		CUP	CUP	
Transportation Terminals		CUP	CUP	
P = Permitted Use	CUP = Conditional Use Permit Required			

(1) Residential is only permitted: (i) as part of a mixed use development, pursuant to the provisions of Section 18.16.060(b), or (ii) on sites designated as housing inventory sites in the Housing Element of the Comprehensive Plan, (iii) on CN or CS sites on El Camino Real, or (iv) on CC(2) sites, all pursuant to the provisions of Section 18.16.060(b) and (c).

(2) Except drive-in services.

(3) So long as drive up facilities, excluding car washes, provide full access to pedestrians and bicyclists. A maximum of two such services shall be permitted within 1,000 feet, and each use shall not be less than 150 feet from one another.

(4) For properties in the CN and CS zone districts, businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m. require a conditional use permit.

(5) A conditional use permit is not required for medical office or commercial recreation uses up to 5,000 square feet of gross floor area, with the following exceptions, for which a conditional use permit is always required: (A) medical office fronting on California Avenue and in the Midtown Shopping District; (B) commercial recreation uses fronting on California Avenue and in the Town and Country Village Shopping Center.

(6) A conditional use permit is required for the following uses when fronting on California Avenue: (A) Fitness or exercise studios, and similar uses exceeding 1,800 square feet in gross floor area; and (B) Learning centers intended for individual or small group settings. A conditional use permit is required for

fitness or exercise studios, and similar uses exceeding 1,800 square feet in gross floor area in Town and Country Village Shopping Center.

[. . .]

SECTION 4. Section 18.16.060 (Development Standards) of Chapter 18.16 (Neighborhood, Community, and Service Commercial (CN, CC, CS) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

18.16.060 Development Standards

[. . .]

(f) Size of Establishments in the CN District

In the CN district, permitted commercial uses shall not exceed the floor area per individual use or business establishment shown in Table 5. Such uses may be allowed to exceed the maximum establishment size, subject to issuance of a conditional use permit in accord with Section 18.76.010. The maximum establishment size for any conditional use shall be established by the director and specified in the conditional use permit for such use.

TABLE 5
MAXIMUM SIZE OF ESTABLISHMENT

Type of Establishment	Maximum Size (sq ft)
Personal Services	2,500 <u>3,000</u>
Retail services, except grocery stores	15,000
Grocery stores	20,000
Eating and drinking services	5,000
Neighborhood business services	2,500 <u>3,000</u>

[. . .]

(h) Outdoor Sales and Storage

(2) In the CC district and in the CC (2) district, the following regulations shall apply to outdoor sales and storage:

(A) Except in shopping centers, all permitted office and commercial activities shall be conducted within a building, except for:

(i) Incidental sales and display of plant materials and garden supplies occupying no more than 2,000 square feet of exterior sales and display area,

(ii) Outdoor eating areas operated incidental to permitted eating and drinking services or intensive retail uses,

(iii) Farmers' markets that have obtained a conditional use permit, and

(iv) Recycling centers that have obtained a conditional use permit.

(B) Any permitted outdoor activity in excess of 2,000 square feet shall be subject to a conditional use permit.

SECTION 5. Sections 18.18.050 (Land Uses) of Chapter 18.18 (Commercial Downtown (CD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

18.18.050 Land Uses

The uses of land allowed by this chapter in each commercial zoning district are identified in the following table. Land uses that are not listed on the tables are not allowed, except where otherwise noted. Where the last column on the following tables ("Subject to Regulations in") includes a section number, specific regulations in the referenced section also apply to the use; however, provisions in other sections may apply as well.

Permitted and conditionally permitted land uses for the CD district are shown in Table 1:

Table 1				
CD Permitted and Conditionally Permitted Uses				
P Permitted Use • CUP Conditional Use Permit Required				
	CD-C	CD-S	CD-N	Subject to regulations in Chapter:
ACCESSORY USES				
Accessory facilities and activities associated with or essential to permitted uses, and operated incidental to the principal use	P	P	P	
Drive-in or Take-out Services associated with permitted uses ⁽²⁾	CUP	CUP	CUP	
Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet	CUP			18.40.160
Safe Parking				18.42.160
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business and Trade Schools	P	P		
Churches and Religious Institutions	P	P	P	

Private Educational Facilities	P	P	CUP	
Private Clubs, Lodges, or Fraternal Organizations	P	P	CUP	
MANUFACTURING AND PROCESSING USES				
Recycling Centers	CUP	CUP	CUP	
Warehousing and Distribution		CUP		
OFFICE USES				
Administrative Office Services		P		18.18.060(f)
Medical, Professional, and General Business Offices	P	P	P	18.18.060(f)
PUBLIC/QUASI-PUBLIC FACILITY USES				
Utility Facilities essential to provision of utility services but excluding construction or storage yards, maintenance facilities, or corporation yards	CUP	CUP		
RECREATION USES				
Commercial Recreation	CUP (3)	CUP (3)	CUP (3)	
Outdoor Recreation Services	CUP	CUP	CUP	
RESIDENTIAL USES				
Multiple-Family	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	18.18.060(b)
Home Occupations	P	P	P	
Residential Care Homes	P	P	P	
RETAIL USES				
Eating and Drinking Services, except drive-in or take-out services	P	P	P	18.18.060(g) , 18.40.160
Retail Services, excluding liquor stores	P	P	P	18.18.060(g) , 18.40.160
Shopping Centers	P			18.18.060(g) , 18.40.160

				8.40.160
Liquor Stores	P	P	CUP	18.40.160
SERVICE USES				
Animal Care, excluding boarding and kennels	P	P	P	
Ambulance Services	CUP	CUP	CUP	18.30(G)
Automobile Service Stations	CUP	CUP	CUP	
Automobile Services		CUP		
Convalescent Facilities	P	P	CUP	
Day Care Centers	P	P	P	18.40.160
Small Family Day Care Homes	P	P	P	
Large Family Day Care Homes	P	P	P	
Small Adult Day Care Homes	P	P	P	
Large Adult Day Care Homes				
Financial Services, except drive-up services	P	P	CUP	
General Business Services	CUP	P	P	
Hotels	P	P	P	18.18.060(d) , 18.40.160
Mortuaries	P	P	CUP	
Personal Services	<u>P (4)</u>	<u>P (4)</u>	<u>P (4)</u>	18.18.060(g) , 18.40.160
Reverse Vending Machines	P	P	P	
TRANSPORTATION USES				
Parking as a principal use	CUP	CUP		
Passenger Transportation Terminals		CUP		

TEMPORARY USES				
Indoor Farmers' Markets	CUP	CUP	CUP	
Temporary Parking Facilities, provided that such facilities shall remain no more than five years	CUP	CUP	CUP	
P Permitted Use CUP Conditional Use Permit Required				
(1) Residential is only permitted as part of a mixed use development, pursuant to the provisions of Section 18.18.060(b) , or on sites designated as Housing Opportunity Sites in the Housing Element of the Comprehensive Plan, pursuant to the provisions of Section 18.18.060(c) .				
(2) Drive-up facilities, excluding car washes, provide full access to pedestrians and bicyclists. A maximum of two such services shall be permitted within 1,000 feet and each use shall not be less than 150 ft from one another.				
<u>(3) A conditional use permit is not required for commercial recreation uses up to 5,000 square feet of gross floor area, with the following exceptions, for which a conditional use permit is always required: (A) medical office fronting on University Avenue; (B) commercial recreation uses fronting on University Avenue.</u>				
<u>(4) A conditional use permit is required for the following uses when fronting on University Avenue: (A) Fitness or exercise studios, and similar uses; and (B) Learning centers intended for individual or small group settings.</u>				

SECTION 6. Section 18.18.060 (Development Standards) of Chapter 18.18 (Commercial Downtown (CD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

[. . .]

(g) Restrictions on Size of Commercial Establishments in CD-N Subdistrict

In the CD-N subdistrict, permitted commercial uses shall not exceed the floor area per individual use or business establishment shown in Table 4. Such uses may be allowed to exceed the maximum establishment size, subject to the issuance of a conditional use permit in accordance with [Chapter 18.76](#). The maximum establishment size for any conditional use shall be established by the director and specified in the conditional use permit for such use.

//

//

TABLE 4
MAXIMUM SIZE OF ESTABLISHMENT

Type of Establishment	Maximum Size (ft ²)
Personal Services	2,500 <u>3,000</u>
Retail services, except grocery stores	15,000
Grocery stores	20,000
Eating and drinking services	5,000

(h) Outdoor Sales and Storage.

The following regulations shall apply to outdoor sales and storage in the CD district:

(1) CD-C Subdistrict

In the CD-C subdistrict, the following regulations apply:

(A) Except in shopping centers, all permitted office and commercial activities shall be conducted within a building, except for:

(i) Incidental sales and display of plant materials and garden supplies occupying no more than 2,000 square feet of exterior sales and display area,

(ii) Outdoor eating areas operated incidental to permitted eating and drinking services or intensive retail uses,

(iii) Farmers' markets which have obtained a conditional use permit, and

(iv) Recycling centers that have obtained a conditional use permit.

(B) Any permitted outdoor activity in excess of 2,000 square feet shall be subject to a conditional use permit.

(C) Exterior storage shall be prohibited, except recycling centers which have obtained a conditional use permit.

(2) CD-S Subdistrict

In the CD-S subdistrict, outdoor sales and display of merchandise, and outdoor eating areas operated incidental to permitted eating and drinking services and intensive retail uses shall be permitted subject to the following regulations:

(A) Outdoor sales and display shall not occupy a total site area exceeding the gross building floor area on the site, except as authorized by a conditional use permit.

(B) Areas used for outdoor sales and display of motor vehicles, boats, campers, camp trailers, trailers, trailer coaches, house cars, or similar conveyances shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets and alleys, safety and protective features, lighting, landscaping, and screening.

(C) Exterior storage shall be prohibited, unless screened by a solid wall or fence of between 5 and 8 feet in height.

(3) CD-N Subdistrict

In the CD-N subdistrict, all permitted office and commercial activities shall be conducted within a building, except for:

(A) Incidental sales and display of plant materials and garden supplies occupying not more than 500 square feet of exterior sales and display area, and

(B) Farmers' markets that have obtained conditional use permits.

[. . .]

SECTION 7. Section 18.30(A).040 (Permitted Uses) of Chapter 18.30(A) (Retail Shopping (R) Combining District Regulations) of Title 18 (Zoning) of the Palo Alto Municipal Code are amended to read as follows:

Except to the extent a conditional use permit is required pursuant to Section 18.30(A).050, the following uses shall be permitted in an R district:

- (a) Eating and drinking services, except drive-in and take-out services.
- (b) Personal services, except the following on California Avenue: beauty shops; nail salons; barbershops; ~~and~~ laundry and cleaning services as defined in Section 18.04.030(114)(B); fitness or exercise studios exceeding 1,800 square feet in gross floor area; and learning centers intended for individual or small group settings.
- (c) Retail services.
- (d) All other uses permitted in the underlying commercial district, provided they are not located on a ground floor.

SECTION 8. Section 18.30(A).050 (Conditional Uses) of Chapter 18.30(A) (Retail Shopping (R) Combining District Regulations) of Title 18 (Zoning) of the Palo Alto Municipal Code are amended to read as follows:

The following uses may be conditionally permitted in an R district, subject to the issuance of a conditional use permit in accord with Chapter 18.76 (Permits and Approval):

- (a) Financial services, except drive-in services, on a ground floor.
- (b) All other conditional uses allowed in the underlying commercial district provided they are not located on a ground floor.
- (c) Formula retail businesses on California Avenue.

(d) Beauty shops, nail salons, ~~and~~ barbershops, fitness or exercise studios exceeding 1,800 square feet in gross floor area; and learning centers intended for individual or small group settings.

SECTION 9. Section 18.30(C).020 (Permitted Uses) of Chapter 18.30(C) (Ground Floor (GF) Combining District Regulations) of Title 18 (Zoning) of the Palo Alto Municipal Code are amended to read as follows:

(a) The following uses shall be permitted in the GF combining district, subject to restrictions in Section 18.40.160180:

- (1) Eating and drinking;
- (2) Hotels;
- (3) Personal services, except for parcels with frontage on University Avenue, where uses defined in Section 18.04.030(114)(B), (G), ~~and~~ (H), and (I) are not permitted;
- (4) Retail services;
- (5) Theaters;
- (6) Travel agencies;
- (7) Commercial Recreation up to 5,000 square feet in gross floor area, except for parcels with frontage on University Avenue;

~~(78)~~ All other uses permitted in the underlying district, provided such uses are not on the ground floor.

(b) Elimination or conversion of basement space currently in retail or retail-like use or related support purposes is prohibited.

(c) Entrance, lobby, or reception areas serving non-ground floor uses may be located on the ground floor to the extent reasonably necessary, provided they do not interfere with the ~~ground-ground~~ floor use(s), and subject to the approval of the Director.

SECTION 10. Section 18.30(C).030 (Conditional Uses) of Chapter 18.30(C) (Ground Floor (GF) Combining District Regulations) of Title 18 (Zoning) of the Palo Alto Municipal Code are amended to read as follows:

(a) The following uses may be conditionally allowed on the ground floor in the GF ground floor combining district, subject to issuance of a conditional use permit in accord with Chapter 18.76 (Permits and Approvals) and with the additional finding required by subsection (b), subject to restrictions in Section 18.40.160:

- (1) Business or trade school;
- (2) Commercial recreation over 5,000 square feet in gross floor area or with frontage on University Avenue;
- (3) Day care;
- (4) Financial services, except drive in services;
- (5) General business service;
- (6) Learning centers intended for individual or small group settings;

(7) All other uses conditionally permitted in the applicable underlying district, provided such uses are not on the ground floor.

(b) The director may grant a conditional use permit under this section only if he or she makes the following findings in addition to the findings required by Chapter 18.76 (Permits and Approvals):

(1) The location, access or design of the ground floor space of the existing building housing the proposed use, creates exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district.

(2) The proposed use will not be determined to the retail environment or the pedestrian-oriented design objectives of the GF combining district.

(c) Any use conditionally permitted pursuant to this section shall be effective only during the existence of the building that created the exceptional circumstance upon which the finding set forth in subsection (b) was made.

SECTION 11. 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 12. 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 13. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline sections 15061(b)(3) because it can be seen.

//

//

//

//

//

//

SECTION 14. This ordinance shall be effective on the thirty-first date after the date of its adoption and shall expire upon the earlier of June 30, 2022 or adoption of replacement legislation by the City Council. Upon expiration of this ordinance, the City Clerk shall direct the City's codifier to update the Palo Alto Municipal Code as appropriate.

INTRODUCED: March 8, 2021

PASSED: April 12, 2021

AYES: BURT, DUBOIS, FILSETH, KOU, STONE


NOES: CORMACK, TANAKA


ABSENT:

ABSTENTIONS:


NOT PARTICIPATING:

ATTEST:


DocuSigned by:

27523117DA804D7...
City Clerk


DocuSigned by:

DD53585CA6CB4E9...
Mayor

APPROVED AS TO FORM:

DocuSigned by:

15B6C45220134DC...
Assistant City Attorney

APPROVED:

DocuSigned by:

F2DCA19CCC8D4F9...
City Manager

DocuSigned by:

293CF322E1294F6...
Director of Planning & Development
Services

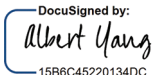
Certificate Of Completion

Envelope Id: 2FFD3DF938C64D8A8AAD4B626E119FA7	Status: Completed
Subject: Please DocuSign: ORD 5517 Ordinance Amending PAMC Title 18 Ch 18.04 Definitions 18.16 Neighborh...	
Source Envelope:	
Document Pages: 17	Signatures: 5
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Danielle Kang
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	250 Hamilton Ave
	Palo Alto , CA 94301
	Danielle.Kang@cityofpaloalto.org
	IP Address: 199.33.32.254

Record Tracking

Status: Original	Holder: Danielle Kang	Location: DocuSign
4/16/2021 4:40:29 PM	Danielle.Kang@cityofpaloalto.org	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: City of Palo Alto	Location: DocuSign

Signer Events

Signer Events	Signature	Timestamp
Albert Yang	DocuSigned by:  15B6C45220134DC...	Sent: 4/16/2021 4:45:43 PM
Albert.Yang@CityofPaloAlto.org		Viewed: 4/19/2021 10:27:07 AM
Assistant City Attorney		Signed: 4/19/2021 10:28:38 AM
City of Palo Alto		
Security Level: Email, Account Authentication (None)	Signature Adoption: Pre-selected Style Using IP Address: 97.113.131.147	

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Jonathan Lait	DocuSigned by:  293CF322E1294F6...	Sent: 4/19/2021 10:28:40 AM
Jonathan.Lait@CityofPaloAlto.org		Viewed: 4/19/2021 4:12:00 PM
Interim Director Planning and Community Environment		Signed: 4/19/2021 4:12:27 PM

City of Palo Alto

Signature Adoption: Uploaded Signature Image

Using IP Address: 99.88.42.180

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Ed Shikada	DocuSigned by:  F2DCA19CCC8D4F9...	Sent: 4/19/2021 4:12:30 PM
Ed.Shikada@CityofPaloAlto.org		Viewed: 4/19/2021 5:07:55 PM
Ed Shikada, City Manager		Signed: 4/19/2021 5:08:31 PM

City of Palo Alto

Signature Adoption: Pre-selected Style

Using IP Address: 199.33.32.254

Electronic Record and Signature Disclosure:

Not Offered via DocuSign


Tom DuBois	DocuSigned by:  DD53585CA8CB4E9...	Sent: 4/19/2021 5:08:33 PM
tomforcouncil@gmail.com		Viewed: 4/26/2021 10:08:06 AM
Security Level: Email, Account Authentication (None)		Signed: 4/26/2021 10:08:30 AM

Signature Adoption: Pre-selected Style

Using IP Address: 24.5.55.204

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Signer Events	Signature	Timestamp
Beth Minor beth.minor@cityofpaloalto.org City Clerk City of Palo Alto Security Level: Email, Account Authentication (None)	 <p>DocuSigned by: Beth Minor 27523117DA804D7...</p> <p>Signature Adoption: Pre-selected Style Using IP Address: 199.33.32.254</p>	<p>Sent: 4/26/2021 10:08:32 AM Viewed: 4/26/2021 10:09:22 AM Signed: 4/26/2021 10:09:45 AM</p>

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/16/2021 4:45:43 PM
Certified Delivered	Security Checked	4/26/2021 10:09:22 AM
Signing Complete	Security Checked	4/26/2021 10:09:45 AM
Completed	Security Checked	4/26/2021 10:09:45 AM
Payment Events	Status	Timestamps



City of Palo Alto City Council Staff Report

(ID # 14381)

Meeting Date: 5/16/2022

Report Type: Consent Calendar

Title: SECOND READING: Parks and Recreation Commission Recommend Adopting an Ordinance to Amend the Foothills Nature Preserve Attendance Range to 400-600 Guests (FIRST READING: May 2, 2022: PASSED 7-0)

From: City Manager

Lead Department: Community Services

This was heard by the City Council on May 2, 2022 for a first reading and was approved 7- 0. No changes were made to the Ordinance; it is now before you for a second reading.

Attachments:

- **Attachment12.a:** Attachment A: Ordinance Amending Section 22.04.150(k) of PAMC to Amend Capacity Range for Foothills Nature Preserve
- **Attachment12.b:** Attachment B: PRC Open Space Photography and Film Policy

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Section 22.04.150(k)
of the Palo Alto Municipal Code to Amend the Capacity Range for Foothills
Nature Preserve

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

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. The City's Foothills Nature Preserve is reserved for park, playground, recreation, or conservation purposes by Palo Alto Municipal Code (PAMC) 22.08.090 *et seq.*;
- B. Based on recommendation from the Parks and Recreation Commission, the City Council desires to modify the capacity range of Foothills Nature Preserve and make amendments to some Preserve discounts.

SECTION 2. Subsection (k) of section 22.04.150 (Foothills Nature Preserve) of Chapter 22.04 (Parks and Recreation Building Use and Regulations) of Title 22 (Parks) is hereby amended as follows (new text in underline, deleted text in ~~striketrough~~):

(k) No more than ~~650~~ 600 people shall be permitted in Foothills Nature Preserve at any one time.

(1) The city manager or designee may establish a capacity limit in the range of ~~300 to 650~~ 400 to 600 people at Foothills Nature Preserve in order to protect the health, safety, and welfare of preserve users; to protect the natural resources in the preserve; and/or due to limits in parking, facilities, or staff availability. The city shall not distinguish between residents and non-residents in setting any limits under this subsection.

(2) The following persons shall not count toward the limit in this subsection: visitors with reservations in the Towle Campground, Oak Grove Picnic Area, and Interpretive Center Meeting Room; city-sanctioned recreation and education groups (including city-run programs for summer camps, field trips, and community partner youth groups); group permit holders; city-sanctioned park volunteers; and visitors arriving in a vehicle with a valid disabled person parking placard or license plate.

SECTION 3. 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 4. The Council finds that this project is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") under sections 15301 (Existing Facilities) and 15323 (Normal Operations of Facilities for Public Gatherings).

SECTION 5. 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 Community Services

Director of Administrative Services

Attachment A

The Parks and Recreation Commission recommends that City Council adopt the following Open Space and Parks Photography and Film policy (Attachment A):

Palo Alto Open Space and Parks Photography and Film Policy

Photography and Film Permit overview

- Photography and film is defined as the recording on any medium of still or motion images
- Permits are not required for personal photography and film
- Permits are required for low-impact photography and film
- High-impact photography and film are not permissible
- Please allow a minimum of two weeks (14 calendar days) for permit approval and processing
- Permit fees may apply
- Parking is limited, and vehicles generally are not permitted outside of designated parking lots and roadways
- The use of drones is not permitted
- To protect wildlife and habitat, access is limited to designated trails (see exclusions below) and established use areas such as turf and picnic areas

Personal Photography and Film—No Permit Required

Permits are not required for photography and film that meets all the following requirements:

- Non-commercial (still, motion picture, video, digital, and other)
- No impacts to vegetation, habitat, wildlife, or visitor use
- 24 or fewer people
- Duration of one hour or less
- No exclusive use of parks and preserves (blocking trails, parking spaces, roads, pathways, or any public access)
- In compliance with all municipal codes and park regulations. Municipal Code and Park Regulations may be found here:
<https://www.cityofpaloalto.org/Departments/Community-Services/Open-Space-Parks/Open-Space-Preserves/Rules-Regulations>
- Examples of personal photography and film include photography that does not require additional permits, small professional group shoots with limited subjects and crew (e.g., one photographer, 1-5 subjects) such as an engagement or immediate family photography session, and shoots with no impact to vegetation, habitat, wildlife, or visitor use.

Photography and Film--Permit Required

Low-impact photography and film may be permitted. This is generally associated with smaller shoots that do not significantly impact City-owned property, the public right-of-way, and other visitors use of the park or preserve. Permits cannot be issued for shoots that will have any significant impacts to vegetation, habitat, wildlife, or visitor use.

Low-impact photography or film requires that a completed Photography and Film Permit application be submitted to the manager of the desired park or preserve. The application will be reviewed, and a permit may be granted once all fees and forms have been submitted. Wedding photography and film may, depending on the circumstances, require a permit and fees.

Permits are required for photography and film that includes:

- Commercial shoot (as defined in Palo Alto Open Space and Parks Regulations R1-21A)
- Duration of up to two hours
- Multi-camera shoot
- Additional lighting, sound, and other equipment

Permits for photography and film will not allow the following:

- Commercial shoots that significantly impact City-owned property or the public right-of-way, either by utilizing a large area of City-property, negatively impacting the property, or requiring traffic control/street closures. Typically, these shoots include a crew with multiple photographers/cameras, and assistants and talent.
- Shoots on weekends and City holidays
- Shoots during park closure hours
- Duration of shoot for more than two hours, including set up and tear down
- Exclusive use of a significant area within a park or preserve

Photography and Film Permit Application Conditions

All permit applicants shall accept and agree to comply with the following photography and film general conditions:

1. Utmost care will be exercised to ensure that wildlife, habitat, and natural/historic/cultural resources are not disturbed or impacted.
2. Photography and film of wildlife will be permitted only when such wildlife will not be approached within 100', fed, harmed, or otherwise disturbed from their natural behavior.
3. Drones are not allowed.
4. No employee of the City of Palo Alto may work for the permittee in any capacity whatsoever while in uniform or if directly involved in supervision of the permittee.
5. Amplified sound such as gunfire, sirens, public address systems, and other similar noise-producing equipment are not permitted under any circumstances. Other amplified sound such as music requires an additional noise abatement permit for a level more than fifteen dB above the local ambient at a distance of twenty-five feet or more. PAMC 22.04.180/PAMC 9.10.050 https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-83686#JD_22.04.180 https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-66214#JD_9.10.050
6. Production vehicles shall park according to an approved parking plan.
7. Areas of filming shall be cleared, and the site left as found at end of each day's shooting.

8. Smoking, vaping, or any open flame are not permitted.

9. Exclusive use of any significant areas is not permitted, including:

- Closing roads and trails
- Off-trail access
- Access to trails less than 48" (must allow at least 5' of trail width for other park visitors to pass)
- Use of generators requires an additional permit and fees (see Special Event Permit Application)

11. Fees will be determined during the permit review process and will be discussed with applicant prior to permit issuance. A refundable deposit of up to \$1,000 may be required to ensure compliance with permit conditions. The amount, if any, to be refunded to the permittee is solely at the discretion of the City of Palo Alto.

12. A permit is required for all groups of 25 people or more <https://www.cityofpaloalto.org/Departments/Community-Services/Open-Space-Parks/Open-Space-Preserves/Rules-Regulations>

13. The Special Event Permit fee range (currently \$324 - \$2,163) applies to Parks and Open Space Photography and Film Permits



City of Palo Alto City Council Staff Report

(ID # 14271)

Meeting Date: 5/16/2022

Report Type: Action Items

Title: Approve a Fiscal Year 2023 Program for Domestic Recycling of Mixed Paper and Mixed Rigid Plastics; Approve a Budget Appropriation in the Refuse Fund Fiscal Year 2023 Operating Budget; Direct Staff to Negotiate a Corresponding Contract Amendment with GreenWaste of Palo Alto for Program Costs in an Amount Not to Exceed \$1.2M

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council:

1. Direct staff to continue pursuing a Fiscal Year 2023 program for domestic recycling of mixed paper and mixed rigid plastics;
2. Direct staff to negotiate a contract amendment with GreenWaste of Palo Alto to include this program and associated annual costs of up to \$1.2 million to provide domestic processing of recyclables.

Executive Summary

Currently, approximately 60 percent of Palo Alto's recyclables are sent to international markets where their fate and any negative impacts are not known. Last year, Council directed staff to work on finding alternative solutions to this situation. Since then, staff and the City's contracted refuse hauler, GreenWaste of Palo Alto (GWPA), found domestic markets for mixed paper (MP) and mixed rigid plastics (MRP) and are conducting a three-month pilot program in Fiscal Year 2022 to utilize these U.S. markets. Such markets are extremely hard to find, and time is of the essence to secure them. Staff recommends that Council direct staff to work toward securing these markets for Fiscal Year 2023.

Background

GreenWaste of Palo Alto (GWPA) is the City's refuse hauler for collecting recyclable, compostable, and landfill materials, and processing recyclable and compostable materials. On January 22, 2019, Council approved the Second Amended and Restated Agreement with GWPA ([Staff Report #9752](#)). This amendment facilitated the implementation of multiple initiatives identified in the [2018 Zero Waste Plan](#), replaced old waste collection vehicles, and extended the agreement five years to end in June 2026. The amendment also designated a new cost methodology for the processing of recyclable materials to be based on tonnage collected and

processed and for a new profit-sharing procedure on the recyclable materials to begin in Fiscal Year 2022.

Palo Alto's recyclable materials are processed at the GreenWaste Materials Recovery Facility in San Jose, where they are combined with recyclables from other communities, separated by type, baled, and marketed. The City requires GWPA to report on the disposition of recyclable materials as well as to gather information on the environmental and social implications associated with the further offsite processing of Palo Alto's recyclable materials. For Fiscal Year 2021, GWPA reported ([Staff Report #13535](#)) that approximately 14,000 tons of recyclable materials were collected from Palo Alto, with about 40 percent staying in the United States and 60 percent being exported to India, Indonesia, Korea, Malaysia, Mexico, Taiwan, Thailand, Vietnam, and other countries. For the last three years, GWPA has provided the City with traceability reports; however, the reports do not explain exactly which shipments go to which cities or facilities within those countries. GWPA has tried to ascertain from its recyclable materials brokers which international facility is receiving and processing Palo Alto's recyclables, but the market information is considered confidential. Therefore, it has not been possible to determine with certainty how much of the materials are being recycled, if the materials are being managed in an environmentally sound way, or whether the conditions at the international locations are causing any human health or social problems.

On May 24, 2021 ([Staff Report #11632](#)), during discussions on these concerns as part of the new solid waste processing contract, Council directed staff to:

- 1) Pursue, with other cities, to have GreenWaste provide greater accounting of secondary markets that they utilize;
- 2) Return to Council with an amendment to the GWPA Contract to authorize a quick response to opportunities to utilize domestic mixed paper recycling;
- 3) Provide GreenWaste reports to the public and City Council on a regular basis;
- 4) Work with other cities on legislation to spur domestic or in-state recycling; and
- 5) If GreenWaste is unable to provide additional secondary market accounting, return to Council for consideration of further actions.

Staff provided an update to Council on each of these directives on January 24, 2022 ([Staff Report #13535](#)). On May 2, 2022, [Staff Report #14169](#) outlined a Fiscal Year 2022 3-month pilot program being conducted where MP and MRP are to be processed in Northern Louisiana and Southern California respectively, instead of being sent to international markets. MP includes a mixture of paper collected curbside from residents and businesses such as magazines, colored paper, and cereal boxes. MRP are primarily plastics #3 through #7 including milk crates, buckets, and toys. Cardboard was not selected as a material to be kept domestically since it is high quality, contains low contaminants, it is desired by processing facilities, and it has consistent market demand to be recycled. GWPA reports that this pilot is working smoothly, and the domestic processors are satisfied with the quality of the material and are interested in a longer 12-month commitment.

As directed by Council in #1) above, staff has worked with other cities to obtain definitive information about the disposition and impacts of recyclables overseas. Few cities have spent the time and energy that Palo Alto and GWPA have on this issue, and it is now apparent that GWPA is unable to obtain this information due to recyclables brokers and processors considering it to be trade secrets and confidential. Therefore, staff is now returning to Council with proposed further action, as directed in #5) above.

Discussion

GWPA has identified domestic processing facilities to take Palo Alto's recyclable materials where they will become new products, rather than sending them to international markets where their disposition and impacts are uncertain. It has been very difficult for GWPA to find domestic markets for several recyclables, including cardboard, mixed paper, and plastic. Capacity at U.S. processing facilities for these recyclables is very limited and competitive, and this opportunity will be short lived. In addition, as staff continues its engagement with other cities, jurisdictions, and legislators to increase the awareness of the environmental and social concerns with shipping and processing of recyclable materials at international markets, domestic processing of recyclable materials will become progressively more competitive.

Staff and GWPA have developed a Fiscal Year 2023 program to take MP and MRP to processing facilities within the United States. MP would go to a pulp and paper mill in northern Louisiana where it would be combined with other wood products and made into paperboard, printing paper, and other paper products within the U.S. MRP would be cleaned, processed, and become part of a feedstock for making bits of plastic often called "nurdles" which are then made into various plastic products in southern California including paint buckets, vehicle parts, and woven plastic items such as upholstery, bags, and rope. These are the same domestic market and materials accepted in the Fiscal Year 2022 3-month pilot program, which excluded cardboard. Cardboard is also not being included for the Fiscal Year 2023 Program because it has a consistent high demand from both domestic and international markets, and its recycling is cost effective. In Fiscal Year 2023, approximately 3,800 tons of MP and 230 tons of MRP would be sent to these domestic processors instead of international markets. The Fiscal Year 2023 Program for MP and MRP will lead to about 59 percent of the recyclable materials staying in the United States to be processed, reducing the amount being exported to 41 percent with only cardboard being processed internationally.

Under the GWPA contract provisions without consideration of the domestic processing pilot program, it is estimated that in Fiscal Year 2022 approximately 16,630 tons of recyclable materials will be collected and processed by GWPA at a cost of \$27.26 per ton and \$98.15 per ton for contaminated recyclables requiring extra processing, as well as a forecast of approximately \$55,000 credit for the City's portion of the profit-sharing methodology. This equates to an estimated Fiscal Year 2022 standard processing cost of approximately \$555,000. This cost will fluctuate annually based on the tonnage collected and the markets of recyclable materials that affect the profit sharing. In addition, as shown in Table 1, in Fiscal Year 2022, the 3-month pilot for domestic processing cost for MP and MRP was an additional \$280,000, which

was an expenditure provided through the operating budget. For the Fiscal Year 2023 Program, GWPA's processing costs for only MP and MRP would change and not follow the methodology in the current contract. The remaining processing costs for all other materials would continue to follow the methodology in the current contract with a cost per ton and a profit-sharing based on contract terms. In Fiscal Year 2023, the City would incur a new additional cost per ton for MP domestic processing and an additional set cost for the MRP processing. The cost per MP ton for processing would be based on both a fixed and variable rate that is based on the pulp and paper index which changes regularly; however, staff is capping the cost for the MP processing in order to better control costs. Table 1 summarizes the estimated annual costs for processing the City's recyclable materials and the estimated annual cost differences.

Table 1: Estimated Annual Cost for Processing Recyclable Materials

	Fiscal Year 2022 Estimated Cost with Pilot Program	Fiscal Year 2023 Estimated Cost with Staff Recommendation
All Recyclable Materials Processing Cost	\$555,000	\$627,000
Mixed Rigid Plastic Domestic Processing Added Cost	\$2,400*	\$9,600
Mixed Paper Domestic Processing Added Cost	\$277,600*	\$1,190,400
Subtotal	\$280,000*	\$1,200,000
Total	\$835,000	\$1,827,000

*Additional cost applied to three months (April-June of 2022) only, not 12 months.

Resource Impact

A budget proposal to appropriate \$700,000 from the Refuse Fund balance to support potential domestic recyclables processing opportunities has been included in the Fiscal Year 2023 proposed budget for the Refuse Fund operating budget for Council review through the budget adoption process. The cost to the City for the domestic processing of mixed paper and mixed rigid plastics was set at \$700,000 as a placeholder when staff prepared the proposed budget as GWPA searched for the availability of domestic processing sites. However, the updated cost estimate for domestic processing could total as much as \$1,200,000. The final cost for the domestic processing is being negotiated at this time with GWPA and the domestic processing facilities. Table 1 includes the Fiscal Year 2023 estimated standard cost for processing recyclables (\$627,000), which are already included in the operating budget, plus the new cost estimate for the domestic processing of MP and MRP (\$1,200,000) for a total estimated cost of \$1,827,000 to process all recyclable materials in FY2023. Should Council approve staff's recommendations, following the Fiscal Year 2023 budget adoption, staff will bring a proposed GWPA contract amendment and associated Budget Amendment in the Refuse Fund to Council to align the contract with this new program and address Council Directive #2 above, as well as

update cost estimates for longer-term domestic processing for Palo Alto's recyclable materials with the new program expense not to exceed \$1,200,000. Table 2 indicates the approximate average cost per customer should this temporary program be negotiated into a permanent service. However, a rate adjustment to cover this cost is not recommended at this time.

Table 2: Estimated Average Additional Cost per Residential and Commercial Customer

Estimated Additional Cost	Residential	Commercial
Subtotal based on tonnage	\$600,000	\$600,000
Average cost per customer per year	\$33.46	\$323.10
Average cost per customer per month	\$2.79	\$26.93

Table 3 below shows the projected Refuse Fund rate stabilization reserve (RSR) balance for Fiscal Years 2021 through 2025, which includes a preliminary projection of rate increases of 3 percent in Fiscal Years 2024 and 2025 to align with Consumer Price Index cost increases and future expenses for planned programs. While the RSR balance is decreasing, it is still projected to be greater than the recommended 20 percent of sales metric through the FY 2025 horizon.

Table 3: Refuse Fund Summary and Forecast with Budget Amendment Recommended

Budget Category in Millions	FY 2021 (Actuals)	FY 2022 (Estimate)	FY 2023 (Estimate)	FY 2024 (Estimate)	FY 2025 (Estimate)
Rate Stabilization Reserves (beginning)	\$16.4	\$20.0	\$18.5	\$15.0	\$13.8
Revenues	\$30.6	\$31.9	\$32.0	\$32.9	\$33.9
Expenses	\$28.7	\$33.4	\$35.4	\$34.2	\$34.9
<i>Operating Income</i>	\$2.0	(\$1.5)	(\$3.5)	(\$1.3)	(\$1.0)
Rate Stabilization Reserve (ending)	\$20.0	\$18.5	\$15.0	\$13.8	\$12.8

Stakeholder Engagement

The current stakeholder engagement includes conducting several virtual forums with other cities and jurisdictions focusing on increasing the knowledge of the environmental and social issues that international shipping of recyclables may be causing, sharing information as well as exploring solutions. These forums were initiated by Palo Alto staff and are being co-sponsored by the City of San Jose. Future forums will include haulers and processors of recyclable materials, members of the public, and the business community.

Environmental Review

Consistent with Section 15061(b)(3), Council action on this item is exempt from CEQA review because that redirecting recyclables from international to domestic facilities will not have a significant effect on the environment, i.e. a substantial or potentially substantial adverse impact on the environment.

The program is also consistent with the City's Environmentally Preferred Purchasing Policy, which states that the City shall incorporate environmental, economic and social stewardship criteria into its purchases of products and services, and more specifically minimizing the City's contributions to global warming, solid waste, local and global pollution, and toxic chemical exposures to people and the environment. In addition, the program aligns with the Sustainability and Climate Action Plan (S/CAP) Update, which proposes a Zero Waste Key Action (ZW7) to prioritize domestic processing of recyclable materials. This Zero Waste Key Action, along with a complete set of S/CAP Sustainability Area Goals and Key Actions, will be reviewed by the S/CAP Ad Hoc Committee in May and brought forth to Council for approval in the Fall.



City of Palo Alto City Council Staff Report

(ID # 14239)

Meeting Date: 5/16/2022

Report Type: Action Items

Title: Adopt Resolutions Authorizing the City Manager to Continue to Close California Avenue from El Camino Real to Park Boulevard, and Ramona Street between Hamilton Avenue and University Avenue Until December 31, 2023 and Direct Staff to Implement Specific Access Lanes and Perimeter Rules

From: City Manager

Lead Department: Transportation Department

Recommendation

Staff recommends that the Palo Alto City Council (Council):

- 1) Adopt the attached resolutions (Attachments A and B) extending the City Manager's authority to temporarily close portions of California Avenue and Ramona Street until December 31, 2023, and
- 2) Authorize Staff to implement the following specific access and perimeter rules:
 - a) Implement a dedicated emergency access lane.
 - b) Require the installation of edge treatments around dining spaces that are no shorter than 36 inches and no taller than 42 inches when measure from the ground.
 - c) Allow large tents only during inclement weather months (November – March).
 - d) Implement a dedicated two-way bicycle lane.
 - e) Within the California Avenue closure, City staff may install appropriate enhancements or aesthetic elements that will also provide a visible distinction from the emergency access lane and dining areas.
 - f) Within the California Avenue closure, all changes to the interim closed program shall be coordinated with the Urban Village Farmers' Market to accommodate minimum market footprint requirements.

Executive Summary

This City Manager's Report has been agendized as an action item for discussion to address previous City Council direction to extend the street closure and ensure that the direction and work to do so complies with Brown Act noticing requirements.

While this report is being brought forward with the intention to appropriately address prior Council direction, staff has taken this opportunity to update the City Council on staff work regarding the street closures and seek additional incremental direction on specific access and perimeter rules. The incremental direction sought focuses on safety and circulation.

Staff continues extensive stakeholder engagement regarding the closures of California Avenue and Ramona Street. Outreach efforts to date and plans for sustaining stakeholder engagement through this

interim period, while an analysis of longer-term alternative options is being conducted, is included later in this report. The timelines associated with the recommended potential actions, resource impacts of those actions, and next steps for each are also included in this report.

Background

On September 13, 2021, City Council authorized staff to extend the closure of portions of California Avenue and Ramona Street through June 2022 through discussion of City Manager's Report ([CMR 13540](#)). Additionally, on February 28, 2022, the City Council directed staff to return with an item agendaized for action to extend the street closures through December 31, 2023 as discussed in [CMR 14066](#). As approved by Council, the street closures are the portions of California Avenue from El Camino Real to Park Boulevard, and the section of Ramona Street between Hamilton Avenue and University Avenue. While the City Council directed staff to return with an item on the action agenda, Council also expressed a need to make modifications and install low-cost, short-term interventions that would improve the experience of California Avenue and Ramona Street during this interim period until a permanent program is approved.

The extension to the temporary street closures and evaluation of long-term alternative solutions is happening in parallel with the transition from the pilot parklet program to a permanent parklet program. The City Council is scheduled to provide feedback on proposed permanent parklet standards and program policies on Monday, May 9, 2022 through discussion of [CMR 14311](#). CMR 14311 recommends extending the pilot parklet program through December 31, 2022 while the permanent parklet program is developed. The pilot parklet program includes guidelines for at-grade or on-street dining options. The initial guidelines were developed with a focus on reducing risk and maximizing safety. Due to the emergency nature of their development, approval, and implementation, aesthetic considerations (aka urban design elements) were not included in the initial guidelines.

The City has engaged the services of a Bay Area consultant, Bruce Fukuji from Fukuji Architecture & Planning, to assist the City during this interim period. Mr. Fukuji is an architect and urban designer with decades of experience working in Palo Alto, most notably 8 years on the Palo Alto urban design committee that prepared the Downtown Urban Design Plan, and representing the City in negotiations with Stanford University during their Health Center expansion. Mr. Fukuji met with City staff and reviewed the proposed recommended interim changes outlined in this report and provided input and suggestions on how to move forward. Overall, Mr. Fukuji supported the recommended changes and encourages the city to think holistically about the future of California Avenue as Palo Alto's second downtown. He also suggested identifying potential pilot projects to explore opportunities to shape active public places along California Avenue.

In addition to supporting the City with further shaping and implementing the recommended interim changes, Mr. Fukuji will also assist the City with engaging the broader community and businesses along California Avenue and Ramona Street on the future of the street closures. The outreach will inform additional interim changes, if necessary or required, and inform the scope of services in the evaluation of alternatives consultant solicitation. This scope of work for the alternatives analysis consultant services will comprehensively consider and evaluate options, opportunities, and challenges of permanently closing portions of California Avenue and Ramona Street.

Discussion

In alignment with the prior Council direction, the first recommended action in this report provides the City Manager with the authority to extend the street closures on California Avenue and Ramona Street through December 31, 2023. These resolutions would allow for the continued closure of these streets while an analysis of long-term alternatives options is conducted.

Secondly, during this extended period of closure, if approved, staff have brought forward incremental steps for Council consideration to continue to evolve from the existing regulations and transition to a steady state of “interim” regulations while longer-term alternatives are evaluated. The recommended revisions to specific access and perimeter rules focus on encouraging active use of the streets while maintaining safety of the public and take into consideration recommended characteristics outlined in the proposed permanent parklet program that the Council is reviewing on May 9th. Following the Discussion section of this report, significant updates regarding engagement and analysis of economic impacts of these actions are detailed in the Stakeholder Engagement and Resource Impact sections. This information is presented to both keep the Council informed of progress and activities and to assist in informing the Council as it considers its direction to staff.

In essence, the City has three options for how to proceed with the street closures for Ramona Street and California Avenue. The three options are outlined below and then discussed in greater detail.

- A. Interim Changes: leave the streets closed to vehicular traffic and implement certain changes to the configuration,
- B. Status Quo: leave the streets closed to vehicular traffic with the current configurations, or
- C. Reopen the streets to vehicular traffic (if Council desires to reopen the streets, it should not adopt the attached resolutions and instead direct staff to reopen the streets on a given schedule).

Should the City Council wish to (1) approve the resolutions allowing closure of streets to vehicular traffic through December 31, 2023 AND (2) move forward with option B (Interim Changes to the configuration) staff has outlined recommended changes for Council consideration and direction to staff that would immediately improve the City’s ability to protect life and property in the case of emergency. These changes would also seek to ensure that bicyclists have a dedicated thoroughfare to mitigate interactions between cyclists, patrons enjoying outdoor dining, and pedestrians while working to address aesthetic elements (aka urban design elements) not included in the initial guidelines.

After this action and discussion tonight, staff anticipates continued work on the transition from temporary/pilot programs to permanent/long-term alternatives for both street closures and parklet programs. Staff expects to continue to work on three tracks of work in parallel:

- 1) Transition to a permanent Parklet Program (as agendaized for May 9, 2022)
- 2) Evaluation of Long-Term Alternatives regarding potential permanent street closures
- 3) Iterative interim changes transitioning street closures from the initial emergency regulations to ones more thoughtful including safety, and placemaking

Evaluation of Long-Term Alternatives

Specific to the long-term alternatives regarding the evaluation of street closures, through issuance of a Request for Information (RFI) and/or a Request for Proposals (RFP), staff plans to onboard a consultant to help conduct an analysis of alternatives. Through this study, staff expect the identification of impacts that inform the future of the proposed permanent street closure(s). This work is expected to be completed during FY 2023 and staff will come back to the City Council as the work proceeds.

Interim Changes for Council Consideration and Direction

As the City proceeds from the initial temporary programs and works to transition to permanent or long term strategies for street closures, at the direction of the Council, staff continue to revisit and refine the regulations associated with the use of the public space. Recommendations and adjustments work to balance: encouraging activity while managing risks and safety, preserving flexibility for the long-term closure, and providing incremental and stable steps for businesses to plan for and invest in.

The interim changes recommended for consideration in this report are focused on safety and circulation. Over the summer, staff anticipates continuing to explore changes to promote placemaking and a unified aesthetic. Staff also recommends that any interim changes in California Avenue acknowledge the need for coordination with the Farmers' Market to ensure the space and configurations needed for the market. Below are interim changes for Council consideration and direction to staff for implementation, they are organized by Safety and Circulation.

Safety

- *Implement a dedicated emergency access lane:*
An emergency access lane will be marked with paint on the center portion of the roadway and maintained by City staff to ensure the lane remains visible and is kept free of obstructions. The purpose of the emergency access lane is to support the protection of life and property. A dedicated emergency lane ensures around-the-clock access for fire apparatus and police emergency vehicles to safely travel within the road closure as needed for small or major emergencies.

CFC 503.2.1 require a fire access road to be 20 feet wide. Currently there is no pathway down California Avenue or Ramona Street for a fire engine. During the extended road closure, the Fire Department request 16-foot-wide emergency access lane, with some 20-foot-wide lengths, so Fire and Police vehicles can travel the length of the California Avenue and Ramona Avenue road closures in case of an emergency. there is a 40-foot section of Ramona Street that would require a minimum width of 20 feet of clearance for fire truck access. The Cardinal Hotel is a three-story historic building with no sprinklers. The Fire Department's ladder truck has outriggers that measure 18 feet wide. A 20-foot clearance ensures that the truck can fit within the access lane and that the ladders, when extended, can reach the side of the Cardinal Hotel in the event of an emergency.

- *Edge treatment around on-street dining space:*
All restaurants with on-street dining shall be required to include a continuous barrier by preventing dining guests from entering the dedicated two-way bicycle lane which will be discussed in the next section. This edge treatment not only bolsters parklet user safety but also supports pedestrian circulation on the sidewalks. Users of the closed streets will need to reorient themselves to walking solely on the sidewalk, instead of walking on the roadway, to access dining spaces from the sidewalk. Limiting access to dining spaces to sidewalks only will also require businesses to address accessibility to their dining space and comply with Americans with Disabilities Act (ADA) regulations. Accessibility measures for on-street parklets were previously outlined in the adopted City of Palo Alto Parklet Encroachment Permit Parklet Standards & Requirements document.

Edge treatments shall be a height no shorter than 36 inches and no higher than 42 inches measured from the street level. The upper height limit is intended to maintain visual openness in the environment.

- *Tents and umbrellas:*

There are two California Fire Code (CFC) issues concerning large tents¹. CFC 3103.5 states that tents are permitted for 180 days total within a 12-month period; otherwise, they are subject to the same requirements as permanent structures. Some tents have been set up on California Avenue since 2020. Ramona Street businesses have not installed tents and have instead used umbrellas. To remedy these issues, staff recommends restricting permitted installation of tents except during inclement weather months (November-March). CFC 3103.8.2 states that large tents cannot be installed within 20 feet of a building unless there is a fire access lane.

Umbrellas and smaller shade tents that do not require a tent inspection could be used by a business year-round. Umbrellas and all tents should be one solid color and not encroach in any portion of the emergency access lane.

Circulation

- *Implement a dedicated two-way bike lane.*

A bike lane will be marked with paint on the center portion of the roadway and maintained by City staff to ensure the lane remains visible and kept free of obstructions. The bike lane will also function as the emergency access lane discussed above. Installing a dedicated bike lane is responsive to feedback staff received from Councilmembers, community members, and business operators about the need to dedicate space for cyclists to ride through while mitigating conflicts between cyclists and pedestrians within the closed street. A dedicated bike lane provides a safe solution for cyclists and pedestrians alike by separating the two types of traffic. California Avenue and Ramona Street are equipped with bicycle parking and are near mass transit connections. In the case of California Avenue, the tunnel at the east end of the street is one of the few rail corridor crossings for people on foot or bikes in town. Because of the uneven distribution of bicycle and pedestrian crossings along the rail corridor, particularly to the south (E. Meadow is 1.3 miles away, a long distance in pedestrian and bicycle terms), and because California Ave crosses El Camino Real and reaches Hanover, a gateway to employment sites at the Stanford Research Park, delineating bicycle access through the California Avenue street closure is important for local pedestrian and bicycle circulation, regional employment, and transit access. Moreover, the installation of a dedicated bike lane encourages continued bicycling to the closed streets and cycling to adjacent business districts and also connects our residential community via interconnected bike routes while providing for cyclist and pedestrian safety.

Additionally, a dedicated bike lane will naturally increase sidewalk circulation. Retail operators and Councilmembers called for creative ways to drive foot traffic to the sidewalks. Signage urging pedestrians to utilize sidewalks and to window shop were largely unsuccessful. Retailers reported dramatically reduced foot traffic in areas where roads were closed to vehicular traffic.

¹ Tents that exceed 400 sf aggregate require a tent inspection. Shade tents are tents that are a maximum of 400 sf or when placed adjacent to other tents, do not exceed 400 sf aggregate. Shade tents or pop-up style tents do not require a permit.

In closed streets with larger areas of open spaces, pedestrians and cyclists spread out. Retailers not only rely on planned or intentional customer purchases, but also from unplanned purchases because an attractive storefront window display led to consumer purchases. Anecdotally, downtown retailers reported that after University Avenue was reopened, sidewalk foot traffic dramatically increased, as did sales.

California Avenue Specific Recommendations

- *Aesthetic Elements:*

City staff may install appropriate enhancements or aesthetic elements that will also provide a visible distinction from the access lane and dining areas. Between the outer edge of the emergency access lane and the installed edge treatment around a business' dining area, there are segments of closure space that are wide and thus appropriate for aesthetic improvements. City landscape architecture and public art staff are engaged to support options that improve aesthetics and, in some cases, provide an additional benefit of separation between the bicycle lane and dining spaces.

The roadway within the closed portion of Ramona Street is 35 feet wide. With the implementation of a dedicated bicycle lane and emergency access lane, there is only about nine and one half feet remaining for businesses to utilize street space. Installation of enhancements within the outer edge of the emergency access lane and a business' edge treatment around dining areas was not considered by staff due to the space limitations on Ramona Street.

- *Urban Village Farmers' Market:*

One of the most significant issues to highlight when evaluating recommended changes to California Avenue is the footprint needs to accommodate the Urban Village Farmers' Market (Farmers' Market) every Sunday. The Farmers' Market holds a Conditional Use Permit (CUP) for California Avenue between El Camino Real and Birch Street. During the impact of changing health order restrictions, stall members from the Farmers' Market were very flexible and accommodating of businesses operating outdoors. Farmers' Market management and City staff developed an updated footprint that reflects the current shared spaces and tents. To that end, staff recommend that any adopted changes take into consideration and minimize impacts to spaces allocated for Farmers' Market booths.

Alternative Option: Status Quo Configuration of Closed Streets

Should the City Council choose to leave the street closures of Ramona Street and California Avenue in their current state, there would be limited ability to implement emergency access lane, no required edge treatment of street dining spaces to bolster safety of diners and bicyclists, no dedicated bicycle lane to mitigate interactions between cyclists and pedestrians, and nothing naturally promoting pedestrian use of the sidewalk. Given the opportunity to discuss the interim closure and pursue immediate changes that will promote safety and circulation, this alternative is not recommended.

Alternative Option: Reopen the Streets to Vehicular Traffic

Should the City Council choose to reopen California Avenue and Ramona Street to vehicular traffic, on-street dining would discontinue and businesses would need to construct parklets in compliance with the pilot parklet program and then bring them into compliance with the permanent parklet program once the permanent program's regulations and policies are adopted. Given previous City Council direction to

keep Ramona Street and California Avenue closed to vehicular traffic, this alternative is not recommended.

Stakeholder Engagement

In anticipation of the City Council discussion on the extension of the temporary street closure, staff engaged local businesses and residents through a variety of interactions.

Community and Business Surveys

Two surveys were published to capture community and business feedback on the extension of the closed streets and additional recommendations for the program. The community survey was forwarded to the Palo Alto Neighborhoods (PAN) representatives for broader distribution and included in a news story posted on the City's website, in the City Manager's Comments blog, in the Uplift Local newsletter, and posted on the City's social media accounts.

Since February 28, 2022, the last Council discussion on this topic, the community has continued to write emails in support of the continued road closures to City Staff, the City Council, and the City Manager's Office.

The business survey was published via email directly to the California Avenue and Downtown business groups. The Palo Alto Chamber of Commerce has been included in all business communication and is encouraging its membership to participate in the survey as well as to engage with Council.

Universally, businesses and residents alike desire an elevated appearance within the closed streets. Uniformity, openness, and improved aesthetics are frequently cited.

The closing date for both surveys is May 13, 2022, at noon. A poll of the businesses located within the closures will be conducted. The survey data and polling results will be provided to Council in a memo format to be delivered and made public before the May 16, 2022, Council meeting.

Business Meetings

Staff held one business meeting with the business community to introduce the recommendations contained within this report and receive feedback.

The opinions of some business stakeholders have changed over time. Where the opinions of Ramona Street businesses within the closure have remained constant, there has been a shift in some opinions of the California Avenue businesses within the closure. The general sentiment of retail businesses located outside of the closures remains constant, preferring the streets open for vehicular and pedestrian flow through the entire district.

Staff heard from some restaurant owners that they would prefer California Avenue to reopen to vehicular traffic and others reported that while they do enjoy the closed streets, their business survival is no longer reliant on the closure. On Ramona Street there is some support from retailers within the closed street to extend the closure. Those retailers cite that on-street dining in front of their business has created new customer opportunities. Conversely, retail businesses outside and near the closed streets prefer the streets to reopen and cite that the closure causes poor vehicle and pedestrian circulation in front of their businesses.

Ongoing Engagement

City staff in collaboration with the Palo Alto Chamber of Commerce, have created an Economic Development Committee – Downtown (EDC Downtown). Outreach efforts to create a similar group, Economic Development Committee – California Avenue (EDC Cal Ave) are in process. The EDCs are the next iteration of the Uplift Local meetings. Committee members represent business, local community, staff, and the Palo Alto Chamber of Commerce. The EDC meets monthly to prioritize and discuss issues that affect the economic development of the business district and collaborate with appropriate staff on viable solutions that will benefit the entire district. Quarterly meetings will be held for a broader audience to report out and hear additional feedback. The EDC's will also serve as a stakeholder forum to provide feedback on potential projects within their district.

Additional stakeholder outreach will be necessary and will take place during the permanent closure Alternative Analysis process.

Timeline and Next Steps

If Council approves of the extension of the street closure, portions of California Avenue and Ramona Street will remain closed to vehicles through December 31, 2023. Should Council approve some or all the additional recommendations, staff request that businesses are required to comply with the updated regulations 30 days after adoption. Alternatively, should Council approve the reopening of the temporary road closures, the streets could be open on any date Council determines appropriate. Should the City Council choose to reopen the streets, staff recommends ample time for impacted businesses to prepare and adjust to such an action.

For the analysis of longer-term alternative options for street closures, City staff is in the preliminary stages of initiating the Request for Information (RFI)/Request for Proposal (RFP) process and will return to Council for review and approval of the contract for consultant services in the next fiscal year.

Table 1. Timeline: for Near and Long-Term Recommendations for Street Closure Improvements

Timeline for Near and Long-Term Recommendations for Street Closure Improvement	
May 16, 2022	<p><i>City Council:</i></p> <ul style="list-style-type: none"> Discuss and determine reaffirmation of previous direction to staff through adoption of resolutions: Keep California Avenue and Ramona Street closed to vehicular traffic If so, provide direction to staff regarding imposition of interim changes focused on safety and circulation
Summer/Fall 2022	<p><u>Permanent Parklet Program:</u></p> <ul style="list-style-type: none"> <i>Staff work:</i> Incorporate City Council feedback from May 9, 2022 into a permanent parklet program <p><u>Interim Street Closure (through December 2023):</u></p> <ul style="list-style-type: none"> <i>Staff and consultant work:</i> <ul style="list-style-type: none"> Continue refining approaches for unified place-making at California Avenue (focusing on elements such as aesthetics, engagement, and activation) Continue engagement with the community around these incremental changes <i>City Council:</i> Review and provide direction on additional changes as needed (no earlier than August 2022)

	<p><u>Long-Term Alternatives Study regarding street closures:</u></p> <ul style="list-style-type: none"> • <i>Staff and consultant work:</i> <ul style="list-style-type: none"> ▪ Initiate RFI/RFP process for consultant support ▪ Onboard a consultant once City Council has approved the contract ▪ Continue engagement with the community around long-term alternative options for street closures • <i>City Council:</i> Approval of a contract with a consultant to analyze long-term alternative options for street closures
Late 2022/Early 2023	<p><i>Staff, Consultant, & City Council work:</i></p> <ul style="list-style-type: none"> • Provide updates to City Council as appropriate and solicit direction and feedback on long-term alternative options for street closures • Return with a report detailing analysis of long-term alternative options for street closures and recommendations

Resource Impact:

Planning Code Enforcement Officers, Fire Department Inspectors, Building Inspection staff, Public Works staff, and Office of Transportation staff all have both ongoing and additional work related to the interim period as the organization works to transition from temporary to long-term/permanent programs. With the implementation of an emergency access lane, street sweeping activities would resume. Business operators would continue to be responsible for maintaining the cleanliness of their dining spaces. Going forward, performance on the part of businesses and enforcement on the part of the City will remain key expectations of any plans for each street. City enforcement resources are very limited, and resource requirements will be evaluated and options brought back for Council consideration.

To date, the City has waived all parklet, street and sidewalk encroachment fees under the Uplift Local Program. Testimony suggests that those waivers supported businesses using outdoor areas to stay afloat. In that regard, the waiving of fees may have supported the generation of tax revenues – a portion of which come to the City.

Sales Tax as proximate indicator of Economic Impacts

Through work with the City's sales tax consultant, Avenulnsights, the City has used sales tax as a proximate indicator for how certain businesses have fared throughout the COVID-19 pandemic. It should be noted that not all businesses are subject to sales tax; therefore, an analysis of sales tax performance does not reflect the entirety of the business ecosystem. Most notable is the omission of certain types of service businesses from such an analysis.

As part of both the June 22, 2021 conversation with the City Council regarding the City's state of emergency and the discussion of continued street closures, staff presented information that benchmarked the second half of calendar year 2020 (July-December) against the same time period for 2019, and also compared the second half of 2019 (July-December) to the same time period for 2018. In that analysis, California Avenue districts and University Avenue districts were separate from the rest of the City to evaluate impacts on food services and retail categories.

Staff has updated the analysis presented in June 2021, showing the year-over-year percentage change for the second half of the calendar year, beginning in 2018, comparing to the second half of 2019, then comparing to the second half of 2020, and now including a comparison to the second half of Calendar Year 2021. The fourth column shows a direct comparison of the second half of 2019 to the second half of 2021.

*Table 2. Food Services Category by Geographic Area:
July – December (2018 to 2019, 2019 to 2020)*

Food Services*				
Geographic Area*	% 2018 to 2019	% 2019 to 2020	% 2020 to 2021	% 2019 to 2021
California Ave District	6.95%	(46.75%)	67.8%	(10.67%)
University Ave District	(2.35%)	(52.03%)	69.0%	(18.90%)
Remainder of City (excludes Cal & University)	2.71%	(42.06%)	45.3%	(15.79%)
* The Geographic areas for California Avenue and University Avenue extend beyond the named streets.				

Table 2, above, shows that performance in the Food Services category was generally consistent throughout the City. University Avenue saw a slight decline from the second half of 2018 to the second half of 2019, then the steepest decline from the second half of 2019 to the second half of 2020, and the greatest recovery from the second half of 2020 to the second half of 2021. Although the magnitudes varied, this trend was roughly consistent with California Avenue and the remainder of the city, which each saw slight growth from 2018 to 2019, steep declines from 2019 to 2020, and then recovered from 2020 to 2021.

*Table 3. Retail Category by Geographic Area:
July – December (2018 to 2019, 2019 to 2020)*

Retail				
Geographic Area*	% 2018 to 2019	% 2019 to 2020	% 2020 to 2021	% 2019 to 2021
California Ave District	(21.51%)	9.59%	13.01%	23.84%
University Ave District	(0.31%)	(54.36%)	44.86%	(33.88%)
Remainder of City (excludes Cal & University)	11.00%	(33.45%)	30.78%	(12.97%)
* The Geographic areas for California Avenue and University Avenue extend beyond the named streets.				

Table 3 shows performance in the retail category, which was somewhat different than the food services category. Although both California Ave and University Ave districts saw declines in retail from the second half of 2018 to the second half of 2019, California Ave was the only one that recovered somewhat from 2019 to 2020, and its recovery continued somewhat from the second half of 2020 to the second half of 2021. University Avenue's retail sales tax growth was essentially flat between the second half of 2018 and 2019, before decreasing between the second half of 2019 and the second half of 2020, and then rebounding the most robustly between the second half of 2020 and the second half of 2021. This was generally consistent with the rest of the City, with the exception that retail elsewhere grew somewhat between the second half of 2018 and the second half of 2019 before its decline from the second half of 2019 to the second half of 2020.

As previously discussed with the City Council, beyond the street closures there have been other general factors likely influencing sales tax of various businesses throughout the pandemic and persisting through this recovery. Some of those general factors are reiterated below:

- A significant decrease in the daytime population persists. Even as companies begin to return to office, some companies are now offering flexible and hybrid schedules in-lieu of requiring employees to be on-site every day.

- A shift from in-person retail to more online shopping for certain goods.
- Increased spending on recreational equipment, home-related products, and general building materials.
- A shift in spending on apparel.

Policy Implications

Overall, the street closure topic reflects a decision about how best to use public space, in this case, the public roadways and sidewalks. The interim extension of the street closure allows for the City to conduct an analysis of long-term alternative options that includes engaging the residents, the business community, stakeholders, and other members of the public on how to best use that public space. That engagement includes determining if the space will include permanent separated facilities for pedestrians and bicycles, and if private businesses will be charged to use the public space.

The decision about waiving fees is ultimately a policy decision for the City Council to decide as part of its consideration both of ongoing street closures and the permanent parklet program.

Environmental Review

This resolution is categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

Attachments:

- **Attachment14.a:** Attachment A – Resolution Extending City Manager Authority to Temporarily Close a Portion of Ramona St. to December 2023
- **Attachment14.b:** Attachment B – Resolution Extending City Manager Authority to Temporarily Close a Portion of California Ave. to December 2023

NOT YET ADOPTED

Resolution No. ____

Resolution of the Council of the City of Palo Alto Extending the Temporary
Closure of a Portion of Ramona Street Pursuant to California Vehicle Code
Section 21101 to Facilitate Outdoor Dining, Retail, and Other Uses

RECITALS

A. On June 23, 2020, the Council adopted Resolution No. 9909 approving the temporary closure of portions of California Avenue, University Avenue and certain other Downtown streets through Labor Day 2020 to allow for outdoor dining and retail on those streets, consistent with the Santa Clara County Public Health Order in effect. The street closures were part of a Summer Streets Program initiated by the City to accommodate outdoor uses at a time when indoor dining remained prohibited in the County and the growing scientific evidence showed a lower risk of COVID-19 transmission outdoors compared to indoors. At that time, the City anticipated that indoor dining would be allowed to resume in the County, as had been allowed in neighboring counties, and sought to address the immediate needs of the community including residents, workers and businesses that had been severely impacted by loss of business activity and revenue.

B. Through Resolution No. 9909 the Council also approved a temporary pilot parklet program to allow parklets to be installed in on-street parking spaces on an expedited and temporary basis to provide more space for outdoor dining.

C. On July 2, 2020, the County Public Health Officer issued a revised Shelter in Place Order, to become effective on July 13, 2020, that allowed certain additional activities to resume if specified strict across-the-board risk reduction measures were followed. The objective was to allow activities that were already allowed in surrounding jurisdictions, which had reopened more quickly than Santa Clara County, so long as the prescribed risk reduction measures were followed.

D. On July 7, 2020, the State approved Santa Clara County's requested variance that allowed the revised Shelter in Place Order to go into effect on July 13, 2020.

E. However, with the number of COVID-19 cases dramatically increasing again in the State, on July 13, 2020, the Governor announced a sweeping roll back of the reopening that the State had allowed. The State mandated that all counties close certain indoor operations, including in-restaurant dining. For counties on the State's monitoring list for 3 consecutive days (and thus placed on the State "watchlist"), the State required the closure of additional industries or activities unless they could be modified to operate outside or by pick-up; these included gyms and fitness centers, places of worship and cultural ceremonies, personal care services, hair salons and barbershops, and shopping malls.

NOT YET ADOPTED

F. Through the summer, the United States including “hot spots” like California continued to hit new highs in confirmed cases and deaths, as the loosening of shelter-in-place restrictions had precipitated a resurgence of the virus in many states, including California. As of July 27, 2020, the State was averaging nearly 10,000 new COVID-19 cases per day, and hospitals and their intensive care units were filling up. Thirty-seven counties representing 93% of the State’s population were on the State’s watchlist, and California had 460,550 confirmed cases of COVID-19, resulting in 8,445 deaths.

G. On August 10, 2020, the Council adopted Resolution No. 9911, which amended Resolution 9909, to extend until December 31, 2020 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders. Resolution No. 9911 also extended the temporary parklet program to September 7, 2021.

H. Since August 2020, the County Public Health Officer issued a Risk Reduction Order on October 5, 2020, which coincided with the County moving into the orange tier under the State’s “Blueprint for a Safer Economy” tiered restriction system.

I. However, on November 16, 2020, the State moved Santa Clara County two steps from the orange/moderate tier to the purple/widespread tier (the highest risk tier) due to a sharp increase in COVID-19 cases statewide. On that date, the County reported 388 new cases of COVID-19, bringing the cumulative total to 28,686. As of November 17, 2020, California reported 1,029,235 confirmed cases of COVID-19, resulting in 18,263 deaths, and 94.1% of the State’s population was now in the purple tier (according to the Governor’s Office). The State’s rules for the purple/widespread tier mandate that restaurants and gyms cannot have indoor service and retail stores may only have 25% capacity indoors.

J. On December 14, 2020, the Council adopted Resolution 9933, which amended Resolution 9099, to extend until May 31, 2021 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders.

K. On March 3, 2021, the State moved Santa Clara County one step down from the purple/widespread tier to the red/substantial tier. As of March 16, 2021, the County reported a cumulative total of 112,909 COVID cases and 1,867 deaths.

L. On May 10, 2021, the Council adopted Resolution 9954, which further amended Resolution 9099 to extend until October 31, 2021 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders.

NOT YET ADOPTED

M. On June 7, 2021, the Council adopted Resolution 9962. Resolution 9962 amended and restated Section 4 of Resolution 9909 regarding the pilot parklet program on a non-emergency basis.

N. On June 15, 2021, the State of California eliminated the Blueprint for a Safer Economy system of COVID-related rules and restrictions (also known as the color-tier system) amidst improvements in public health data and increasing availability of the COVID vaccine. The City of Palo Alto rescinded its declaration of local emergency on July 1, 2021.

O. However, since the rollback of restrictions and initial decrease of COVID cases, the number of COVID cases has increased. Since July 2021, the number of COVID Cases in the County of Santa Clara has moved upward, from fewer than 30 cases per day to more than 300 cases per day on many days in August 2021. As of September 1, 2021, the 7-day rolling average new cases is 361 in the County. On August 2, 2021, the County issued a requirement to wear face coverings indoors, regardless of vaccination status.

P. According to the federal Centers for Disease Control (CDC), the Delta variant of COVID-19 is currently the dominant strain of virus in the United States as of August 2021. The CDC finds that the Delta variant is more than 2x more contagious compared to previous variants, and fully vaccinated people with the Delta variant breakthrough infections can spread the virus to others.

Q. In the midst of this continued COVID-19 pandemic, the City of Palo Alto has continued to take measured steps to allow businesses to resume activities in outdoor settings. As a key part of those efforts, the Uplift Local Program (formerly known as the Summer Streets Program) has created an attractive pedestrian environment on the closed streets resulting in increased foot traffic. A number of restaurants have taken advantage of the program and created outdoor seating in the streets, on sidewalks, and on parklets. Residents and visitors who have come to University Avenue and California Avenue have expressed delight and reported having a highly enjoyable experience.

R. The recent increase of COVID cases across the State and the high likelihood that the pandemic will continue through the end of 2021 increases the chances that outdoor dining remains a key tool to reduce the risk from the spread of COVID-19 while allowing restaurants to continue some operations. Even if indoor dining is allowed, patrons may be unwilling to participate, or the opportunity may be rescinded if indoor restrictions return.

S. On September 13, 2021 the Council voted to extend the street closures of portions of California Avenue and Ramona Street through June 30, 2022 to allow for the continued use of these streets for outdoor dining and other activities as may be allowed. The Council voted on each street separately and Resolution 9988 extended the closure of Ramona Street only; a separate resolution (no. 9987) extended the closure of California Avenue. At the same meeting, the Council directed the City Manager to open the portion of University Avenue which was closed by Resolution 9909 and its successors on October 15, 2021.

NOT YET ADOPTED

T. The Council now desires to amend and restate Resolution 9988 to continue its provisions until December 31, 2023.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF PALO ALTO RESOLVES AS FOLLOWS:

SECTION 1. Findings and Declarations. The Council hereby adopts the above Recitals as findings of the Council.

SECTION 2. Supersedes Resolution 9988. This Resolution shall supersede Resolution 9988, which is rescinded as of the effective date of this Resolution.

SECTION 3. Extension of Temporary Street Closure

A. The following street is hereby closed to any and all vehicular traffic through December 31, 2023, in accordance with California Vehicle Code Section 21101(e), to facilitate the temporary uses of outdoor dining, retail, and other permitted uses:

1. Ramona Street from University Avenue to Hamilton Avenue.

B. The City Manager is authorized to determine the days, hours and duration of the temporary street closure(s) within the period specified in Section A, with reasonable notice provided, and whether exceptions to the closure shall be made for municipal purposes. The City Manager is also authorized to close only part of the street authorized for closure in Section A.

SECTION 4. The Council finds that this Resolution is categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

//

//

//

//

//

//

//

NOT YET ADOPTED

SECTION 5. This Resolution shall become effective immediately upon adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Mayor

APPROVED:

City Manager

Director of Public Works

Chief Transportation Official

Director of Planning and Development
Services

NOT YET ADOPTED

Resolution No. _____

Resolution of the Council of the City of Palo Alto Extending the Temporary
Closure of a Portion of California Avenue Pursuant to California Vehicle Code
Section 21101 to Facilitate Outdoor Dining, Retail, and Other Uses

RECITALS

A. On June 23, 2020, the Council adopted Resolution No. 9909 approving the temporary closure of portions of California Avenue, University Avenue and certain other Downtown streets through Labor Day 2020 to allow for outdoor dining and retail on those streets, consistent with the Santa Clara County Public Health Order in effect. The street closures were part of a Summer Streets Program initiated by the City to accommodate outdoor uses at a time when indoor dining remained prohibited in the County and the growing scientific evidence showed a lower risk of COVID-19 transmission outdoors compared to indoors. At that time, the City anticipated that indoor dining would be allowed to resume in the County, as had been allowed in neighboring counties, and sought to address the immediate needs of the community including residents, workers and businesses that had been severely impacted by loss of business activity and revenue.

B. Through Resolution No. 9909 the Council also approved a temporary pilot parklet program to allow parklets to be installed in on-street parking spaces on an expedited and temporary basis to provide more space for outdoor dining.

C. On July 2, 2020, the County Public Health Officer issued a revised Shelter in Place Order, to become effective on July 13, 2020, that allowed certain additional activities to resume if specified strict across-the-board risk reduction measures were followed. The objective was to allow activities that were already allowed in surrounding jurisdictions, which had reopened more quickly than Santa Clara County, so long as the prescribed risk reduction measures were followed.

D. On July 7, 2020, the State approved Santa Clara County's requested variance that allowed the revised Shelter in Place Order to go into effect on July 13, 2020.

E. However, with the number of COVID-19 cases dramatically increasing again in the State, on July 13, 2020, the Governor announced a sweeping roll back of the reopening that the State had allowed. The State mandated that all counties close certain indoor operations, including in-restaurant dining. For counties on the State's monitoring list for 3 consecutive days (and thus placed on the State "watchlist"), the State required the closure of additional industries or activities unless they could be modified to operate outside or by pick-up; these included gyms and fitness centers, places of worship and cultural ceremonies, personal care services, hair salons and barbershops, and shopping malls.

NOT YET ADOPTED

F. Through the summer, the United States including “hot spots” like California continued to hit new highs in confirmed cases and deaths, as the loosening of shelter-in-place restrictions had precipitated a resurgence of the virus in many states, including California. As of July 27, 2020, the State was averaging nearly 10,000 new COVID-19 cases per day, and hospitals and their intensive care units were filling up. Thirty-seven counties representing 93% of the State’s population were on the State’s watchlist, and California had 460,550 confirmed cases of COVID-19, resulting in 8,445 deaths.

G. On August 10, 2020, the Council adopted Resolution No. 9911, which amended Resolution 9909, to extend until December 31, 2020 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders. Resolution No. 9911 also extended the temporary parklet program to September 7, 2021.

H. Since August 2020, the County Public Health Officer issued a Risk Reduction Order on October 5, 2020, which coincided with the County moving into the orange tier under the State’s “Blueprint for a Safer Economy” tiered restriction system.

I. However, on November 16, 2020, the State moved Santa Clara County two steps from the orange/moderate tier to the purple/widespread tier (the highest risk tier) due to a sharp increase in COVID-19 cases statewide. On that date, the County reported 388 new cases of COVID-19, bringing the cumulative total to 28,686. As of November 17, 2020, California reported 1,029,235 confirmed cases of COVID-19, resulting in 18,263 deaths, and 94.1% of the State’s population was now in the purple tier (according to the Governor’s Office). The State’s rules for the purple/widespread tier mandate that restaurants and gyms cannot have indoor service and retail stores may only have 25% capacity indoors.

J. On December 14, 2020, the Council adopted Resolution 9933, which amended Resolution 9099, to extend until May 31, 2021 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders.

K. On March 3, 2021, the State moved Santa Clara County one step down from the purple/widespread tier to the red/substantial tier. As of March 16, 2021, the County reported a cumulative total of 112,909 COVID cases and 1,867 deaths.

L. On May 10, 2021, the Council adopted Resolution 9954, which further amended Resolution 9099 to extend until October 31, 2021 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders.

NOT YET ADOPTED

M. On June 7, 2021, the Council adopted Resolution 9962. Resolution 9962 amended and restated Section 4 of Resolution 9909 regarding the pilot parklet program on a non-emergency basis.

N. On June 15, 2021, the State of California eliminated the Blueprint for a Safer Economy system of COVID-related rules and restrictions (also known as the color-tier system) amidst improvements in public health data and increasing availability of the COVID vaccine. The City of Palo Alto rescinded its declaration of local emergency on July 1, 2021.

O. However, since the rollback of restrictions and initial decrease of COVID cases, the number of COVID cases has increased. Since July 2021, the number of COVID Cases in the County of Santa Clara has moved upward, from fewer than 30 cases per day to more than 300 cases per day on many days in August 2021. As of September 1, 2021, the 7-day rolling average new cases is 361 in the County. On August 2, 2021, the County issued a requirement to wear face coverings indoors, regardless of vaccination status.

P. According to the federal Centers for Disease Control (CDC), the Delta variant of COVID-19 is currently the dominant strain of virus in the United States as of August 2021. The CDC finds that the Delta variant is more than 2x more contagious compared to previous variants, and fully vaccinated people with the Delta variant breakthrough infections can spread the virus to others.

Q. In the midst of this continued COVID-19 pandemic, the City of Palo Alto has continued to take measured steps to allow businesses to resume activities in outdoor settings. As a key part of those efforts, the Uplift Local Program (formerly known as the Summer Streets Program) has created an attractive pedestrian environment on the closed streets resulting in increased foot traffic. A number of restaurants have taken advantage of the program and created outdoor seating in the streets, on sidewalks, and on parklets. Residents and visitors who have come to University Avenue and California Avenue have expressed delight and reported having a highly enjoyable experience.

R. The recent increase of COVID cases across the State and the high likelihood that the pandemic will continue through the end of 2021 increases the chances that outdoor dining remains a key tool to reduce the risk from the spread of COVID-19 while allowing restaurants to continue some operations. Even if indoor dining is allowed, patrons may be unwilling to participate, or the opportunity may be rescinded if indoor restrictions return.

S. On September 13, 2021 the Council voted to extend the street closures of portions of California Avenue and Ramona Street through June 30, 2022 to allow for the continued use of these streets for outdoor dining and other activities as may be allowed. The Council voted on each street separately and Resolution 9987 extended the closure of California Avenue only; a separate resolution (no. 9988) extended the closure of Ramona Street. At the same meeting, the Council directed the City Manager to open the portion of University Avenue which was closed by Resolution 9909 and its successors on October 15, 2021.

NOT YET ADOPTED

T. The Council now desires to amend and restate Resolution 9987 to continue its provisions until December 31, 2023.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF PALO ALTO RESOLVES AS FOLLOWS:

SECTION 1. Findings and Declarations. The Council hereby adopts the above Recitals as findings of the Council.

SECTION 2. Supersedes Resolution 9987. This Resolution shall supersede Resolution 9987, which is rescinded as of the effective date of this Resolution.

SECTION 3. Extension of Temporary Street Closure

A. The following street is hereby closed to any and all vehicular traffic through December 31, 2023, in accordance with California Vehicle Code Section 21101(e), to facilitate the temporary uses of outdoor dining, retail, and other permitted uses:

1. California Avenue from Birch Street to El Camino Real.

B. The City Manager is authorized to determine the days, hours and duration of the temporary street closure(s) within the period specified in Section A, with reasonable notice provided, and whether exceptions to the closure shall be made for municipal purposes. The City Manager is also authorized to close only part of the street authorized for closure in Section A.

SECTION 4. The Council finds that this Resolution is categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

//

//

//

//

//

//

NOT YET ADOPTED

SECTION 5. This Resolution shall become effective immediately upon adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Public Works

Chief Transportation Official

Director of Planning and Development
Services



City of Palo Alto City Council Staff Report

(ID # 14158)

Report Type: Action Items

Meeting Date: 5/16/2022

Summary Title: Council Review of Objective Standards

Title: PUBLIC HEARING: Adoption of Two Ordinances Implementing the Objective Standards Project, Including: 1) New Chapter 18.24, Contextual Design Criteria and Objective Design Standards; 2) Modifications to Affordable Housing (AH) Overlay District to Eliminate the Legislative Process; 3) Changes to Remove Inconsistencies and Redundancies, and Streamline Project Review Throughout Title 18.

From: City Manager

Lead Department: Planning and Development Services

Recommendation:

Staff recommends that Council adopt two ordinances implementing the objective standards project, including: an ordinance creating Palo Alto Municipal Code Chapter 18.24 (Contextual Design Criteria and Objective Design Standards) (Attachment A); and an ordinance adopting related changes throughout Title 18 (Zoning) to implement the new standards (Attachment B).

Executive Summary:

Since the 2018 Housing Work Plan, Palo Alto has explored converting subjective housing design criteria into objective standards. While subjective criteria provide more design flexibility and give local jurisdictions more design control, this approach can add to the cost of a development, increase application processing time and risk to the developer because the process can be a less predictable. Moreover, the State legislature has declared housing as a Statewide interest and has made several significant changes to State housing laws in recent years to streamline housing approvals by eliminating the use of subjective criteria. Therefore, adoption of objective standards has become a means of retaining a measure of local control.

These ordinances translate many of the City's subjective criteria found throughout the code in the form of performance standards, context-based design criteria and required findings into objective standards. This effort, guided by the Architectural Review Board and Planning and

Transportation Commission, preserves the City's interests to advance good building design in a way that is contextually appropriate, allows for a streamlined application process, and is consistent with State law.

The ordinances amend many different code sections of Title 18 and represent notable change in the City's approach toward land use regulation for housing and residential mixed-use developments.

This report contains two main discussion topics related to objective standards, as summarized below:

1. Objective Design Standards: Objective design standards in Attachment A represent the transformation of existing subjective, context-based design criteria into a new Chapter 18.24 in Title 18. The standards encompass site design and building design topics and include graphics to illustrate key standards. Each topical section is divided into objective design standards and contextual design criteria (formerly called "intent statements") that establish the purpose or intent for the standards.

The standards were reviewed and refined over a series of 16 meetings with the Architectural Review Board (ARB) (11 meetings) and an ARB Ad Hoc Committee (5 meetings) and reviewed over three (3) hearings with the Planning & Transportation Commission (PTC). The process culminated in a recommendation for adoption at the ARB's April 1, 2021 meeting and by the PTC at their June 9, 2021 meeting. The ARB continued to work on refinements to the ordinances over the past several months in response to the Council's November 8, 2021 motion on the draft ordinance.

2. Other Code Updates to Support Objective Standards: Additionally, City staff recommend changes to other sections of Title 18. These changes would reference the new objective standards, remove inconsistencies and redundancies, eliminate sections replaced by the new Chapter 18.24, and streamline project review. Changes include both minor and substantive edits to the following code sections:
 - 18.04: Definitions
 - 18.08: Designation and Establishment of Districts
 - 18.13: Multiple Family Residential (RM-20, RM-30 and RM-40) Districts
 - 18.16: Neighborhood, Community, and Service Commercial (CN, CC, and CS) Districts
 - 18.18: Downtown Commercial (CD) District
 - 18.20: Office, Research, and Manufacturing (MOR, ROLM, RP and GM) Districts
 - 18.23: Performance Criteria for Multiple Family Commercial, Manufacturing and Planned Community Districts
 - 18.30(J): Affordable Housing (AH) Overlay District

- 18.30(K): Workforce Housing (WH) Overlay District
- 18.34: Pedestrian and Transit Oriented Development (PTOD) Combining District
- 18.40: General Standards and Exceptions
- 18.42: Standards for Special Uses
- 18.52: Parking and Loading Requirements
- 18.54: Parking Facility Design Standards
- 18.76: Permits and Approvals
- 18.77: Processing of Permits and Approvals

Of particular note are changes to the ordinance that establish a new streamlined review process for Housing Development Projects that requires only one study session with the ARB as opposed to the current Architectural Review process that allows for up to three hearings. Additionally, the ordinance proposes to remove the requirement for a zoning map amendment to access relaxed development standards for affordable housing projects. Specifically, proposed changes to the AH Overlay District would reduce PTC and City Council's involvement in these 100% affordable housing projects.

Background:

Relationship to State Housing Laws

The California State legislature has made several changes to State housing laws in recent years to streamline housing approvals. These steps include reducing the amount of subjective discretion jurisdictions have to deny or reduce the density of residential and residential mixed-use projects. Instead, in many contexts, jurisdictions must rely solely on objective design and development standards. The objective standards project aims to respond to State law by making changes to the Zoning Ordinance (Title 18).

Effective January 1, 2020, Senate Bill (SB) 330 made several changes to existing State housing law, including the Housing Accountability Act and Permit Streamlining Act. The two most notable aspects of the bill for this report's purposes are as follows:

1. *No Loss in Intensity of Housing*: SB330 prohibits jurisdictions from enacting development policies, standards or conditions that would change current zoning and land use designations where housing is an allowable use. In such cases, jurisdictions cannot lessen the intensity of housing in effect as of January 1, 2018—such as reducing height, density, or floor area ratio, requiring new or increased open space, lot size, setbacks, or frontage, or limiting maximum lot coverage. Effectively, this clause prohibits downzoning, though the City may rebalance density between districts (Gov. Code 66300(b)(1)(A)); and

2. *Uniformly Verifiable Standards:* SB330 defines the meaning of “objective” as “involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official” (Gov. Code 65589.5 (h)(8). “Housing development projects” undergoing streamlined review are only required to meet objective standards. Therefore, standards that are ambiguous may not be considered objective standards that require compliance.

Summary of Recent Public Meetings

City Council

The City Council initially reviewed the objective standards project over the course of two meetings: October 4 and November 8, 2021 (continued without discussion from September 27 and October 25, respectively). These meetings culminated in a multi-part motion summarized in Table 1. The table identifies how each motion is being addressed.

- The first column restates the motion verbatim.
- The second column identifies motion items addressed by the Council on January 24 and April 11, 2022, namely the issues of height transitions and RM-40 setbacks (parts of Motion cii and G, respectively).
- The third column identifies the motion items addressed in this report and attachments.
- Finally, motion items listed in the fourth “other” column are being addressed through other means and are not discussed further in this report.

Table 1: November 8, 2021 Council Motion and Status of Implementation

<i>Motion #/Topic</i>	<i>Addressed in 4/11/22 Ordinance</i>	<i>Addressed in Tonight's Ordinance</i>	<i>Other</i>
A. Take Council feedback on overlays and then take to housing element working group and return to Council for further discussion;		✓ AH Overlay	PF and PTOD changes referred to Housing Element
B. Direct Staff to retain current Context-Based Design Criteria and Chapter 18 laws for development applications that do not fall under the State housing laws requiring objective standards;		✓	
C. Direct Staff to return with proposed objective standards and intent statements and to provide:		✓	
i. A detailed side-by-side comparison of the existing Context-Based Design Criteria and the proposed new laws;		✓ (Attachment C)	

<i>Motion #/Topic</i>	<i>Addressed in 4/11/22 Ordinance</i>	<i>Addressed in Tonight's Ordinance</i>	<i>Other</i>
ii. Adoptable changes to existing and proposed laws that would provide standards for privacy and other protections for all residents, regardless of their zones. Regarding privacy, to come back with stronger protections for elevated floors looking into neighboring lots. Stronger definitions of sight lines and how this applies. Address concerns about allowing 15% windows. In RM-40, retain 25' front set back;	✓ (RM-40 setback)	✓ (window and privacy standards)	
iii. Refer to the S/CAP Ad Hoc Committee on the evaluation of approximate GHG impacts in construction;			Referred to S/CAP Ad Hoc
D. Prior to any rezoning of PF to workforce housing, the City Council would re-examine the affordability threshold of workforce housing;			Deferred to Housing Element
E. Hold at least two meetings on the proposed changes before the next Council session for free-form discussion by the general public;			Completed February 1 and March 22, 2022
F. In Building Massing / Facades sections where there is a menu of choices, increase the number of required choices per category;		✓	
G. Put in place a temporary height transition backstop. Initial ordinance should include objective height transition language, for example "No part of the building can be more than X' higher than the lowest adjacent building, up to the applicable height limit". Come back with a specific proposal along these lines for adoption this year and Staff can then propose additional amendments in the future;	✓ (height transition development standards)	✓ (contextual height transitions standards)	
H. Evaluate and return with strengthened language to use "design standards" instead of "design intents";		✓	
I. Evaluate whether "decision by director" option throughout objective standards puts those at risk and should be changed /remove; and		✓	
J. On appeal, consider sending directly to Council if required to meet streamlining requirements.		✓	

Below is a summary of public meetings since the Council's November 8, 2021 motion on objective standards. Records from previous meetings described above, including ARB meetings

and PTC meetings focused on objective standards, can be found on the project webpage: bit.ly/ObjectiveStandards

ARB Review in 2022

Since the Council's November 8th review, the ARB met three times (January 20, March 10, and April 7) to recommend additional draft standards in response to the Council's motion on design-related topics. Specifically, the ARB contributed changes proposed to Attachment A: additional standards for privacy and sight lines between residential properties; expanded menu of options for building massing and facades; and new contextual height standards. The ARB's recommended modifications to the ordinance are proposed in Attachment A and discussed in detail below.

Community Webinars

As directed by Council, staff held two additional community meetings to accommodate a free-form discussion by the general public.

On February 1, 2022, approximately 16 individuals participated in a webinar via Zoom. The purpose of this meeting was to provide an overview of the objective standards project and listen to community member's concerns and ideas. Community members expressed support for privacy, sunlight, and air for existing residential uses regardless of density, zoning district and location.

On March 22, 2022, approximately 15 individuals participated in a webinar via Zoom. The purpose of this meeting was to provide an update on the ARB's feedback on the Council's motion and to present revisions to draft standards in response to the Council motion. This included privacy and sight line standards, and contextual height standards. Community members continued to express support for privacy, sunlight, and reduced massing for existing residential uses regardless of density, zoning district and location.

Discussion & Analysis

This section presents and analyzes changes to the draft ordinances since the Council's November 8th review. Motion items addressed in this report are listed one by one below. They are in alphabetical order with the exception of Motion Items A and B, which appear last.

Motion Item C. Direct Staff to return with proposed objective standards and intent statements and to provide:

i. A detailed side-by-side comparison of the existing Context-Based Design Criteria and the proposed new laws;

Staff has prepared an enhanced “crosswalk” document (Attachment C) which compares the existing context-based criteria with draft contextual design criteria and standards. Revisions to the draft ordinance based on the November 8th Council motion and ARB feedback are shown in underline strikeout format. This document helped to reveal existing criteria that had not yet been captured thoroughly in the Draft Objective Standards Ordinance. In addition to privacy criteria identified by the Council (see Section Cii below), staff have made minor modifications to standards related to requiring a diversity of housing types on large lots (>1 acre) and requiring usable side yards. The ARB’s April 7th motion suggested these minor edits, which are shown in underline/strikeout in Attachment C.

ii. Adoptable changes to existing and proposed laws that would provide standards for privacy and other protections for all residents, regardless of their zones. Regarding privacy, to come back with stronger protections for elevated floors looking into neighboring lots. Stronger definitions of sight lines and how this applies. Address concerns about allowing 15% windows...

The topic of privacy and sight lines were not thoroughly addressed in the previous version of the ordinance reviewed by the Council, but have been added to the current version in Attachment A. At its April 7, 2022 meeting, the Board recommended expanding contextual design criteria and objective design standards to protect privacy and limit views into neighboring properties (both existing and proposed). Staff believe that these standards address the Council’s concerns about privacy, while still ensuring that new development can proceed at the densities allowed, as prescribed by State law.

Based on the ARB recommendation, staff revised Attachment A. Proposed changes define the sight lines as views into residential windows (other than garages or common spaces such as corridors or stairwells) and private open spaces (e.g., backyards, patios, decks). The standards are similar to existing Individual Review (IR) Guidelines and new Senate Bill (SB) 9 standards. These new contextual design criteria and standards can be found in Chapter 18.24.050 and are summarized as follows:

1. *Additional Building Massing Contextual Design Criteria* based on context-based design criteria: 18.24.050(a)(6): Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks adjacent to residential uses.
2. *Additional Window Standards*: As paraphrased from Section 18.24.050(b)(2)(D), within 30 feet of facing residential windows or private open space on an abutting residential building, facing windows on the subject site must either start window sills at least 5 feet above finished floor (i.e., above eye level); or have opaque glazing below 5 feet; or

angled windows that face away from abutting privacy impacts. See example images below.



Examples of windows above 5-foot eye level (left), obscured glass below 5 feet (middle), and angled windows (right).

3. *Additional Landscape Standards:* As paraphrased from Section 18.24.050(b)(2)(D)(iv), within 30 feet of facing residential windows or private open space on an abutting residential building, additional landscape screening is required, with at least 8-foot height at time of planting and 50% evergreens that maintain a canopy year-round.
4. *Additional Balcony Standards:* As paraphrased from Section 18.24.050(b)(2)(E), within 30 feet of residential windows or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent sight lines to the neighbor. The standards require an applicant to prepare a section view of proposed balcony/deck and abutting residential windows and/or private open space to demonstrate how the standard is met and how the sight line it prevented. This may be achieved through a variety of means such as opaque railings or a barrier along the railing (e.g., landscape planter) that prevents view. See example images below.



Example balconies with barriers and opaque railings.

The standards aim to discourage new buildings from locating close to property lines by layering requirements for window glazing and screening, and limiting window locations. Projects that provide larger separation between buildings (i.e., beyond 30 feet) would not be subject to such restrictions.

The revisions to Attachment A also extend privacy standards previously proposed only to apply to projects abutting single-family zones or uses in Section 18.24.050(b)(2). These include landscape requirements and maximum glazing areas, regardless of the distance between existing and proposed buildings:

- A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.
- Within 40 feet of an abutting structure, no more than 15% of the facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.

Staff do not recommend further reducing the 15% maximum glazing area. The Building Code dictates minimum window openings for fire/life safety requirements; going below 15% may inhibit meeting these code requirements. Staff believes that the new standards outlined above address potential privacy impacts to existing residential units abutting new residential development.

Finally, if the ordinance is adopted as proposed these privacy standards will only apply to new Housing Development Projects. They will not apply to other housing projects or non-residential projects. Those projects would continue to be subject to the subjective privacy guidelines in the Context-Based Design Criteria, if applicable to those zoning districts.

Motion Item F. In Building Massing / Facades sections where there is a menu of choices, increase the number of required choices per category;

The proposed objective design standards generally use a “menu of options” approach. This is intended to allow architects to express creativity and prevent cookie cutter development that could ensue from prescriptive standards. In its review of this Council motion item, the ARB debated at length what the outcome of expanding the menu of options could be. Would it be harder to design a quality building? Would layering additional criteria add too much adornment and busyness to a façade? The ARB looked at recent projects in Palo Alto, in their own

professional portfolios, and in surrounding communities to test the menu of options. Ultimately, at its April 7, 2022 meeting, the Board voted to recommend expanding the menu of options both in terms of the required options and the number of selected options that are required. Based on this recommendation, staff revised Attachment A as follows:

- 18.24.060(c)(1) Increase building massing base/middle/top design options from a minimum of two to three options required;
- 18.24.060(c)(2) Increase façade composition design options from a minimum of two to three options required; and
- 18.24.060(c)(2) Add a façade composition design option for variation in building colors, materials, and patterns, increasing the number of possible design options from six to seven.

In this way, staff believes that the options require more design consideration by the architect, will help to further break down massing, and encourage façade articulation and visual interest.

Motion Item G. Put in place a temporary height transition backstop. Initial ordinance should include objective height transition language, for example “No part of the building can be more than X’ higher than the lowest adjacent building, up to the applicable height limit”. Come back with a specific proposal along these lines for adoption this year and Staff can then propose additional amendments in the future; and

The issues of height transitions within development standards tables (i.e., when a new building is proposed adjacent to a lower density residential district) was addressed in the Ordinance approved by Council on April 11th. Those height transition standards currently require lower height limits in the portions of a building that are within 40 to 150 feet of a lower density residential district (typically, except for the RM-40 and PC districts).

This discussion relates to the issue of contextual height standards, meaning when a new taller building is located next to a shorter building, regardless of location or zoning district. As stated in the Background section, SB 330 prohibits the City from lessening the intensity of housing. Staff do not recommend adopting a standard that would reduce height limits on new housing projects when abutting lower height buildings, unless it can be balanced with increases in height in other locations. If the Council wishes, it could consider a contextual height reduction for non-residential uses, which are not regulated by State law, as part of a separate action or referral.

Instead, staff presents alternative standards that require transitions in massing through required daylight planes and setbacks. At its April 7, 2022 meeting, the ARB voted to recommend three standards for contextual height. These recommendations are included in

Attachment A. When the height of the subject proposed building is more than 20 feet above the average height of an adjacent building and the two buildings are separated by 20 feet or less:

- Figure 1: An upper story step back, a minimum of 6-feet deep, would be required on both the primary building frontage (typically the front and street-facing façade) and on the facing façade, for a minimum of 70% of the building length; the stepback would be required to start within 2 feet of the height of the adjacent building to create a compatible datum line or transition across the abutting sites; and
- Figure 2: A daylight plane is proposed (if not already required by the current code, see Table 2 below); the daylight plane would start at 25 ft. above grade at the property line, before extending 45 degrees; a setback would only be required if required by the base district.

Figure 1: Upper Story Stepbacks

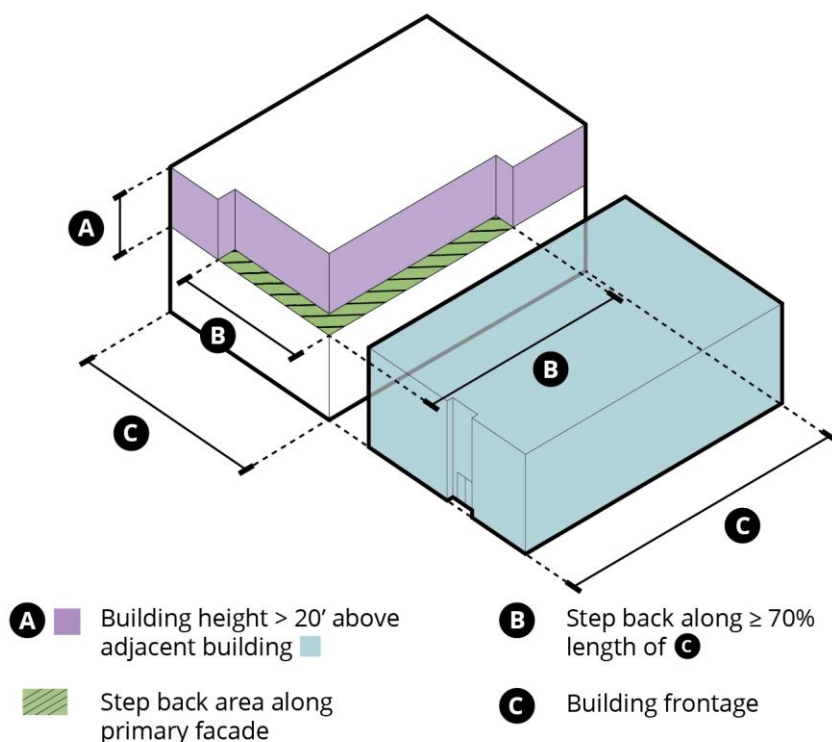
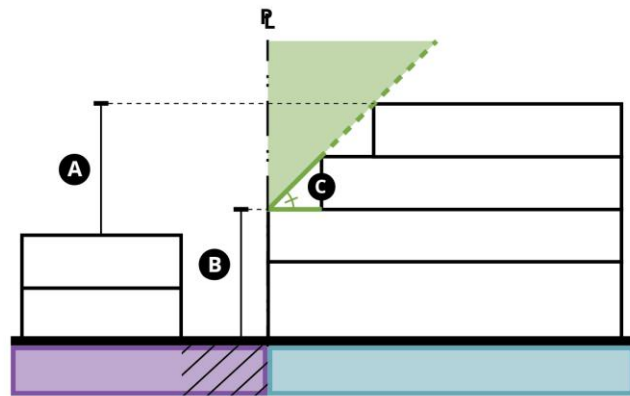


Figure 2: Daylight Plane



A New building is more than 20' taller than abutting building

\\ Interior setback area

--- Daylight Plane

--- Property Line

■ No-build area

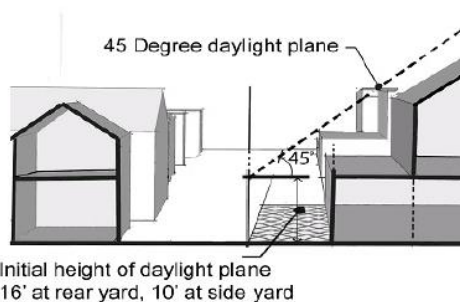
■ Proposed building

B Initial Height: 25'

■ Adjacent property

C Angle: 45°

Together, these standards are more nuanced than a wholesale height reduction. They allow allowable height and density to be achieved, but require and encourage site planning and massing away from the abutting lower density building. A daylight plane limits the building envelope in a way that results in either a building with one or more upper story setbacks or site planning that sets a building back from the daylight plane area. See example images below. The daylight plane standard is irrespective of height. It is required of a new 50-foot building as well as 15-foot building, although the impacts are greater to the 50-foot building.



Palo Alto's typical daylight plane requirement (left) and stepbacks in Oakland, CA (right).

Currently, the daylight plane is required in several districts that allow multifamily housing, as shown in Table 2. New projects in certain districts must design daylight planes depending on the proposed use (columns 1 and 2), if they are adjacent to certain residential districts (column 3). The proposed revised daylight plane standards would extend a daylight plane requirement

to Housing Development Projects next to all residential units regardless of zone or location (column 4).

Table 2: Existing Daylight Plane Requirements

<i>New projects in these districts....</i>	<i>And with these uses...</i>	<i>Currently, must build to a daylight plane if abutting these districts...</i>	<i>As proposed, daylight plane would now be required when a Housing Development Project abuts these districts/uses</i>
18.13: RM	All uses	All residential districts, except for lots greater than 70 feet that are zoned RM-30, RM-40, PC, or non-residential districts	Residential uses on lots greater than 70 feet
18.16: CN/CS/CC/CC(2)	Non-Residential	All residential districts, except for RM-40 and PC	Residential uses in RM-40, PC, or non-residential districts
	Residential/Mixed Use	All residential districts	Residential uses in non-residential districts and PC
18.18: CD	Non-Residential	All residential districts	Residential uses in non-residential districts and PC
	Residential/Mixed Use	All residential districts and PC	Residential uses in non-residential districts
18.20: MOR/GM	All uses	All residential districts	Residential uses in non-residential districts and PC
18.20: ROLM/RP	All uses	None	Residential uses in all zones
18.30(J): AH Overlay	All uses	All residential districts	Residential uses in non-residential districts and PC
18.30(K): WH Overlay	All uses	All residential districts	Residential uses in non-residential districts and PC
18.34: PTOD Overlay	All uses	R-1 and R-2 districts	Residential uses in non-residential districts and PC

As a result, these standards would have the effect of:

- Reducing massing and height in portions of new Housing Developments Projects facing existing lower height buildings;
- Contextually responding to the height of the lower abutting building with compatible design elements; and/or
- Encouraging new Housing Developments Projects to alter site plans and increase building separation (i.e., move away from the abutting property line), thereby

modulating transitions and avoiding having to design in stepbacks. Stepbacks require expensive water proofing that an applicant may wish to avoid through more careful site planning.

Staff believes these standards will help to transition buildings heights across existing and proposed uses.

Motion Item H. Evaluate and return with strengthened language to use “design standards” instead of “design intents”;

As stated in the Background section of this report, SB330 clearly defines “objective design standards” as being measurable and uniformly verifiable. The criteria are subjective guidelines that establish the purpose or intent for standards; therefore, the term “standard” is not appropriate. Staff have proposed to rename the design “intent statements” to “contextual design criteria” to clarify their relationship to the existing context-based criteria and to more strongly connote that the “criteria” are requirements.

Motion Item I. Evaluate whether "decision by director" option throughout objective standards puts those at risk and should be changed /remove; and

This motion item addressed draft code language that allowed alternative approaches for design details as approved by the Director of Planning and Development Services. All of these clauses related to examples of how a standard could be implemented. For example, “screening devices such as lattices, louvers, shading devices, perforated metal screens, or similar strategies as approved by the Director.” Staff do not believe that this created a subjective standard. Rather it allowed the applicant some flexibility and creativity to come up with a design strategy for a screening device. Regardless, staff have revised Chapter 18.24 in Attachment A to remove all clauses that allowed “similar strategies as approved by the Director” in accordance with the motion.

Motion Item J. On appeal, consider sending directly to Council if required to meet streamlining requirements.

This motion item relates to timing and process for projects that are subject to streamlined review. Chapter 18.40.170 already allows for the Director to forward projects to City Council for final action, at their discretion even in the absence of an appeal. Therefore, no further changes are necessary for the ordinance in Attachment A or B.

Motion Item A. Take Council feedback on overlays and then take to housing element working group and return to Council for further discussion;

Title 18 offers flexible development standards to facilitate multi-family residential and affordable housing projects but requires legislative action in order for projects to access these standards. The legislative action adds time, expense, and uncertainty to the development process. Specifically, the Workforce Housing (WH), Affordable Housing (AH), and Pedestrian Transit Oriented Development (PTOD) combining overlays require action by the PTC and City Council prior to architectural review of development proposed for a specific site. These overlays have been used infrequently.

Through the Housing Element Update process, City staff and consultants are analyzing potential governmental constraints on housing development and ways to address these constraints, as required by State law. As part of this analysis, staff have referred the Council's November 8th comments about the Housing Incentive Program (HIP), Workforce Housing (WH) Overlay, Affordable Housing (AH) Overlay, and Pedestrian and Transit Oriented Development (PTOD) Overlay, to the Housing Element update process.

While this analysis is underway with the Housing Element, staff recommend targeted changes to the AH overlay as part of this objective standards ordinance, to recharacterize the overlay as an incentive program.¹ These zoning changes help support the City's response to the Civil Grand Jury Report, in particular Recommendation 9b which calls for the City to streamline the approval process. Additionally, the changes anticipate what the City's Housing Element update would otherwise identify as governmental constraints on development by offering a more streamlined approach and more density for projects with 100% affordable housing units.

As written today, the AH overlay allows for modifications to development standards such as building height, floor area ratio (FAR), and parking, as shown in Table 3. The proposed changes to the AH Overlay drafted in Attachment B allow projects that meet existing affordability thresholds to automatically qualify for flexible development standards, without legislative rezoning by the PTC and Council. Architectural Review by the ARB would continue to be required for projects taking advantage of the AH incentive program. The only changes proposed to the AH program are to the process, as shown in Table 4.

Table 3: Existing AH Overlay vs. Proposed AH Incentive Program

<i>Standard</i>	<i>Existing Affordable Housing (AH) Overlay</i>	<i>Proposed Affordable Housing (AH) Incentive Program</i>
Affordability Threshold	Rental project, with 100% of units for households with incomes up to 120% of AMI	Same
Maximum FAR	2.4	Same

¹ The previous proposal of changes to the AH overlay suggested expanding applicability of the AH to PTOD-eligible sites in the Cal Ave. area. No expansions are proposed in this version.

Residential	2.0	Same
Non-Residential	0.4	Same
Maximum Height	50	Same
Usable Open Space	50 sf/unit	Same
Parking	0.75 space/unit	Same
Applicable Zones/Locations	CD, CN, CS, and CC	Same
Process	Architectural Review <ul style="list-style-type: none"> Up to 3 meetings with ARB Rezoning <ul style="list-style-type: none"> PTC Review/Recommendation (typically 1 or 2 meetings) City Council Pre-screening Review and Final Action (at least two meetings) 	Architectural Review <ul style="list-style-type: none"> Up to 3 meetings with ARB

In most cases, the AH overlay offers more FAR/density than what is achievable under State Density Bonus law for projects with mixed incomes. For example, a site on California Avenue is permitted 0.6 residential FAR in the CC(2) district, but 2.0 residential FAR in the AH overlay, if the project includes 100% affordable units up to 120% of AMI. This is essentially a local density bonus program; more density in exchange for 100% affordable housing. Based on the affordability criteria in the existing AH overlay, streamlining the process may generate more moderate-income units. These units are distinguished from the income restrictions under the workforce housing overlay, which is set at 130%-140% AMI. A non-profit affordable housing provider would also benefit from this streamlined review and provide units typically at the 60% AMI level to qualify for low-income tax credits.

Motion Item B. Direct Staff to retain current Context-Based Design Criteria and Chapter 18 laws for development applications that do not fall under the State housing laws requiring objective standards;

Revisions to the Draft Ordinances

Staff has revised the draft ordinances in Attachments A and B to distinguish the two paths for project review and evaluation. As revised and as shown in Table 4:

1. **Housing Development Projects**, as defined under Government Code Section 65589.5, would be required to meet Objective Design Standards in the new Chapter 18.24. In meeting the objective design standards, a project would automatically meet the contextual design criteria in Chapter 18.24. Housing Development Projects would not be required to meet context-based design criteria. For design review, Housing Development Projects would go through the new Streamlined Housing Development Project Review process outlined in Chapter 18.77.033.

2. **Other Projects**, including housing or residential mixed-use projects that do not meet the definition of a Housing Development Project, and non-residential projects would continue to be subject to the Context-Based Design Criteria (if relevant in the zoning district). These other projects would continue to go through typical Architectural Review, pursuant to Chapter 18.76.

Table 4: Summary of Standards and Process, by Project Type

<i>Review Type</i>	<i>Housing Development Projects</i>	<i>Other Residential Projects & Non-Residential Projects</i>
Design Standards/Guidelines	New Chapter 18.24: Objective Design Standards	Existing Context-Based Design Criteria (if applicable in Zoning District)
Design Review Process	New Subsection 18.77.033: Streamlined Housing Development Project Review	Existing Chapter 18.76: Architectural Review

This revision to the version of the ordinance that the Council took action on (November 8th) wholly preserves the Context-Based Design Criteria that the City is familiar with, so for most projects there will be no change in process or standard of review, and the City can continue to enforce these longtime guidelines.

Staff Alternative Approach

However, staff would like to suggest an alternate approach for the Council's consideration. Based on the revisions outlined in this report, staff believe that we have more closely aligned the Context-Based Design Criteria and the Objective Design Standards. In particular, the revised draft ordinance in Attachment A expands on privacy and sight line standards and contextual design criteria, as well as contextual height standards that were previously missing. The comparison of existing and draft new standards and purpose statements in Attachment C identifies how these two documents are now more closely aligned. Staff believes that the misalignment of concern to the Council that was the rationale for motion Item B has now been resolved.

With these changes to the standards and purpose statements, staff recommends that the Council reconsider the ARB and staff's original approach:

1. Require Housing Development Projects to meet the Objective Design Standards in Chapter 18.24.

2. Require all Other Projects to meet Contextual Design Criteria in Chapter 18.24, as determined by the ARB, over the course of up to 3 ARB meetings.
3. Delete Context-Based Design Criteria in Chapters 18.13, 18.16, 18.18, and 18.34, replacing them with the Contextual Design Criteria and Objective Design Standards in 18.24.

This approach has several benefits:

1. Clarifies the City's design priorities in one code section vs. five code sections. This reduces the overall amount of code and the redundancies that currently exist across four zoning districts that reiterate the Context-Based Design Criteria.
2. Clarifies for City staff, ARB and other decision-makers, applicants, and community members what the City's design priorities are.
3. Allows criteria that the community and Council have identified as important—such as design standards for privacy, sight lines, and height transitions—to apply to all project types/uses, not just Housing Development Projects.
4. Reduces burdens on City staff. A project could change from a Housing Development Project subject to objective design standards to a housing project subject to Context-Based Design Criteria, during the course of entitlement. A project could still look much the same and would likely meet both the contextual design criteria and Context-Based Design Criteria, since they are quite similar. Still, having one set of criteria avoids City staff preparing staff reports from having to shift from one set of criteria and findings to another.

Stakeholder Engagement

As with all citywide projects, the 11 ARB hearings and the three (3) PTC hearings were noticed in the Daily Post. The ARB Ad Hoc meetings were not publicly noticed meetings. On January 22nd, March 23rd, May 10th, July 22nd, and September 15th, 2021, staff sent an email to a wide range of architect and consultants that have worked with the City in the recent past on development projects to solicit comments on the draft objective standards; six out of 30 stakeholders provided feedback.

Detailed comments can be found in the October 4, 2021 City Council staff report:

- Public Comments: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/public-letters-to-council/2021/20211004-oct-4/20211004plccs-item-aa1.pdf>
- Stakeholder Comments: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/10-october/20211004/20211004pccsm-amended-linked.pdf#page=407>

Several members of the public addressed the PTC at its June 9, 2021 hearing regarding height transition language, as summarized above. On July 19, 2021, staff held webinar #1 to discuss the topic of height transitions. Approximately 27 community members attended the online discussion.

On February 1, 2022 and March 22, 2022, staff held webinar #2 and #3, respectively, to provide an overview of the objective standards project; present revisions to privacy, sight line, and height transitions standards; and solicit feedback. Approximately 16 and 15 community members attended the online discussions, respectively.

Environmental Review

The ordinance revisions represent implementation of adopted plans and policy. Therefore, the revisions are exempt under CEQA and covered by the CEQA documents prepared for the Comprehensive Plan. The project aims to facilitate implementation of State law. The project does not propose to increase development beyond what was analyzed in the Comprehensive Plan.

Attachments:

Attachment15.a: Attachment A: Ordinance Adding Chapter 18.24 (Contextual Design Criteria and Objective Design Standards) (PDF)

Attachment15.b: Attachment B: Ordinance Amending Title 18 (Zoning) to Implement Objective Standards, Streamline Process for Housing Development Projects, and Other Clarifications (PDF)

Attachment15.c: Attachment C: Existing Context-Based Design Criteria vs Proposed Design Criteria/Standards (Crosswalk Document) (PDF)

NOT YET APPROVED

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Adding Chapter 18.24 of Title 18 (Zoning) of the Palo Alto Municipal Code to Adopt ~~Building Design Intent Statements~~ Contextual Design Criteria and Objective Design Standards

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 18.24 (Contextual Design Criteria and Objective Design Standards) of Title 18 (Zoning) of the Palo Alto Municipal Code is added as follows:

Sections:

18.24.010 Purpose and Applicability
18.24.020 Public Realm/Sidewalk Character
18.24.030 Site Access
18.24.040 Building Orientation and Setbacks
18.24.050 Building Massing
18.24.060 Façade Design
18.24.070 Residential Entries
18.24.080 Open Space
18.24.090 Materials
18.24.100 Sustainability and Green Building Design

18.24.010 Purpose and Applicability

(a) Purpose-

The purpose of this Chapter is to provide guidance for good design in the form of “contextual design criteria~~intent statements~~” which establish design intent, ~~for all project types and to provide objective design standards that facilitate streamlined review for multifamily and residential mixed-use development projects that qualify as Housing Development Projects under the Housing Accountability Act.~~ Diagrams are provided for illustrative purposes only and are not intended to convey required architectural style. Rather, the objective design standards aim to accommodate a variety of styles, construction types (e.g., wood frame, modular) and housing types including townhomes, apartments, condos, and mixed-use buildings.

(b) Applicability of Regulations

These regulations apply to Housing Development Projects (as defined in Gov. Code 65589.5), both new construction and renovations, within the following zones and combining districts; ~~the intent statements apply to all project types (including non-residential projects), new construction, and renovations:~~

- (1) Chapter 18.13: RM-20, RM-30, RM-40
- (2) Chapter 18.16: CN, CC, CC(2), CS
- (3) Chapter 18.18: CD-C, CD-S, CD-N

NOT YET APPROVED

~~(4) Chapter 18.20: MOR, ROLM, ROLM(E), RP, RP(5), GM —residential and residential mixed-use only; regulations do not apply to non-residential projects~~

~~(5) Chapter 18.28: PF —residential and residential mixed-use only; regulations do not apply to non-residential projects~~

~~(6) Chapter 18.34: PTOD combining district in the zoning districts identified below. Housing Development Projects include multifamily housing with three or more units (“multiple-family use” as defined in 18.04.030), supportive and transitional housing, and residential mixed-use projects with at least two-thirds residential square footage shall meet the objective design standards. Additionally, objective design standards apply to new multifamily housing with three or more units (see definition in 18.04.030), supportive and transitional housing, and residential mixed-use projects with at least two-thirds residential square footage:~~

~~(1) Chapter 18.13: RM 20, RM 30, RM 40~~

~~(2)(1) Chapter 18.16: CN, CC, CC(2), CS~~

~~(3)(1) Chapter 18.18: CD C, CD S, CD N~~

~~(4)(1) Chapter 18.20: MOR, ROLM, ROLM(E), RP, RP(5), GM —residential and residential mixed-use only; regulations do not apply to non-residential projects~~

~~(5)(1) Chapter 18.28: PF —residential and residential mixed-use only; regulations do not apply to non-residential projects~~

~~(6) Chapter 18.34: PTOD combining district~~

(c) Process and Alternative Compliance

Each section of this chapter includes two components:

~~(1) Contextual design criteria~~ an intent statement that establish design intent for more detailed standards and are intended to give guidance for all applicable projects, regardless of use.

~~(1)(2)~~ Objective design standards provide detailed measurable standards or options for compliance. Projects meeting objective standards are automatically assumed to meet contextual design criteria.

~~Housing development Development projects~~ Projects are required to comply with objective standards in order to take advantage of streamlined review pursuant to Section 18.77.073-. However, applicants may choose to forgo one or more objective standards, in which case the housing development project no longer meets the definition of a Housing Development Project and will be evaluated to the spirit of the relevant intent statements based on Context-Based Design Criteria for the zoning district, if relevant, and be subject to architectural review as set forth in Sections 18.76.020 and 18.77.070.

~~Non-Housing development projects~~ Projects and non-residential projects shall adhere to the Context-Based Design Criteria for the zoning district, if relevant, spirit of the intent statements and be subject to architectural review as set forth in Section 18.76.020 and 18.77.070.

(d) Definitions

In addition to definitions provided in Chapter 18.04, the following definitions are specific to this Chapter.

NOT YET APPROVED

- (1) "Primary Building Frontage" means the front lot line or frontage along the public right-of-way. In the case of a through-lot, the primary building frontage could be on either public right-of-way.
- (2) "Primary Building Entry" means the entrance leading to a lobby and accessed from the primary building frontage.
- (3) "Pedestrian Walkway" means a sidewalk or path that is publicly-accessible and connects from a public right-of-way to another public right-of-way or publicly accessible open space.
- (4) "Façade Modulation" means a change in building plane, either a recess or a projection, that changes the shape of the exterior massing of the building.

18.24.020 Public Realm/Sidewalk Character

(a) Contextual Design Criteria ~~Intent Statement~~

To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure. Publicly accessible spaces and sidewalks should:

- (1) Design the transition between the public and private realm through the coordination of amenities and materials, such as accent paving, tree wells, lighting and street furniture (e.g., benches, bicycle racks, trash receptacles, news racks).
- (2) Complement or match accent paving to existing designs in the Downtown and California Avenue business district.
- (3) Provide sidewalk widths that accommodate landscaping, street trees, furniture, and pedestrian amenities; create a pleasant, desirable place to walk; provide shade; and enable comfortable pedestrian passage.
- (4) Provide amenities, such as parking and repair equipment, for micromobility, such as bicycles and scooters.
- (4)(5) Utilize street parking for visitor or customer parking and to enhance traffic calming.

(b) Objective Design Standards

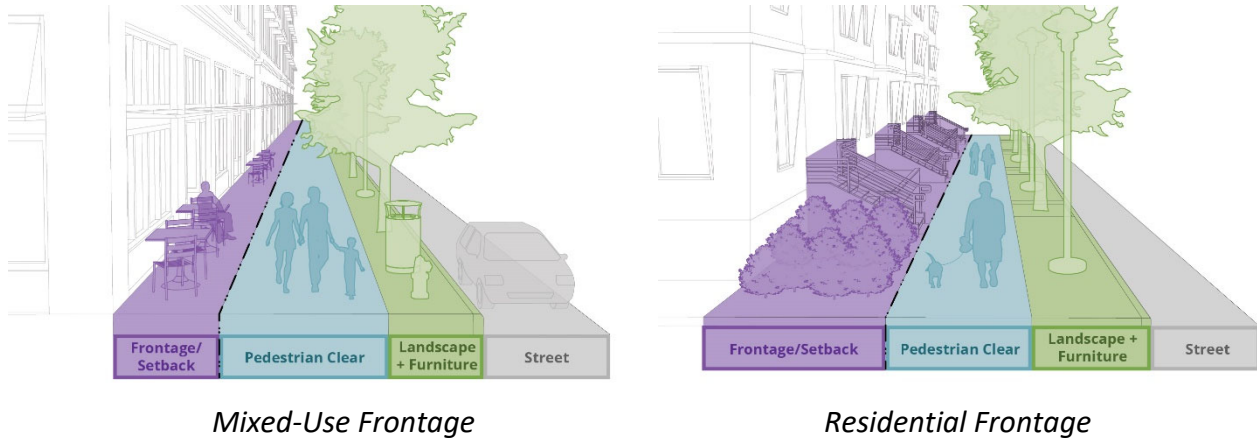
(1) Sidewalk Widths

- (A) Public sidewalks abutting a development parcel in any commercial mixed-use district (CN, CS, CC, CC(2), CD-C, CD-S, CD-N, PTOD) shall have a minimum sidewalk width (curb to back of walk) of at least 10 feet. This standard may be met with a combination of pedestrian clear path and landscape and furniture strip (see Figure 1), as long as the pedestrian clear path is no less than 8 feet. If the existing public sidewalk does not meet the minimum standard, a publicly accessible extension of the sidewalk, with corresponding public access easement, shall be provided. Notwithstanding the total dimensions required herein, the following streets/locations shall have a minimum sidewalk width as noted:
 - (i) El Camino Real: 12 ft
 - (ii) San Antonio Road, from Middlefield Road to East Charleston Road: 12 ft
- (B) Publicly accessible sidewalks or walkways, with landscape strips, connecting through a development parcel (e.g., on a through lot) shall have a minimum six-foot width.

NOT YET APPROVED

- (C) Pedestrian walkways that are designed to provide access to bicycles shall have a minimum width of eight feet, with two feet of clear space on either side.

Figure 1: Illustrative Sidewalk Section and Description of Zones



Frontage		Sidewalk		Street
Building Setback	Frontage Area	Pedestrian Clear Zone	Landscape/Furniture Zone	Vehicles/Bike Lanes
<i>Mixed-Use</i> <ul style="list-style-type: none">• Sidewalk Dining• Outdoor Displays• Public Art• Seating• Trees/Planting <i>Residential</i> <ul style="list-style-type: none">• Stoops• Porches• Front Yards• Trees/Planting		<ul style="list-style-type: none">• Sidewalk	<ul style="list-style-type: none">• Street Trees/Planting• Street Lighting• Seating• Bike Parking• Public Art• Outdoor Dining• Bus Shelters• Utilities (e.g., hydrants)	<ul style="list-style-type: none">• Street Parking• Bike Lanes• Drop-off Zones• Parklets• Bus Stops

(2) Street Trees

Sidewalks shall include at least one street tree, within six feet of the sidewalk, for every 30 feet of linear feet of sidewalk length. Rights of way under control of the County of Santa Clara or State of California, supersede this requirement if they have conflicting regulations.

(3) Accent Paving

On University and California Avenues, new construction projects shall install accent paving along the project frontage(s) (e.g., at intersections, sidewalks and/or other publicly-accessible areas), as indicated in the table below.

NOT YET APPROVED

<i>Street Segment</i>	<i>Paving Material</i>
University Avenue from Alma Street to Webster Street	Brick at corners Brick trim at mid-block
California Avenue from El Camino Real to Park Boulevard	Decorative Glass

(4) Mobility Infrastructure

- (A) Micromobility infrastructure, such as locations to lock bicycles and scooters, shall be located within 30 feet of the primary building entry and/or a path leading to the primary building entry. This standard may be satisfied by existing infrastructure already located within 50 feet of the project site and located in the public right-of-way.
- (B) Primary building entries shall provide at least one seating area or bench within 30 feet of building entry and/or path leading to building entry. This standard may be satisfied by existing seating area or benches located in public right-of-way within 50 feet of the building entry. On arterials—except Downtown—seating areas or benches shall not be located between the sidewalk and curb. Arterial roadways are identified in Map T-5 of the Comprehensive Plan and do not include residential arterials.

18.24.030 Site Access(a) ~~Contextual Design Criteria~~ Intent Statement

To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:

- (1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.
- (2) Connections to side streets, open spaces, mews, alleys, and paseos
- (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.
- ~~(3)~~(4) Shared access agreements among property owners, where feasible, to reduce the number and widths of curb cuts and driveways.

(b) Objective Design Standards

- (1) Through-Lot Connections.
Through lots located more than 300 feet from an intersecting street or pedestrian walkway shall provide a publicly accessible sidewalk or pedestrian walkway connecting the two streets.
- (2) Building Entries.
~~Entries to~~ Primary Building Entries shall be located from a public right-of-way or, if not possible, a publicly accessible Pedestrian Walkway.
- (3) Vehicle Access.
(A) Vehicle access shall be located on alleys or side streets where available.

NOT YET APPROVED

(B) Except for driveway access and short-term loading spaces, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.

(4) Loading Docks and Service Areas.

Loading and service areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience as follows:

(A) Loading docks and service areas shall be located on facades other than the primary building frontage: on alleys, from parking areas, and/or at the rear or side of building if building includes these frontages. When only primary building frontage is available, loading docks and service areas shall be recessed a minimum five feet from the primary façade and shall be screened in accordance with Chapter 18.23.050.

(B) Loading dock and service areas located within setback areas shall be screened in accordance with Chapter 18.23.050 and separated from pedestrian access to the primary building entry to avoid impeding pedestrian movement and safety.

18.24.040 Building Orientation and Setbacks

(a) Contextual Design Criteria ~~Intent Statement~~

To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:

- (1) Buildings that create a street frontage that are compatible with nearby buildings and land uses.
- (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.
- (3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy.
- (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.
- (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent-abutting lower density residential development.
- (6) Landscaped or usable areas that contain a balance between landscape and hardscape.
- (7) Optimized building orientation for thermal comfort, shading, daylighting, and natural ventilation and other forms of passive design.

(b) Objective Design Standards

(1) Treatment of Corner Buildings (less than 40 feet)

Corner buildings less than 40 feet in height and end units of townhouses or other attached housing products that face the street shall include the following features on their secondary building frontage:

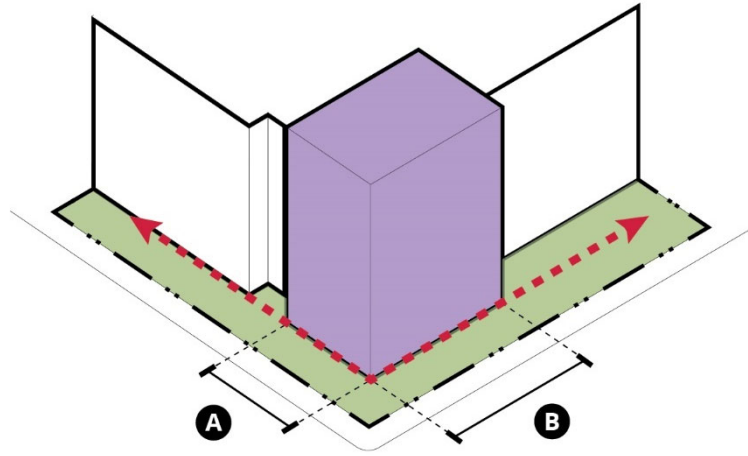
- (A) A height to width ratio greater than 1.2:1
- (B) A minimum of 15 percent fenestration area.

NOT YET APPROVED

- (C) At least one facade modulation with a minimum depth of 18 inches and a minimum width of two feet. Examples: Wrap around front porch, bay window.
- (2) Treatment of Corner Buildings (40 feet and higher)

Corner buildings 40 feet or taller in height shall include at least one of the following special features:

- (A) Street wall shall be located at the minimum front yard setback or build-to line for a minimum aggregated length of 40 feet in length on both facades meeting at the corner and shall include one or more of the following building features:



- A** Length 1 of corner element Front yard setback area
- B** Length 2 of corner element <...> Build to line

where: **A** + **B** = aggregate length

//

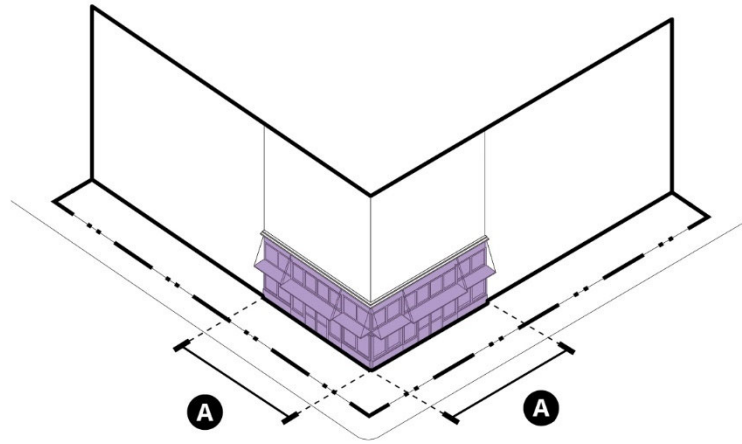
//

//

//

NOT YET APPROVED

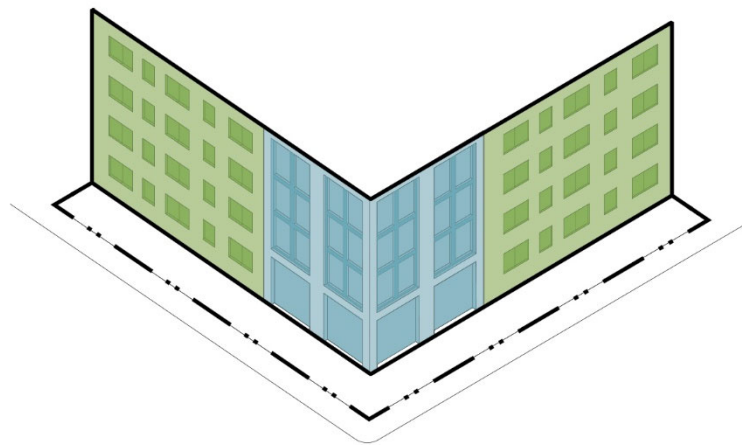
- (i) An entry to ground floor retail or primary building entrance located within 25 feet of the corner of the building



Corner entry to ground floor retail or primary building entrance

A 25' maximum distance from corner

- (ii) A different material application and/or fenestration pattern from the rest of the façade.

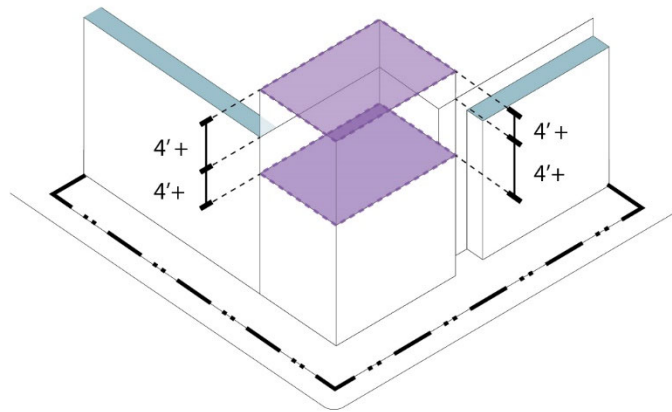


Corner element material or fenestration pattern

Remaining facade building material or fenestration pattern

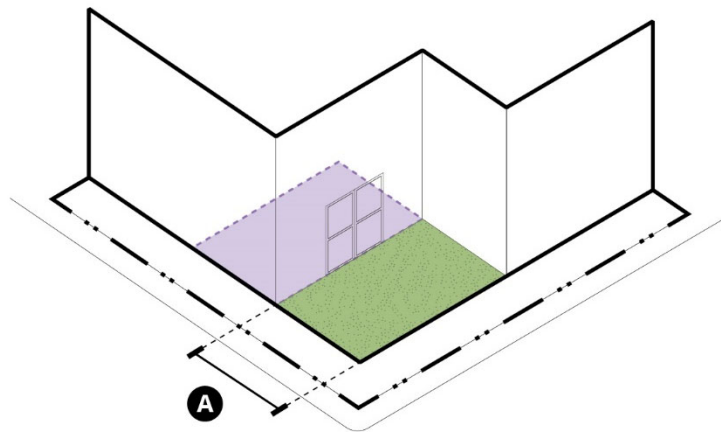
- (iii) A change in height of at least 4 feet greater or less than the height of the abutting primary façade.

NOT YET APPROVED



- Corner element height $\leq 4'$ **or** $\geq 4'$ than abutting height
 Building height of abutting facade

- (B) An open space with a minimum dimension of 20 feet and minimum area of 450 square feet. The open space shall be at least one of the following:
- (i) A publicly accessible open space/plaza
 - (ii) A space used for outdoor seating for public dining
 - (iii) A residential Common Open Space adjacent to a common interior space and less than two feet above adjacent sidewalk grade. Fences and railing shall be a minimum 50% transparent.



- Common open space
 Adjacent lobby, retail, or indoor common space
A Minimum dimension $\geq 20'$

NOT YET APPROVED

(3) Primary Building Entry

The primary building entry shall meet at least one of the following standards:

- (A) Face a public right-of-way.
- (B) Face a publicly accessible pedestrian walkway.
- (C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards:
 - (i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet.
 - (ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.

(4) Ground Floor Residential Units

- (A) The finished floor of ground floor residential units, when adjacent to a public right-of-way, shall be within the minimum and maximum heights according to setback distance from back of walk identified in Figure 2. On sites with a cross slope greater than 2% along a building facade, the average height of the finished floor and back of walk shall be used. In flood zones, the minimum floor height shall be defined by the Federal Emergency Management Agency (FEMA) flood zone elevation.
- (B) Ground floor units with a setback greater than 15 feet shall have at minimum an average of one tree per 40 linear feet of façade located in the building set back.
- (C) Ground floor residential entries shall be setback a minimum of 10 feet from the back of sidewalk.
- (D) Where no minimum building set back is required, all residential units shall be set back a minimum 5 feet from back of walk.
- (E) A minimum of 80% of the ground floor residential units that face a public right-of-way or publicly accessible path, or open space shall have a unit entry with direct access to the sidewalk, path, or open space. (Senior units or other deed-restricted units for special populations are exempt)

Figure 2a: Finished Floor heights for ground floor residential units, calculation.

$$\text{Formula: } y = \left(-\frac{4}{15}\right)(x) + \frac{16}{3}$$

where y = ground floor finished floor height, in feet

and x = setback distance from back of walk, in feet

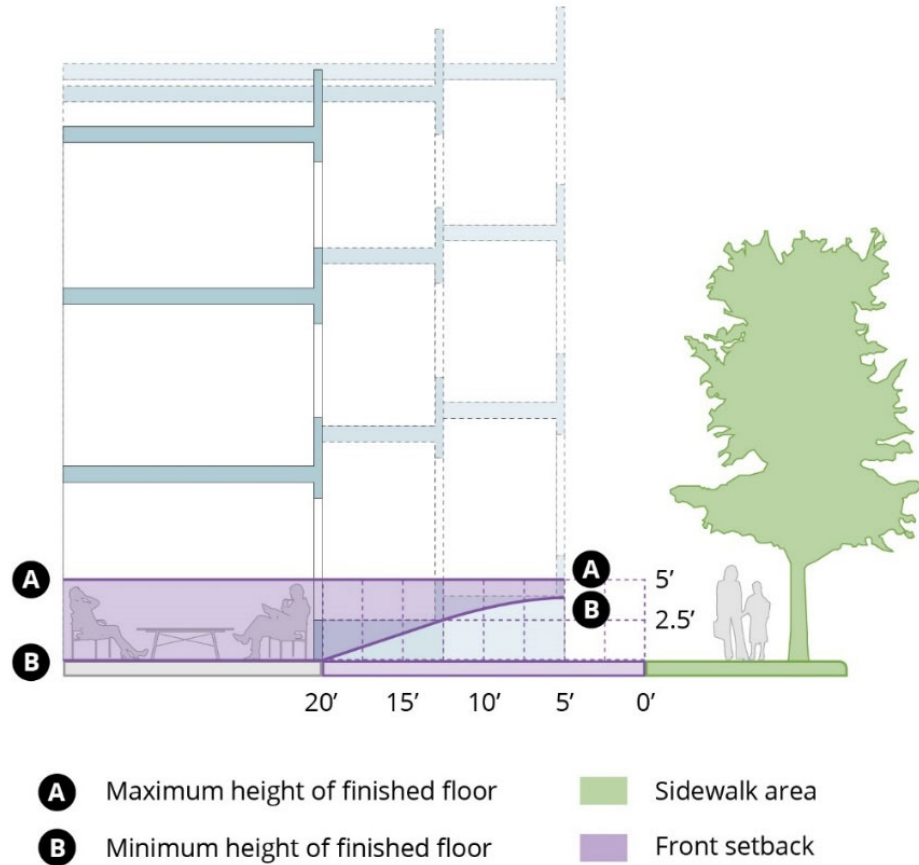
Setback Length	Ground Floor Finished Floor Height (minimum)
5 ft*	4 ft
7.5 ft	3 ft 4 in
10 ft	2 ft 8 in
12.5 ft	2 ft
15 ft	1 ft 4 in

NOT YET APPROVED

17.5 ft	8 in
20 ft	0 ft (grade)

**Per 18.24.040.(b)(4)(D), ground-floor residential units shall be set back a minimum 5 feet from back of walk.*

Figure 2b: Finished Floor range for ground floor residential units.



//

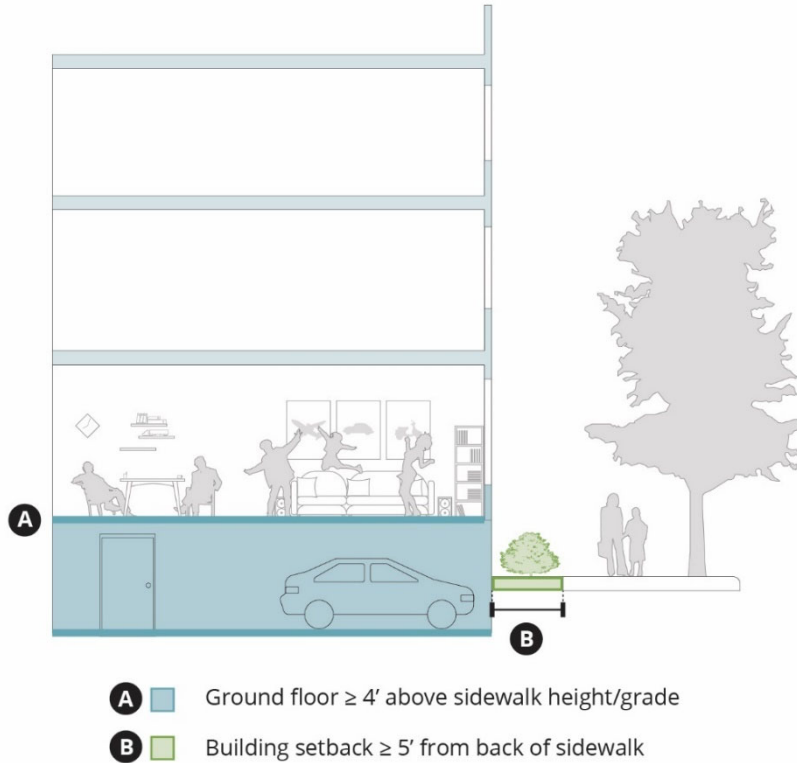
//

//

//

NOT YET APPROVED

Example 1: Finished floor height greater than 4 feet above sidewalk grade with minimum 5 feet setback.

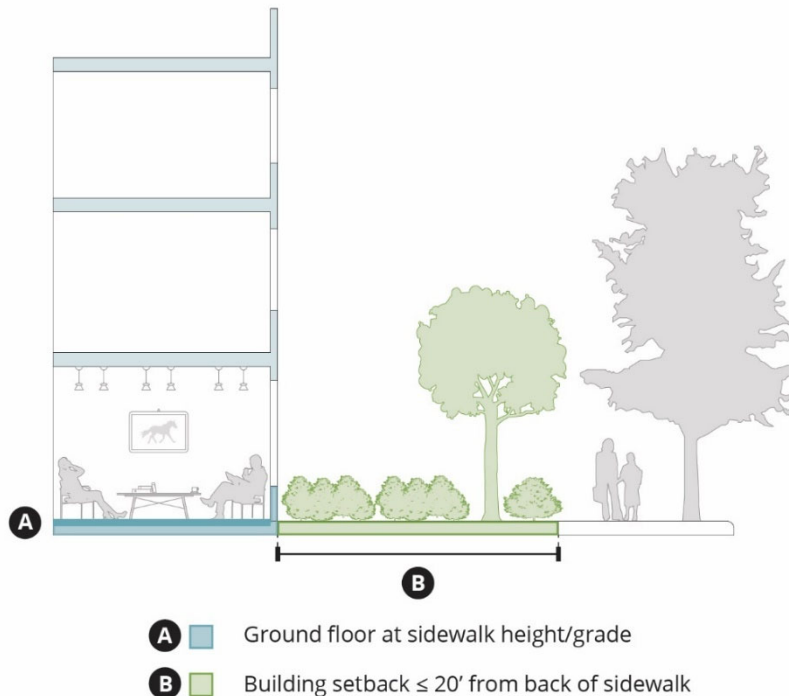


Example 2: Finished floor height in the middle of the range.



NOT YET APPROVED

Example 3: Finished floor height at sidewalk grade.



(5) Front Yard Setback Character

Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space:

- (A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters.
- (B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.

(6) Side Yard Setback Character

- ~~(C)~~(A) Each detached dwelling unit shall have at least one usable side yard, at least 6 feet wide, between the house and fence to provide outdoor passage between the front and rear yards.

18.24.050 Building Massing

(a) Contextual Design Criteria ~~Intent Statement~~

To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:

NOT YET APPROVED

- (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site
- (2) Are consistent in scale, mass and character to adjacent land uses and land use designations
- (3) Reinforce the definition and importance of the street
- (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate.

(5) Provide harmonious transitions between adjacent abutting properties

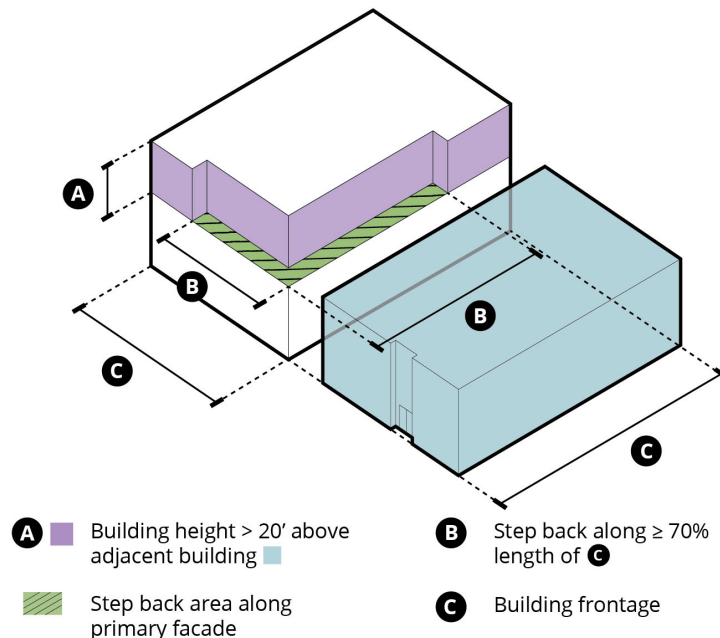
(5)(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.

(b) Objective Design Standards

(1) Upper Floor Step Backs & Daylight Planes

(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along both the primary building frontage and the facing facade, and the step shall occur for a minimum of 70% of ~~the~~ each facade length.

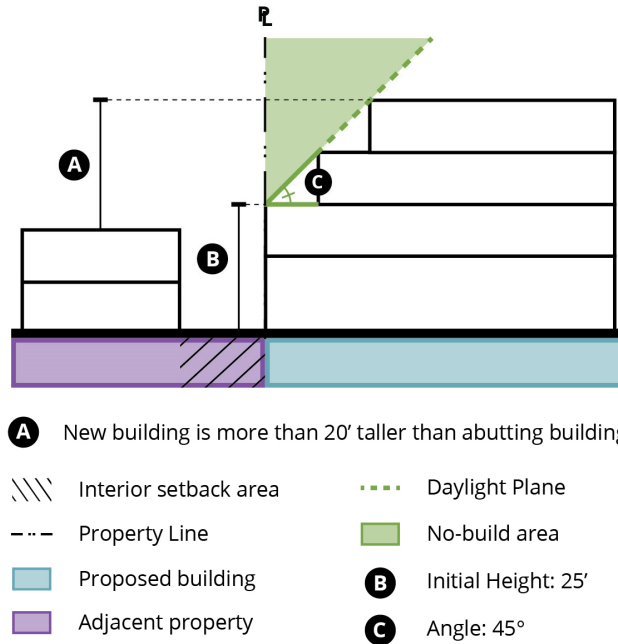
(B) Notwithstanding, subsection (a), when ~~adjacent abutting to~~ a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.



(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:

NOT YET APPROVED

- (i) The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and
- (ii) The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and
- (+)(iii) The project abuts residential units in the side or rear yard.



(2) Privacy and Transitions to Lower Density Building Types Residential Uses

When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R 1, or R 2 zoned parcel or a village residential or existing single family residential use, the building shall break down the abutting façade and maintain privacy by meeting all of the following applicable standards:

- (A) Landscape Screening: A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.

//

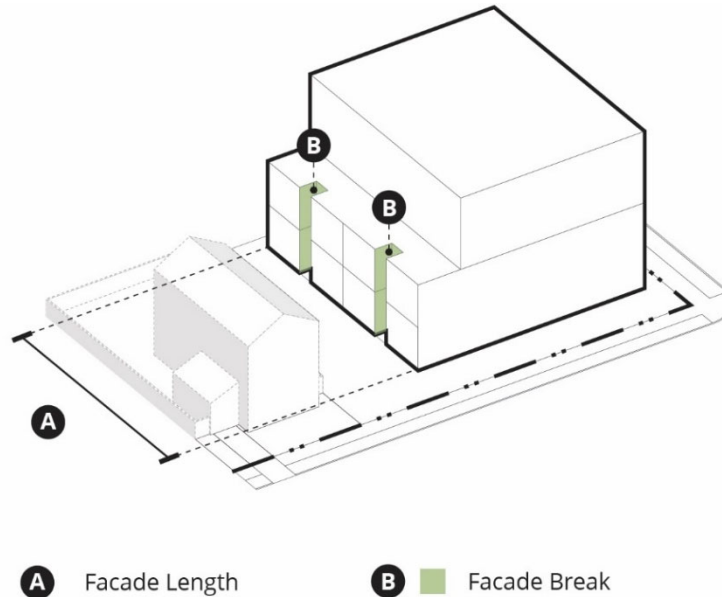
//

//

//

NOT YET APPROVED

- (B) Façade Breaks: A minimum façade break of four feet in width, two feet in depth, and 32 square feet of area for every 36 to 40 feet of façade length.



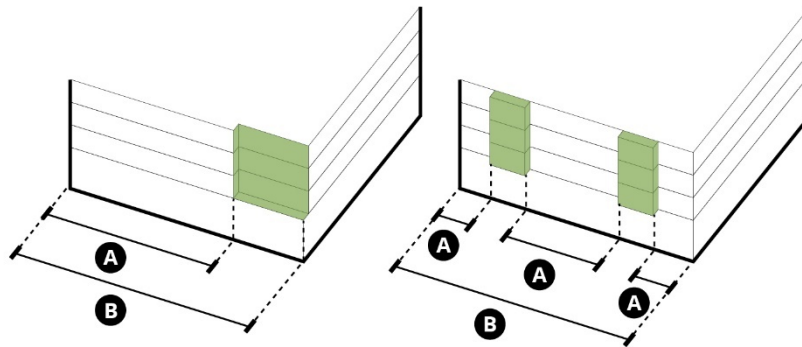
- (C) Maximum Transparency: Within 40 feet of an abutting structure, no more than 15% of the ~~confronting~~ facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.
- (D) Windows: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:
- (i) Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or
 - (ii) Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or
 - (iii) Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and
 - (iv) Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity
- (E) Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:
- (i) No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing
 - (ii) Submit section view of proposed balcony/deck and abutting residential windows and/or private open space
 - (iii) Provide balcony/deck design measure which may include:

NOT YET APPROVED

- a. Minimum 85% opaque railing
- b. Obscure glass railing
- c. Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)

(3) Maximum Façade Length.

For portions of a building facade facing a public street, right-of-way, or publicly accessible path, any building greater than 25 feet in height and 70 feet in length shall not have a continuous façade plane greater than 70% of the façade length without an upper floor modulation, which can include bay windows. Upper floor façade modulations shall be a minimum 2 feet in depth, which can be a recess or a projection.



- A** Non-continuous building facade $\leq 70\%$ length of **B**
- B** Building length

Upper floor above 25' with modulation $\geq 2'$ in depth

- (A) Buildings 250 feet in length or greater, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 400 square feet and a width greater than or equal to two times the depth.
- (B) Buildings 150 to 250 feet in length, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 64 square feet and a minimum width of 8 feet and minimum depth of 4 feet.

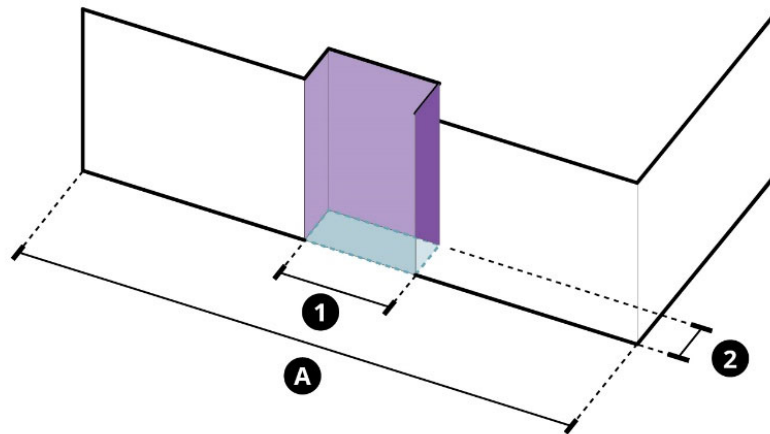
//

//

//

//

NOT YET APPROVED



- | | |
|---|-----------------------------|
| A Building facade | 1 Facade break width |
|  Vertical facade break | 2 Facade break depth |
|  Facade break area | |

(4) Special Conditions - Railroad Frontages

All parcels with lot lines abutting railroad rights-of-way shall meet the following standards on the railroad-abutting facade:

- (A) A minimum facade break of at least 10 feet in width and six feet in depth for every 60 feet of façade length.
- (B) For portion of a building 20 feet or greater in height, a maximum continuous façade length shall not exceed 60 feet.

(5) Diversity of Housing Types

(A) A diversity of housing types (e.g., detached units, attached rowhouses/townhomes, condominiums or apartments, mixed use) are required for projects on large lots:

- < 1-acre lots: minimum 1 housing type;
- 1 to 2-acre lots: minimum 2 housing types; or
- > 2-acre lots = minimum 3 housing types.

18.24.060 Façade Design

(a) Contextual Design Criteria ~~Intent Statement~~

To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:

- (1) Human-scaled detail, articulation, and craftsmanship
- (2) Quality of construction, craftsmanship, and design to create long lasting buildings
- (3) Expression of a human-scaled façade rhythm and pattern that reflects the building's use
- (4) Fenestration that enhances the architectural character of the building
- (5) Defined building entry that is proportional to the building and number of people served
- (6) Articulation of the building shall break down the scale of the building via building modulation, façade articulation, and variation of fenestration and material patterns.

NOT YET APPROVED

(b) Application

- (1) All facades shall meet all the required design standards and guidelines to ensure the same level of care and integrity throughout the building design.
- (2) Façade sidewalls located along a zero-lot line where, at time of approval are not visible from a right-of-way, are exempt.
- (3) Façade sidewalls located along a zero-lot line, where at time of approval are visible from a right-of-way, shall continue color, material, and pattern of the main façade.

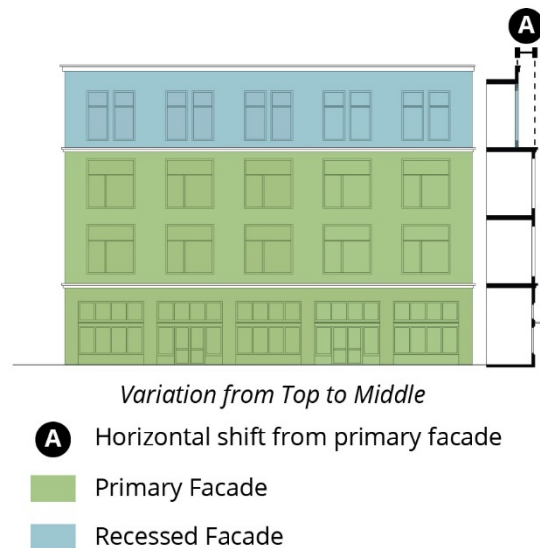
(c) Objective Design Standards

(1) Base/Middle/Top

- (A) Buildings three stories or taller and on lots wider than 50 feet shall be designed to differentiate a defined base or ground floor, a middle or body, and a top, cornice, or parapet cap. Each of these elements shall be distinguished from one another for a minimum of 80% of the façade length through use of two-three or more of the following four techniques:

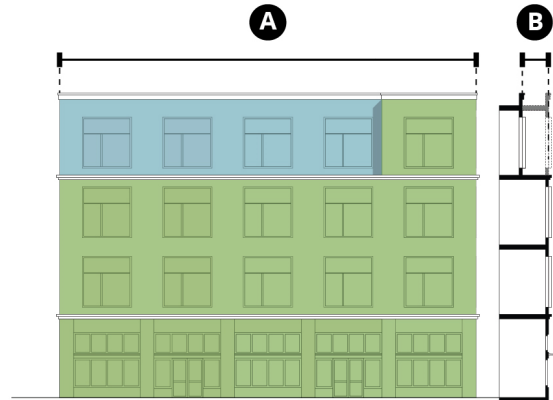
(i) *Variation in building modulation* (minimum of one, if option selected)

- a. Horizontal shifts. Changes in floor plates that protrude and/or recess with a minimum dimension of two feet from the primary facade.



- b. Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade.

NOT YET APPROVED



- A** Step backs along $\geq 80\%$ of facade length
- B** Upper floor step backed
- Recessed Facade

- c. Ground floor step back. A horizontal shift of the ground floor facade with a minimum depth of two feet for a minimum 80% of the length of the façade. Ground floor step backs shall not exceed the maximum setback requirements, where stated.



Variation from Bottom to Middle

- A** Building Step Back
- B** Horizontal shift from primary facade
- Primary Facade
- Recessed Facade

(ii) *Variation in facade articulation (minimum of one, if option selected)*

- a. *Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, or bay windows or similar strategies as approved by the Director of Planning and Development Services.* The recess or projection shall be a minimum four

NOT YET APPROVED

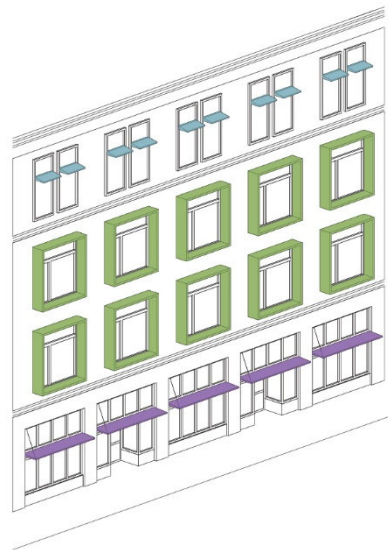


Variation from Top to Middle + Middle to Bottom

- A** Horizontal projection
- B** Vertical projection
- C** Horizontal recess

inches in depth.

- b. *Variation in* horizontal and/or vertical projections such as shading and weather protection devices, decorative architectural details, ~~or similar~~




Variation in Horizontal and Vertical Projections

- Shading Type 1
- Shading Type 2
- Shading Type 3

- c. Datum lines that continue the length of the building, such as parapets or cornices, with a minimum four inches in height or a minimum two inches in depth and include a change in material;

NOT YET APPROVED






 Datum lines along the entire length of the building **and** with a change in material

(iii) *Variation in at least two of the following: fenestration size, proportions, pattern, and depth or projection.*



Variation in Fenetration Pattern

 Pattern A size and proportion
 Pattern B size and proportion
 Pattern C size and proportion

//

//




//

NOT YET APPROVED

- (iv) *Variation in two of the following: façade material, material size, texture and pattern, or color.*



Variation in two of the following on the primary facade

-  Top material composition
-  Middle material composition
-  Base material composition

(2) Façade Composition

Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include a minimum of ~~two~~ three of the following façade articulation strategies to create visual interest:

- (i) Vertical and horizontal recesses such as a pattern of recessed grouping of windows, or recessed panels, or similar strategies as approved by the Director of Planning and Development Services. The recess shall be a minimum four inches in depth.
- (ii) Vertical and horizontal projections such as shading and weather protection devices, or decorative architectural details, or similar strategies as approved by the Director of Planning and Development Services. Projections shall be a minimum four inches in depth.
- (iii) Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material;
- (iv) Balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum four inches in depth;
- (v) Screening devices such as lattices, louvers, shading devices, or perforated metal screens, or similar strategies as approved by the Director of Planning and Development Services; or
- (vi) Use of fine-grained building materials, such as brick or wood shingles, not to exceed eight inches in either height or width; or
- (vii) Incorporate a minimum of three colors, materials, and/or textures across the whole building.

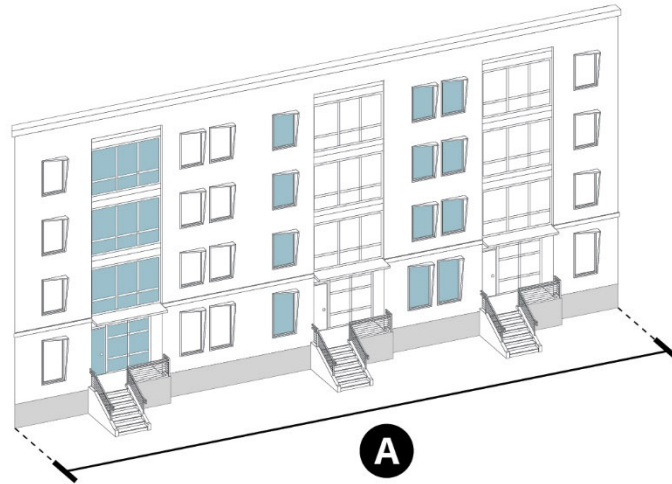
(3) Compatible Rhythm and Pattern

- (A) Buildings shall express a vertical rhythm and pattern that reflects the size and scale of a housing unit and/or individual rooms and spaces. This may be achieved with

NOT YET APPROVED

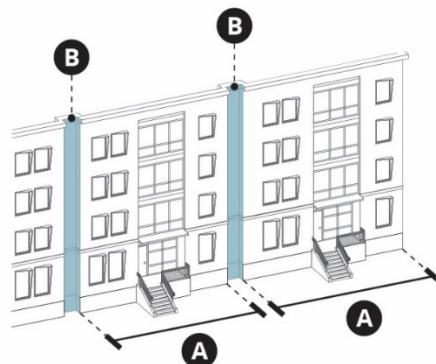
building modulation to create vertically oriented facades (height greater than the width of the façade), façade articulation and fenestration repetitive vertically oriented patterns. Depending on the length of the façade, the following standards apply:

- (i) For continuous facades less than 100 feet in length, the façade shall have vertically oriented patterns of vertical recesses or projections, façade articulation, and/or fenestration.



A Facade length $\leq 100'$ Vertically oriented patterns

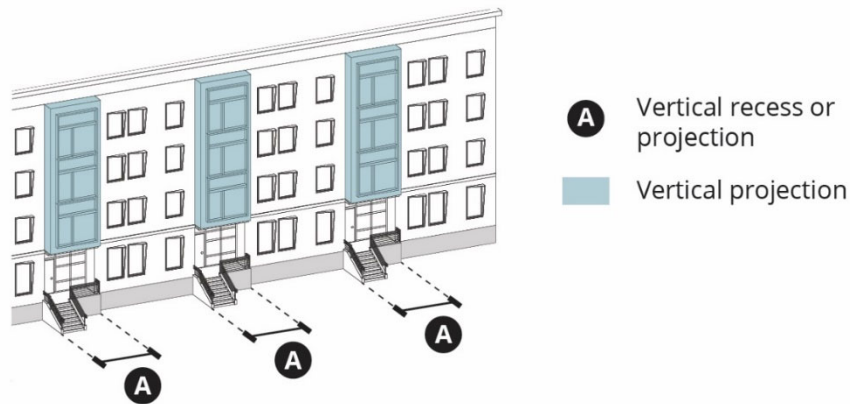
- (ii) For continuous facades 100 feet or greater in length, the façade shall include either:
- a. A vertical recess or change in façade plane with a minimum 2 feet deep vertical shift modulation for a minimum 4 feet in width to establish a vertical rhythm or a unit between 20 to 50 feet in width; or



A Vertical rhythm
B Vertical shift modulation
 Vertically oriented patterns

- b. A vertical recess or projection with a minimum depth of 2 feet that establishes the vertical rhythm housing units or individual rooms between 10 to 16 feet in width.

NOT YET APPROVED



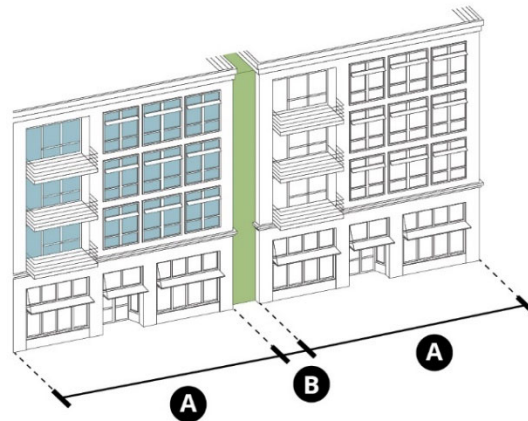
- (B) Residential mixed-use buildings shall express a vertical rhythm and pattern by meeting at least one of the following standards:
- (i) Vertical Patterns and Modulation: Facades shall use vertical patterns of building modulation, façade articulation, and fenestration.



Vertical patterns along building facade

- (ii) Horizontal Patterns and Modulation: Facades that use horizontal articulation and fenestration patterns shall use a vertical massing strategy with a minimum four feet wide and two feet deep vertical shift in modulation at least once every 50 feet of façade length.

NOT YET APPROVED



A Facade with horizontal articulation and fenestration pattern $\leq 50'$

Horizontal articulation and fenestration pattern

B Vertical shift in modulation $\geq 4'$

(C) Storefront uses shall express a vertical rhythm not to exceed 30 to 50 feet in width.

(4) Emphasize Building Elements and Massing

(A) Building Entries Within Façade Design

(i) Primary building entries shall be scaled proportionally to the number of people served (amount of floor-area or number of units accessed). Building entries inclusive of doorway and facade plane shall meet the following minimum dimensions:

- a. Individual residential entries: five feet in width
- b. Shared residential entry, such as mixed-use buildings: 8 feet in width
- c. Commercial building entry: 20 feet in width
- d. Storefront entry: six feet in width

(ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:

- a. A recess or projection from the primary façade plane with a minimum depth of two feet.

(B) Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.

(5) Storefront/Retail Ground Floors

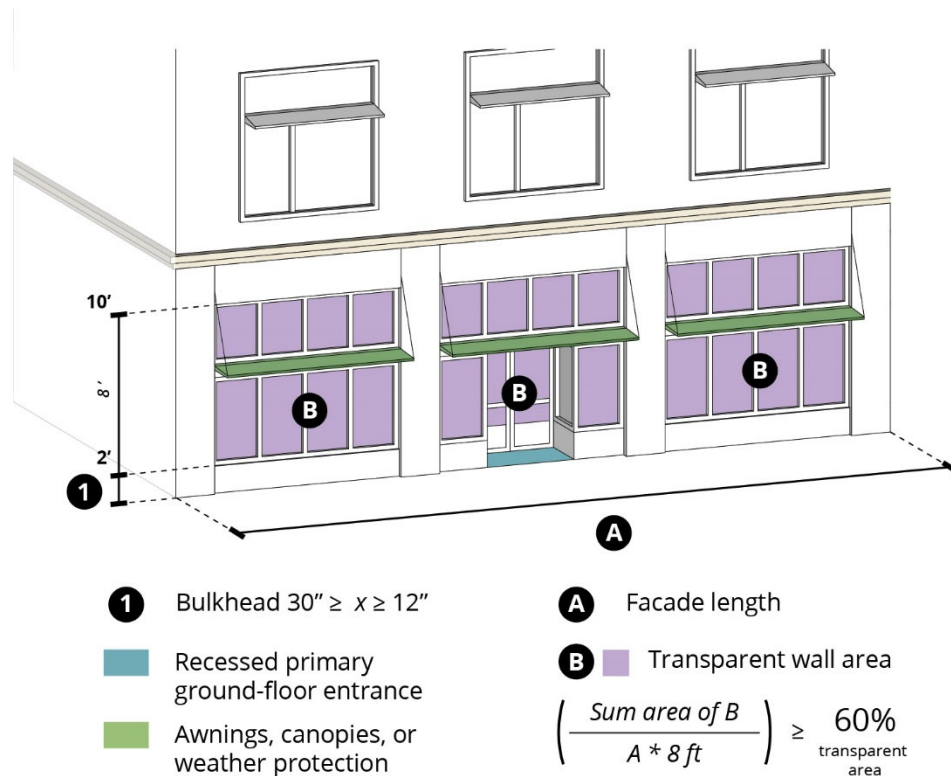
(A) Ground floor height shall be a minimum 14 feet floor-to-floor or shall maintain a 2nd floor datum line of an abutting building-

(B) Transparency shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space.

(C) Bulkheads and solid base walls: If provided, shall measure between 12 and 30 inches from finished grade

NOT YET APPROVED

- (D) Primary entries shall include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.
- (E) Awnings, canopies and weather protection:
- (i) When transom windows are above display windows, awnings, canopies and similar, weather protection elements shall be installed between transom and display windows. These elements should allow for light to enter the storefront through the transom windows and allow the weather protection feature to shade the display window.
 - (ii) Awnings may be fixed or retractable.



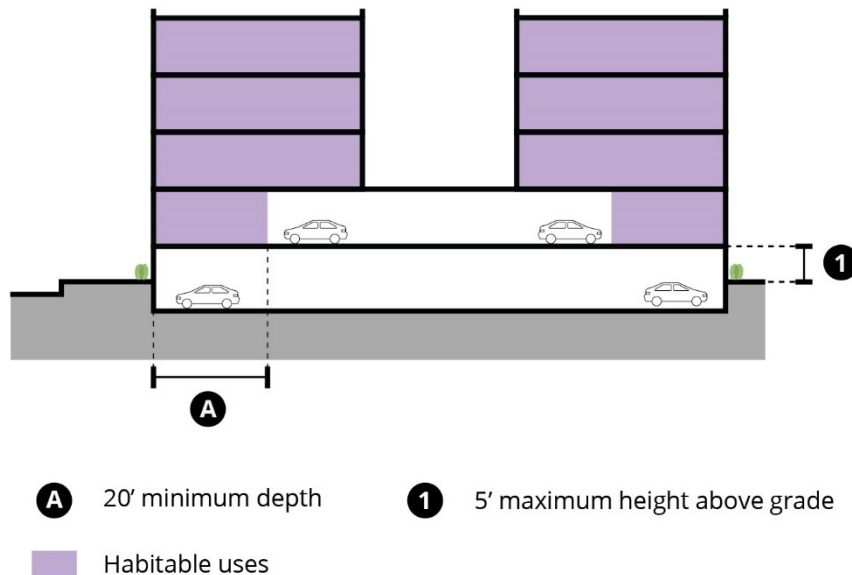
(6) Other Non-residential Ground Floors

- (A) Ground floor height shall be a minimum 14 feet floor-to-floor or shall match the 2nd floor datum line of an abutting building.
- (B) Transparency shall include a minimum 50 percent transparent glazing between 4 and 10 feet in height from sidewalk or terrace grade.
- (C) Primary entries shall include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.

NOT YET APPROVED

(7) Parking/Loading/Utilities

- (A) Entry Size: No more than 25% of the site frontage facing a street should be devoted to garage openings, carports, surface parking, loading entries, or utilities access (on sites with less than 100 feet of frontage, no more than 25 feet)
- (B) Above grade structured parking levels facing a public right-of-way or publicly accessible open space/path, with the exception of vehicular alleys, shall be lined with commercial or habitable uses with a minimum depth of 20 feet.
- (C) Partially sub-grade parking shall not have an exposed façade that exceeds five feet in height above abutting grade at back of sidewalk.
- (D) Partially sub-grade parking shall be screened with continuous landscaping and shrubbery with minimum height of 3 feet and be within 10 feet of the sub-grade parking.

**18.24.070 Residential Entries**(a) Contextual Design Criteria ~~Intent Statement~~

Private entries into ground floor residential units shall be designed to provide:

- (1) human-scaled detailing
- (2) enhanced pedestrian experience
- (3) transition between public and private space
- (4) spaces for residents to gather and spend time outdoors
- (5) resident privacy

(b) Objective Design Standards

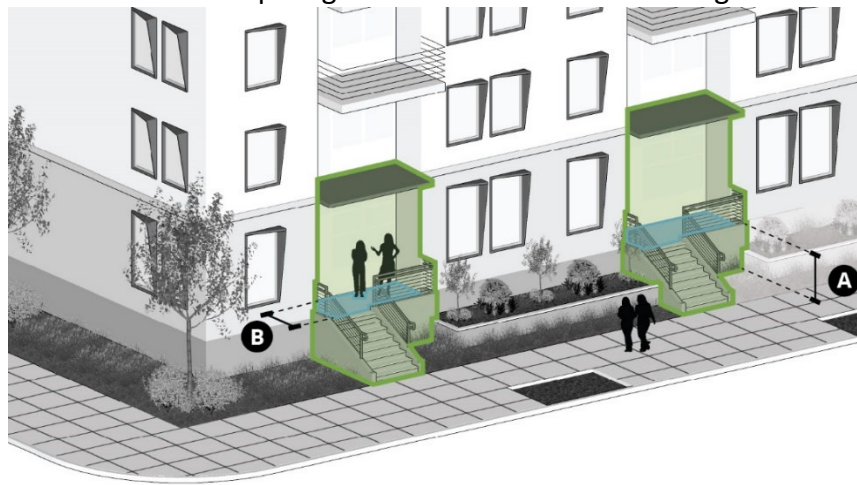
- (1) Ground Floor Unit Entries: Where ground floor residential unit entries are required, one or more of the following entry types shall be provided:

(A) Stoop:

- (i) Stoops shall provide entry access for a maximum of two units; and
- (ii) Stoop heights shall be within 1 step of finished floor height of adjacent unit; and

NOT YET APPROVED

- (iii) Stoop entry landings shall be a minimum 5 feet in depth; and
- (iv) The maximum stoop height from the back of sidewalk grade shall be 5 feet.



Ground floor residential entry
Entry landing

A 5' maximum height above sidewalk grade
B 5' minimum depth

(B) Porch:

- (i) Porches shall provide entry access for a maximum of one unit; and
- (ii) Porch heights shall be within 1 step of finished floor height of adjacent unit; and
- (iii) Porches shall be large enough so a 6-foot by 6-foot square can fit inside of a porch for each unit; and
- (iv) The maximum porch floor height from the back of sidewalk grade shall be 5 feet.



(C) Patio Entry

- (i) Patio entries may serve up to two units; and
- (ii) Patios shall be large enough so a 5-foot by 5-foot square can fit inside of the patio for each unit; and

NOT YET APPROVED

- (iii) The Patio shall include at least one of the following features to define the transition between public and private space:
- A row of shrubs not exceeding 42 inches in height located between the sidewalk and the patio that assists with defining the edge between public and private space. Shrubs shall be at least one gallon in size and be planted a maximum of three feet on center; or
 - A fence not to exceed 36 inches in height located between the sidewalk and the patio that assists with defining the edge between public and private space, with a gate or fence opening to provide access to the pedestrian route between the pedestrian way and the front door; or
 - A metal, wood or stone wall not to exceed 36 inches in height located between the sidewalk and the patio that assists with defining the edge between public and private space with a gate or wall opening to provide access to the pedestrian route between the pedestrian way and the front door. A minimum 18-inch landscape strip shall be located between the wall and the abutting pedestrian way and entirely landscaped with ground cover, shrubs or other landscape living plant material.



(D) Terrace:

- A Terrace may serve multiple unit entries; and
- The maximum Terrace height shall be 30 inches above the grade of the back of the adjacent sidewalk or accessway; and
- Walls, fences and hedges on Terraces shall be a maximum of 42 inches tall and have a minimum transparency of 40 percent.

NOT YET APPROVED



(E) Frontage Court:

- (i) A Frontage Court may serve multiple unit entries; and
- (ii) The minimum Frontage Court width along a primary frontage shall be 25 feet; and
- (iii) The maximum Frontage Court width along a primary frontage shall be 50 percent of the facade length or 80 feet, whichever is less; and
- (iv) The minimum Frontage Court depth shall be 25 feet; and
- (v) The maximum Frontage Court depth shall be 50 feet or a ratio not to exceed 2:1 depth to width.



NOT YET APPROVED

18.24.080 Open SpaceContextual Design Criteria ~~Intent~~

(a)

To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:

- (1) Be integrated into the site access and building circulation strategy
- (2) Be generous in dimension to provide usable space
- (3) Provide landscape elements that will support the health of the plants and enhance the character of place
- (4) Promote public health
- (5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses
- (6) Promote sustainable practices and opportunities for green infrastructure
- (7) Promote community safety through eyes on the street

(b) Objective Design Standards

(1) Private Open Space

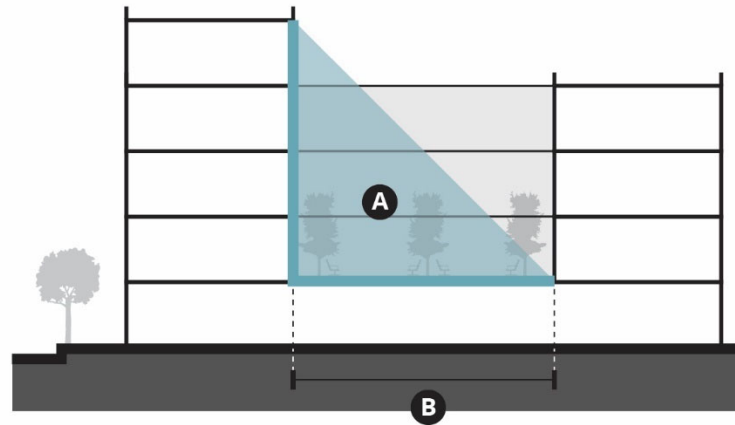
If Private Open Spaces is provided, it shall meet the following standards:

- (A) Floor area shall include a clear space with a minimum dimension of a circle with a six-foot diameter.
- (B) Minimum clear height dimension of 8'-6" feet
- (C) Be accessed directly from a residential unit
- (D) Balconies shall not be located within the daylight plane
- (E) Notwithstanding subsection (a), ground floor patios shall meet the following minimum requirements:
 - (i) RM-20 and RM-30 districts: Minimum 100 square feet of area, the least dimension of which is eight feet for at least 75% of the area
 - (ii) RM-40 districts: Minimum 80 square feet of area, the least dimension of which is six feet for at least 75% of the area
 - (iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)

(2) If Common Open Space is provided, it shall meet the following standards:

- (A) Minimum size of 200 square feet
- (B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter.
- (C) A minimum of 60% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted.
- (D) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25

NOT YET APPROVED



A Minimum courtyard width to building height ratio of 1:1.25

B 40' minimum dimension

(E) Include places to sit

(F) A minimum 20% of landscaping

(G) Soil Depth: Planting in above grade courtyards shall have a minimum soil depth of 12 inches for ground cover, 20 inches for shrubs, and 36 inches for trees.

18.24.090 Materials

(a) Contextual Design Criteria ~~Intent Statement~~

To promote the use of high quality, durable, sustainable, and attractive materials that exhibit a sense of permanence and contribute to the aesthetic quality of the development and to the urban design fabric of the community.

(b) Objective Design Standards

(1) Façade Materials.

Primary, secondary, and accent materials are allowed or prohibited as in the Residential and Residential Mixed-use Material List, which may be updated from time to time by the Director of Planning with a recommendation by the ARB.

//

//

//

NOT YET APPROVED

List provided for informational purposes; will be posted to City's website and not codified by ordinance.

Residential and Residential Mixed-use Material List

<i>Material</i>	<i>Maximum Usage % of façade area</i>
Brick (full dimensional)	100%
Stone/masonry	100%
Stucco/Cement Plaster	100%
Glass (transparent, spandrel)	100%
Finished wood, wood veneer, engineered wood, and wood siding	100%
Factory or naturally finished flat, profiled, fluted, or ribbed metal panels	100%
Fiber reinforced cement siding and panels	100%
Terracotta	100%
Concrete (poured in place or precast)	35%
Concrete blocks with integral color (ground, polished, or glazed finishes)	35%
Concrete blocks with integral color (split face finish)	35%
Ceramic tile	35%
Standing seam metal	35%
Three Dimensional Glass	5%
Corrugated metal	5%
Vegetated wall panels or trellises	5%
Vinyl siding	Not Permitted
T-111 Plywood	Not Permitted
Exterior Insulation Finishing System (EIFS)	Not Permitted
Plastic or vinyl fencing	Not Permitted
Chain link fencing	Not Permitted

NOT YET APPROVED

18.24.100 Sustainability and Green Building Design**(a) Contextual Design Criteria ~~Intent Statement~~**

To incorporate sustainability, green building, and environmental considerations into the project design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:

- (1) Optimize building orientation for thermal comfort, shading, daylighting, and natural ventilation, including operable windows
- (2) Design landscaping to create comfortable micro-climates and reduce heat island effects
- (3) Design landscaping with native species
- (4) Maximize onsite stormwater management through landscaping and permeable pavement
- (5) Use sustainable building materials
- (6) Design lighting, plumbing and equipment for efficient energy use
- (7) Create healthy indoor environments
- (8) Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements

(b) Objective Design Standards

See Chapter 16.14: California Green Building Standards additional requirements for green building and sustainable design. Notwithstanding Section 18.24.010(c), these regulations may not be modified through alternative compliance.

SECTION 2. 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 3. The Council finds that this Ordinance represents the implementation of adopted plans and policy. Therefore, the Ordinance are exempt under the California Environmental Quality Act (CEQA) and/or covered by the CEQA documents prepared for the City of Palo Alto Comprehensive Plan 2030. The project aims to facilitate implementation of State law. The project does not propose to increase development beyond what was analyzed in the Comprehensive Plan.

//

NOT YET APPROVED

SECTION 4. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

Director of Planning and
Development Services

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>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) ³	10	10	10	
[...]				
Minimum Site Landscape/Open Space Coverage ⁽⁵⁾ (percent)	35	30	20	18.13.040(e) 18.24.040
Minimum Usable Open Space (sf per unit) ⁽⁵⁾	150	150	150	18.13.040(e) 18.24.040
Minimum common open space (sf per unit)	75	75	75	18.13.060 18.24.040
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 ⁽⁶⁾	See provisions of Chapters 18.52 and 18.54			Ch. 18.52
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.				
[...]				

Incorrect footnote

Relocated to 18.13.040(h)

Redundant with 18.52.040, Table 1

(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~~

Relocated to
18.24.080(b)

~~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~~

Redundant
with Sign
Ordinance

~~(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.~~

Redundant
with 18.52

~~(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:

Table 3		
Village Residential Development Table		
	Village Residential	Subject to regulations in:
[...]		
Minimum Site Landscape/ Open Space Coverage ⁽⁴⁾	35% of entire site 18.13.040	18.13.040(e) 18.24.040
Minimum Usable Open Space (per unit) (3) ⁽⁴⁾	300 sq. ft.	18.13.040(e) 18.24.040
Minimum Common Open Space (per unit)	No requirement	18.13.060 18.24.040
Minimum Private Open Space (per unit)	100 sq. ft.	
Performance Criteria		Ch. 18.23
Landscape Requirements		18.40.130
Parking (5)	See provisions of Chapter 18.52 <u>and 18.54</u>	Ch. 18.52 <u>and 18.54</u>
Footnotes: (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.~~

Redundant
with
18.52.040,
Table 1

[. . .]

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:
[...]					
<u>Minimum Landscape/Open Space Coverage</u>	35%	30%	20%	30%	
<u>Usable Open Space (Private and/or Common)</u>	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~~

Relocated to
18.40.240
below

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:
[...]				
Usable Open Space (Private and/or Common)	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.~~

Relocated to
18.40.240
below

[. . .]

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 purpose 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:

Acknowledges
that
Comprehensive
Plan eliminated
Downtown cap

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.~~

Relocated to
18.40.240
below

[. . .]

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:

Relocated to
apply to all
projects
regardless of
zone, location
or adjacency

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.

Relocated from 18.23.020. Strikeouts/underlines indicate key changes from existing code, proposed in collaboration with Zero Waste Division. Text moves are not shown.

(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:

Relocated to apply to all projects regardless of zone, location or adjacency

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

Relocated from 18.23.030. Strikeouts/underlines indicate key changes from existing code. Text moves are not shown.

(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:

Relocated to apply to all projects regardless of zone, location or adjacency

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

Shown as new code text, but relocated from 18.23.080 (Vehicular, Pedestrian, and Bicycle Site) to consolidate standards for

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:

Relocated to apply to all projects regardless of zone, location or adjacency

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.~~

Relocated from 18.23.050. Strikeouts/underlines indicate key changes from existing code. Text moves are not shown.

(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 shall 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.

Redundant w/
18.40.090:
Height
Exceptions

(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

Relocated w/o changes to apply to all projects regardless of zone, location or adjacency

Added to 18.52 and 18.54 below to consolidate parking and access standards

Relocated w/o changes to apply to all projects regardless of zone, location or adjacency

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 Combining District ⁽¹⁾		
[...]		
Landscape/Open Space Coverage	20% ⁽²⁾	
[...]		
<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 ¹	PTOD - California Avenue	PTOD - Downtown [Reserved]
[...]		
Open Space:		
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 Section 18.24.040</u>	
Minimum dimensions	Private open space: 6 feet Common open space: 12 feet	
[...]		

Relocated to new
18.24.080(b)

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

Redundant
with
18.54.040(d)
Landscaping
of Parking
Areas

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.

Shown as new code text, but relocated almost verbatim from 18.23.070 (Parking) to consolidate all parking design in one place

(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.

Shown as new code text, but relocated almost verbatim from 18.23.080 (Vehicular, Pedestrian, and Bicycle Site) to consolidate all access design in one place

[. . .]

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.

//

//

//

//

//

//

//

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

City of Palo Alto

Objective Design Standards Project

Crosswalk Matrix of Existing and Proposed Design Regulations

April 15, 2022

This document compares existing context-based design criteria and the standards and contextual design criteria proposed to replace them, for “housing development projects.” The context-based design criteria are organized by zoning district, with the existing criteria in the left-hand column and the proposed standard or contextual design criteria in the right-hand column.

- *Blue italics indicate staff comments*, which identify redundancies, proposed deletions, and elements addressed in other sections of the code.
- *Green text indicates contextual design criteria*, which convey contextual design priorities and clarify the intent of design standards.
- Draft standards are shown in normal black text
- Revisions to standards/contextual design criteria compared to the version reviewed by the City Council on November 8, 2021 are shown in underline/~~strikeout~~ format.

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria	
Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
(1) Massing and Building Facades	
Massing and building facades shall be designed to create a residential scale in keeping with Palo Alto neighborhoods, and to provide a relationship with street(s) through elements such as:	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u></p> <p>To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <p>(1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site</p> <p>(2) Are consistent in scale, mass and character to adjacent land uses and land use designations</p> <p>(3) Reinforce the definition and importance of the street</p> <p>(4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate.</p> <p>(5) Provide harmonious transitions between abutting properties</p>
A. Articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest (Figure 1-1);	<p><u>18.24.050(a)(1): Break down large building facades and massing to create a human-scaled building that enhances the context of the site</u></p> <p><u>18.24.050(a)(2): Are consistent in scale, mass and character to adjacent land uses and land use designations</u></p> <p>18.24.050(b)(2) When a building abuts a side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade by...</p> <p>(B) A minimum façade break of four feet in width, two feet in depth, and 32 square feet of area for every 36 to 40 feet of façade length.</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>18.24.050(b)(3) Maximum Façade Length</p> <p>For portions of a building facade facing a public street, right-of-way, or publicly accessible path, any building greater than 25 feet in height and 70 feet in length shall not have a continuous façade plane greater than 70% of the façade length without an upper floor modulation, which can include bay windows. Upper floor façade modulations shall be a minimum 2 feet in depth, which can be a recess or a projection.</p> <p>(A) Buildings 250 feet in length or greater, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 400 square feet and a width greater than or equal to two times the depth.</p> <p>(B) Buildings 150 to 250 feet in length, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 64 square feet and a minimum width of 8 feet and minimum depth of 4 feet.</p> <p><i>Also see new standards/menu options for massing and articulation in</i> <i>18.24.060 Façade Design - (c)(1)(A) Variation in building modulation and Variation in façade articulation. For example:</i></p> <p>18.24.060(c)(1)(A)(ii) Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, <u>or</u> bay windows or similar strategies as approved by the Director of Planning and Development Services</p> <p><i>Also see materials standards in 18.24.090 Materials</i></p>
<p>B. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies (Figure 1-1);</p>	<p>18.24.050(a)(4): Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate.</p> <p>18.24.060(c)(4) Building Entries Within Façade Design</p> <p>(A) (ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:</p> <p>a. A recess or projection from the primary façade plane with a minimum depth of two feet.</p> <p>(B) Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p> <p><i>Also see new standards/menu options for massing and articulation in:</i> <i>18.24.060 Façade Design - (c)(1)(A) Variation in building modulation and Variation in façade articulation. For example:</i></p> <p>18.24.060(c)(1)(A)(ii) Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, <u>or</u> bay windows or similar strategies as approved by the Director of Planning and Development Services <i>[Choice in menu of options]</i></p>
<p>C. Placement and orientation of doorways, windows, and landscape</p>	<p>18.24.050(a) Building Massing Intent Statement <u>Contextual Design Criteria</u></p> <p>(3) Reinforce the definition and importance of the street</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
<p>elements to create a relationship with the street (Figure 1-1)</p>	<p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>18.24.040 Building Orientation and Setbacks (5) Front Yard Setback Character Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space: (A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters. (B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.</p> <p>18.24.060(c)(4) Building Entries Within Façade Design (ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following: a. A recess or projection from the primary façade plane with a minimum depth of two feet.</p> <p>18.24.060(c)(5) Storefront/Retail Ground Floors (B) Transparency shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space.</p> <p>18.24.060(c)(6) Other Non-residential Ground Floors (B) Transparency shall include a minimum 50 percent transparent glazing between 4 and 10 feet in height from sidewalk or terrace grade.</p>
<p>D. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (Figure 1-1)</p>	<p><u>18.24.060(a) Façade Design Intent Statement Contextual Design Criteria</u> To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements: (1) Human-scaled detail, articulation, and craftsmanship (2) Quality of construction, craftsmanship, and design to create long lasting buildings (3) Expression of a human-scaled façade rhythm and pattern that reflects the building's use (4) Fenestration that enhances the architectural character of the building (5) Defined building entry that is proportional to the building and number of people served (6) Articulation of the building shall break down the scale of the building via building modulation, façade articulation, and variation of fenestration and material patterns.</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p><i>See new standards in 18.24.060(c) that identify a menu of options for façade design. For example:</i></p> <p>18.24.060(c) Façade Design (2) Façade Composition</p> <p>Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include a minimum of two of the following façade articulation strategies to create visual interest:</p> <p>(i) Vertical and horizontal recesses such as a pattern of recessed grouping of windows, <u>or</u> recessed panels, or similar strategies as approved by the Director of Planning and Development Services. The recess shall be a minimum four inches in depth.</p> <p>(ii) Vertical and horizontal projections such as shading and weather protection devices, <u>or</u> decorative architectural details, or similar strategies as approved by the Director of Planning and Development Services. Projections shall be a minimum four inches in depth.</p> <p>(iii) Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material;</p> <p>(iv) Balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum four inches in depth;</p> <p>(v) Screening devices such as lattices, louvers, shading devices, <u>or</u> perforated metal screens, or similar strategies as approved by the Director of Planning and Development Services; or</p> <p>(vi) Use of fine-grained building materials, such as brick or wood shingles, not to exceed eight inches in either height or width; <u>or</u></p> <p>(vii) Incorporate a minimum of three colors, materials, and/or textures across the whole building.</p>
<p>E. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;</p>	<p><u>18.24.070(a) Residential Entries</u> Intent Statement <u>Contextual Design Criteria</u></p> <p>Private entries into ground floor residential units shall be designed to provide:</p> <p>(1) human-scaled detailing (2) enhanced pedestrian experience (3) transition between public and private space (4) spaces for residents to gather and spend time outdoors (5) resident privacy</p> <p><i>See new standards in 18.24.070(b) Residential Entries for specific entry types (i.e., stoops, porches, patios, terraces, frontage courts), dimensional requirements and the minimum and maximum number of units per entry. For example:</i></p> <p>18.24.070(b)(B) Residential Entries - Porch:</p> <p>(i) Porches shall provide entry access for a maximum of one unit; and</p> <p>(ii) Porch heights shall be within 1 step of finished floor height of adjacent unit; and</p> <p>(iii) Porches shall be large enough so a 6-foot by 6-foot square can fit inside of a porch for each unit; and</p> <p>(iv) The maximum porch floor height from the back of sidewalk grade shall be 5 feet.</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>18.24.060(b) Façade Design</p> <p>(A) Building Entries Within Façade Design</p> <p>(i) Primary building entries shall be scaled proportionally to the number of people served (amount of floor-area or number of units accessed). Building entries inclusive of doorway and facade plane shall meet the following minimum dimensions:</p> <p>a. Individual residential entries: five feet in width</p> <p>b. Shared residential entry, such as mixed-use buildings: 8 feet in width</p> <p>c. Commercial building entry: 20 feet in width</p> <p>d. Storefront entry: six feet in width</p>
<p>F. Residential units that have a presence on the street and are not walled-off or oriented exclusively inward;</p> <p>G. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street (Figure 1-2);</p>	<p>18.24.040(a) Building Orientation and Setbacks <u>Intent Statement Contextual Design Criteria</u></p> <p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>(3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy.</p> <p>18.24.040(b) Building Orientation and Setbacks</p> <p>(3) Primary Building Entry The primary building entry shall meet at least one of the following standards:</p> <p>(A) Face a public right-of-way.</p> <p>(B) Face a publicly accessible pedestrian walkway.</p> <p>(C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards:</p> <p>(i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet.</p> <p>(ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p>
<p>H. All exposed sides of a building designed with the same level of care and integrity (Figure 1-2).</p>	<p>18.24.060(a) Façade Design <u>Intent Statement Contextual Design Criteria</u></p> <p>To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <p>(2) Quality of construction, craftsmanship, and design to create long lasting buildings</p> <p>18.24.060(b) Façade Design Application</p> <p>(1) All facades shall meet all the required design standards and guidelines to ensure the same level of care and integrity throughout the building design.</p> <p>(2) Façade sidewalls located along a zero-lot line where, at time of approval are not visible from a right-of-way, are exempt.</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	(3) Façade sidewalls located along a zero-lot line, where at time of approval are visible from a right-of-way, shall continue color, material, and pattern of the main façade.
(2) Low-Density Residential Transitions	
<p>Where new projects are built abutting existing lower-scale residential development, care shall be taken to respect the scale and privacy of neighboring properties through:</p> <p>A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses, such as small-lot units and rowhouses (Figure 2-1);</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ul style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (5) Provide harmonious transitions between adjacent abutting properties <u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.</u> <p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <ul style="list-style-type: none"> (1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development. <p><u>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</u> (A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> the facing facade, and the step shall occur for a minimum of 70% of the <u>each</u> façade length. (B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height. <u>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</u></p> <ul style="list-style-type: none"> (i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u> (ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(iii) <u>The project abuts residential units in the side or rear yard.</u></p> <p>18.24.060(c)(1)(A)(i)(b): Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade. <i>[Choice in menu of options]</i></p> <p><u>18.24.050(b)(2)(D) Windows: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</u></p> <ul style="list-style-type: none"> (i) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u> (ii) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u> (iii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u> (iv) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u> <p><u>18.24.050(b)(2)(E) Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</u></p> <ul style="list-style-type: none"> (i) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (ii) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (iii) <u>Provide balcony/deck design measure which may include:</u> <ul style="list-style-type: none"> a) <u>Minimum 85% opaque railing</u> b) <u>Obscure glass railing</u> c) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u> <p><i>Also see setbacks and daylight plane standards in district regulations' development standards tables.</i></p>
<p>B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements (Figure 2-2);</p>	<p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u></p> <p><i>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</i></p> <p><i>(5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent abutting lower density residential development.</i></p> <p><u>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</u></p> <p><u>(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along both the primary building frontage and the facing facade, and the step shall occur for a minimum of 70% of the each façade length.</u></p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p> <p>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</p> <ul style="list-style-type: none"> (i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u> (ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u> (iii) <u>The project abuts residential units in the side or rear yard.</u> <p>18.24.060(c)(1)(A)(i)(b): Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade. <i>[Choice in menu of options]</i></p> <p><i>Also see setbacks and daylight plane standards in district regulations' development standards tables.</i></p>
<p>C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties (Figure 2-3);</p>	<p>18.24.050(a) Building Massing <u>Intent Statement Contextual Design Criteria</u></p> <p><u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.</u></p> <p>18.24.050(b)(2)(C) Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p><u>18.24.050(b)(2)(D) Windows: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</u></p> <ul style="list-style-type: none"> (v) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u> (vi) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u> (vii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u> (viii) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u> <p><u>18.24.050(b)(2)(E) Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</u></p> <ul style="list-style-type: none"> (iv) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (v) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (vi) <u>Provide balcony/deck design measure which may include:</u> <ul style="list-style-type: none"> d) <u>Minimum 85% opaque railing</u> e) <u>Obscure glass railing</u>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>f) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u></p> <p>18.24.080(b)(1)(D): Balconies shall not be located within the daylight plane</p>
<p>D. Minimizing sight lines into and from neighboring properties (Figure 2-3);</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> <u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses (e.g., location of pedestrian paths and mews/drive aisles).</u></p> <p>18.24.050(b)(2) <u>Privacy and Transitions to Residential Uses</u> Lower Density Building Types When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade <u>and maintain privacy</u> by meeting all of the following <u>applicable</u> standards:</p> <p>(A) <u>Landscape Screening</u>: A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.</p> <p>(C) <u>Maximum Transparency</u>: Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p>(D) <u>Windows</u>: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following: (i) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u> (ii) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u> (iii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u> (iv) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u></p> <p>(E) <u>Balconies</u>: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views: (i) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (ii) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (iii) <u>Provide balcony/deck design measure which may include:</u> a) <u>Minimum 85% opaque railing</u> b) <u>Obscure glass railing</u> c) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u></p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
E. Limiting sun and shade impacts on abutting properties; and	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement <u>Contextual Design Criteria</u> ...Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(1) Buildings that create a street frontage that are compatible with nearby buildings and land uses.</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p>(5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with abutting lower density residential development.</p> <p>(7) Optimized building orientation for thermal comfort, shading, daylighting, and natural ventilation and other forms of passive design.</p> <p><i>See setbacks and daylight plane standards in district regulations' development standards tables.</i> <i>No new sun access or shade impact standards are proposed.</i></p>
F. Providing pedestrian paseos and mews to create separation between uses.	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement <u>Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria...</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p>18.24.020(b) Public Realm/Sidewalk Character</p> <p>(1) Sidewalk Widths</p> <p>(B) Publicly accessible sidewalks or walkways, <u>with landscape strips</u>, connecting through a development parcel (e.g., on a through lot) shall have a minimum six-foot width.</p> <p>(C) Pedestrian walkways that are designed to provide access to bicycles shall have a minimum width of eight feet, with two feet of clear space on either side.</p>
(3) Project Open Space	
Private and public open space shall be provided so that it is usable for the residents and visitors of a site.	<p>18.24.080(a) Open Space Intent Statement <u>Contextual Design Criteria</u> To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(2) Be generous in dimension to provide usable space</p> <p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>(4) Promote public health</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(6) Promote sustainable practices and opportunities for green infrastructure</p> <p>(7) Promote community safety through eyes on the street</p>
<p>A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u></p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <p>(2) Be generous in dimension to provide usable space</p> <p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(6) Promote sustainable practices and opportunities for green infrastructure</p> <p>18.24.080(b)(1) Private Open Space.</p> <p>If Private Open Spaces is provided, it shall meet the following standards: ...</p> <p>(A) Floor area shall include a clear space with a minimum dimension of a circle with a six-foot diameter.</p> <p>(B) Minimum clear height dimension of 8'-6" feet</p> <p>(C) Be accessed directly from a residential unit</p> <p>(D) Balconies shall not be located within the daylight plane</p> <p>(E) Notwithstanding subsection (a), ground floor patios shall meet the following minimum requirements: ...</p> <p>(i) RM-20 and RM-30 districts: Minimum 100 square feet of area, the least dimension of which is eight feet for at least 75% of the area</p> <p>(ii) RM-40 districts: Minimum 80 square feet of area, the least dimension of which is six feet for at least 75% of the area</p> <p>(iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)</p>
<p>B. Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the residents.</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u></p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto.</p> <p>18.24.080(b)(1) Private Open Space</p> <p>If Private Open Spaces is provided, it shall meet the following standards:</p> <p>(C) Be accessed directly from a residential unit</p> <p>18.24.080(b)(2) Common Open Space</p> <p>If Common Open Space is provided, it shall meet the following standards:</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(A) Minimum size of 200 square feet</p> <p>(B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter.</p> <p>(D) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25</p> <p>(E) Include places to sit</p> <p>(F) A minimum 20% of landscaping</p>
<p>C. Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings (Figure 3-1);</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u> ... Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>18.24.080(b)(2) Common Open Space</p> <p>If Common Open Space is provided, it shall meet the following standards:</p> <p>(C) A minimum of 60% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted.</p> <p>(F) A minimum 20% of landscaping</p>
<p>D. Usable open space may be any combination of private and common spaces;</p>	<p><i>Removed. Inconsistent with development standards in Chapter 18.13.040(e) and Table 2, Chapter 18.13, which details distinct requirements and options for private and common open space.</i></p>
<p>E. Open space should be located to activate the street facade and increase "eyes on the street" when possible (Figure 3-2);</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u> ...Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(7) Promote community safety through eyes on the street</p> <p>18.24.040(b)(2)(B): An open space with a minimum dimension of 20 feet and minimum area of 450 square feet. The open space shall be at least one of the following:</p> <p>(i) A publicly accessible open space/plaza</p> <p>(ii) A space used for outdoor seating for public dining</p> <p>(iii) A residential Common Open Space adjacent to a common interior space and less than two feet above adjacent sidewalk grade. Fences and railing shall be a minimum 50% transparent. <i>[Choice in menu of options]</i></p>
<p>F. Usable open space does not need to be located on the ground and may be located in porches, decks, balconies and/or podiums (Figure 3-3);</p>	<p><i>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124).</i></p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
<p>G. Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement;</p>	<p><i>Redundant with guideline in Chapter 18.13.040(e).</i> <i>Also see noise standards in Section 9.10.030(a).</i> <i>Also see existing noise standards for rooftop open spaces in 18.40.230: Rooftop Gardens.</i></p> <p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u> ...Common and private open spaces should include the following characteristics: (5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>18.24.080(b)(1) Private Open Space. If Private Open Spaces is provided, it shall meet the following standards: ... (C) Be accessed directly from a residential unit (D) Balconies shall not be located within the daylight plane (E) ...ground floor patios shall meet the following minimum requirements... (iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)</p> <p>18.24.080(b)(2) If Common Open Space is provided, it shall meet the following standards... (A) Minimum size of 200 square feet (B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter. (C) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25</p>
<p>H. Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces (Figure 3-3); and</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u> To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics: (3) Provide landscape elements that will support the health of the plants and enhance the character of place (6) Promote sustainable practices and opportunities for green infrastructure</p> <p>18.24.080(b) (2) Common Open Space (2) If Common Open Space is provided, it shall meet the following standards: (F) A minimum 20% of landscaping (G) Soil Depth: Planting in above grade courtyards shall have a minimum soil depth of 12 inches for ground cover, 20 inches for shrubs, and 36 inches for trees.</p>
<p>I. Parking may not be counted as open space.</p>	<p><i>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124).</i></p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
(4) Parking Design	
<p>Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:</p> <p>A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, garages and carports, etc.;</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <p>(3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available. (B) Except for driveway access, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.</p> <p>18.24.030(b)(4) Loading Docks and Service Areas. Loading and service areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience as follows: (A) Loading docks and service areas shall be located on facades other than the primary building frontage: on alleys, from parking areas, and/or at the rear or side of building if building includes these frontages. When only primary building frontage is available, loading docks and service areas shall be recessed a minimum five feet from the primary façade and shall be screened in accordance with Chapter 18.23.050. (B) Loading dock and service areas located within setback areas shall be screened in accordance with Chapter 18.23.050 and separated from pedestrian access to the primary building entry to avoid impeding pedestrian movement and safety.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (A) Entry Size: No more than 25% of the site frontage facing a street should be devoted to garage openings, carports, surface parking, loading entries, or utilities access (on sites with less than 100 feet of frontage, no more than 25 feet)</p>
<p>B. Structured parking is fronted or wrapped with habitable uses when possible (Figure 4-1);</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <p>(3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.060(b)(7)(B): Above grade structured parking levels facing a public right-of-way or publicly accessible open space/path, with the exception of vehicular alleys, shall be lined with commercial or habitable uses with a minimum depth of 20 feet.</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art (Figure 4-2);	<p>18.24.030(a) Site Access Intent Statement <u>Contextual Design Criteria</u></p> <p>(3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities</p> <p>(C) Partially sub-grade parking shall not have an exposed façade that exceeds five feet in height above abutting grade at back of sidewalk.</p> <p>(D) Partially sub-grade parking shall be screened with continuous landscaping and shrubbery with minimum height of 3 feet and be within 10 feet of the sub-grade parking.</p>
D. Landscaping such as trees, shrubs, vines, or groundcover is incorporated into surface parking lots (Figure 4-2);	Removed. Redundant with landscaping standards and guidelines in Chapter 18.54.040: Landscaping of Parking Areas
E. For properties with parking access from the rear of the site (such as a rear alley or driveway) landscaping shall provide a visual buffer between vehicle circulation areas and abutting properties (Figure 4-3);	<p>Removed. Redundant with standards and guidelines in Chapter 18.54.040(f): Landscaping of Parking Areas (Landscape Screens) and Chapter 18.23.050: Visual, Screening and Landscaping (proposed to be modified to be broadly applicable and relocated to Chapter 18.40.260). For Example:</p> <p>18.54.040(f) Landscaping of Parking Areas <u>[Existing Code Section]</u></p> <p>(a) Perimeter Landscaping: Each unenclosed parking facility shall provide a perimeter landscaped strip at least five feet wide between and adjacent to a line defining the exterior boundary of the parking area and the nearest adjacent property line, not separated by a building. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous except for required access to the site or to the parking facility. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature. Where the parking facility adjoins another site, a fence, wall, or other equivalent screening feature may be required.</p> <p><u>See draft standards for Chapter 18.40.260(b) Visual Screening and Landscaping</u></p> <p><u>(1) For non-residential properties abutting residential uses:</u></p> <p><u>(ii) Walls facing residential properties shall incorporate architectural design features and landscaping in order to reduce apparent mass and bulk.</u></p> <p><u>(iii) Loading docks and exterior storage of materials or equipment shall be screened from view from residential properties by fencing, walls or landscape buffers.</u></p> <p><u>(iv) All required interior yards (setbacks) abutting residential properties shall be planted and maintained as a landscaped screen.</u></p> <p><u>(2) For all project types:</u></p> <p><u>(i) All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped with ground cover, shrubs, and/or trees.</u></p> <p><u>(iii) A minimum 10-foot planting and screening strip shall be provided adjacent to any façade abutting a low density residential district (R-1, R-2, or RMD) or abutting railroad tracks.</u></p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
F. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming;	18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria (5) Utilize street parking for visitor or customer parking and to enhance traffic calming.
G. Parking is accessed from side streets or alleys when possible.	18.24.030(a)(3): Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries. 18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available.
(5) Large (Multi-Acre) Sites	
Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:	<i>Sites over 1 acre in size are not uniquely addressed. Standards and contextual design criteria below would be broadly applicable and would not just apply to large sites.</i> 18.24.050(a) Building Massing Intent Statement Contextual Design Criteria To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that: (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (3) Reinforce the definition and importance of the street (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate. (5) Provide harmonious transitions between abutting properties
A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated with Palo Alto's Bicycle Master Plan, when applicable);	18.24.030(a) Site Access Intent Statement Contextual Design Criteria To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements: (1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points. (2) Connections to side streets, open spaces, mews, alleys, and paseos
B. The diversity of building types increases with increased lot size (e.g., <1 acre = minimum 1 building type; 1-2 acres = minimum 2 housing types; greater than 2 acres = minimum 3	18.24.050(a) Building Massing Intent Statement Contextual Design Criteria To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features.

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
housing types) (Figures 5-1 through 5-3); and	<p>18.24.050(b)(5)(A) A diversity of housing types (e.g., detached units, attached rowhouses/townhomes, condominiums or apartments, mixed use) are required for projects on large lots:</p> <ul style="list-style-type: none"> • < 1-acre lots: minimum 1 housing type; • 1 to 2-acre lots: minimum 2 housing types; or • > 2-acre lots = minimum 3 housing types. <p>18.24.060(b)(2): Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies.</p>
<p>C. Where a site includes more than one housing type, each building type should respond to its immediate context in terms of scale, massing, and design (e.g., small lot units or rowhouse building types facing or abutting existing single-family residences) (Figures 5-2 and 5-3).</p>	<p><u>18.24.050(a) Building Massing</u> Intent Statement <u>Contextual Design Criteria</u></p> <p>To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <p>(5) Provide harmonious transitions between abutting properties</p> <p>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</p> <p>(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> the facing facade, and the step shall occur for a minimum of 70% of the <u>each</u> façade length.</p> <p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p> <p>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</p> <ul style="list-style-type: none"> (i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u> (ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u> (iii) <u>The project abuts residential units in the side or rear yard.</u>
(6) Housing Variety and Units on Individual Lots	
Multifamily projects may include a variety of unit types such as small-lot detached units (Figure 6-1), attached rowhouses/townhouses (Figure 6-2), and cottage clusters in order to achieve variety and create transitions to adjacent existing development, provided that:	<p>18.24.050(b)(5)(A) A diversity of housing types (e.g., detached units, attached rowhouses/townhomes, condominiums or apartments, mixed use) are required for projects on large lots:</p> <ul style="list-style-type: none"> • < 1-acre lots: minimum 1 housing type; • 1 to 2-acre lots: minimum 2 housing types; or • > 2-acre lots = minimum 3 housing types.

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
A. Setbacks and daylight planes along the perimeter of the site shall conform to RM-20 zone standards;	<i>Removed. Redundant with setbacks and daylight plane standards in district regulations' development standards tables. In particular, townhome and cottage cluster standards are located in Table 3 and footnote (1), Chapter 18.13.050(c) Village Residential Development</i>
B. Overall development intensity (FAR, landscape coverage, open space) shall be calculated across the entire site to comply with the RM-20 zone standards;	<i>Removed. Redundant with setbacks and daylight plane standards in district regulations' development standards tables. In particular, townhome and cottage cluster standards are located in Table 3 and footnote (1), Chapter 18.13.050(c) Village Residential Development</i>
C. Individual detached units shall be spaced a minimum of 3 feet apart;	<i>Removed. For townhome, cottage cluster, redundant with Table 3, Chapter 18.13.050(c) Village Residential Development. Also, required by Fire Code for buildings with openings.</i>
D. For units on individual "fee simple" lots, units may be situated along the property line of the individual parcel (i.e., zero-lot line) to allow usable open space in the opposite side setback;	<i>Addressed generally by open space standards in district regulations' development standards tables. "Fee simple" lots not separately addressed.</i>
E. Each detached unit shall have at least one usable side yard between the house and fence to provide outdoor passage between the front and rear yards;	<u>18.24.040(b)(6): Side Yard Setback Character: Each detached dwelling unit shall have at least one usable side yard, at least 6 feet wide, between the house and fence to provide outdoor passage between the front and rear yards.</u>
F. Spaces between buildings shall be landscaped and/or shall provide for usable hardscape (patios, decks, etc.);	<i>Removed. Addressed by site open space standard in Table 3, Chapter 18.13.050(c) Village Residential Development</i>
G. Sidewall windows should be designed with privacy features such as obscure glass or glass block;	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> <u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.</u></p> <p>18.24.050(b)(C) Within 40 feet of an abutting structure, no more than 15% of the confronting <u>facing</u> façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p>
H. Windows on sidewalls opposite each other should be above eye level or should be offset to prevent views into adjacent units; and	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> <u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.</u></p> <p>18.24.050(b)(2) <u>Privacy and Transitions to Residential Uses</u> Lower Density Building Types When a building abuts <u>a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use</u>, the building shall break down the abutting façade and maintain privacy by meeting all of the following <u>applicable</u> standards:</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(C) <u>Maximum Transparency</u>: Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p>(D) <u>Windows</u>: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</p> <ul style="list-style-type: none"> (i) Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or (ii) Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or (iii) Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and (iv) Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity
<p>I. Architectural treatment shall be carried along the sidewalls of detached units, particularly sidewalls facing streets and pathways.</p>	<p><u>18.24.060(a) Façade Design Intent Statement Contextual Design Criteria</u> To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <p>(2) <u>Quality of construction, craftsmanship, and design to create long lasting buildings</u></p> <p>18.24.040(b) Building Orientation and Setbacks</p> <p>(1) Corner buildings less than 40 feet in height and end units of townhouses or other attached housing products that face the street shall include the following features on their secondary building frontage:</p> <ul style="list-style-type: none"> (A) A height to width ratio greater than 1.2:1 (B) A minimum of 15 percent fenestration area. (C) At least one facade modulation with a minimum depth of 18 inches and a minimum width of two feet. Examples: Wrap around front porch, bay window.
<p>(7) Sustainability and Green Building Design</p>	
<p>Project design and materials to achieve sustainability and green building design shall be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:</p>	<p><u>18.24.090(a) Materials Intent Statement Contextual Design Criteria</u> To promote the use of high quality, durable, sustainable, and attractive materials that exhibit a sense of permanence and contribute to the aesthetic quality of the development and to the urban design fabric of the community.</p> <p><u>18.24.100(a) Sustainability and Green Building Design Intent Statement Contextual Design Criteria</u> To incorporate sustainability, green building, and environmental considerations into the project design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design...</p> <p>18.24.100(b): See Chapter 16.14: California Green Building Standards additional requirements for green building and sustainable design. Notwithstanding Section 18.24.010(c), these regulations may not be modified through alternative compliance.</p>

RM Zones - 18.13.060 Multiple Family Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation (Figure 7-1);	18.24.100(a)(1): Optimize building orientation for thermal comfort, shading, daylighting, and natural ventilation, including operable windows
B. Design landscaping to create comfortable micro-climates and reduce heat island effects (Figure 7-2);	18.24.100(a)(2): Design landscaping to create comfortable micro-climates and reduce heat island effects
C. Design for easy pedestrian, bicycle, and transit access;	18.24.030(a) Site Access Intent Statement <u>Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.
D. Maximize onsite stormwater management through landscaping and permeable pavement (Figure 7-3);	18.24.100(a)(4): Maximize onsite stormwater management through landscaping and permeable pavement
E. Use sustainable building materials.	18.24.100(a)(5): Use sustainable building materials
F. Design lighting, plumbing and equipment for efficient energy use;	18.24.100(a)(6): Design lighting, plumbing and equipment for efficient energy use
G. Create healthy indoor environments;	18.24.100(a)(7): Create healthy indoor environments
H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements (Figure 7-2); and	18.24.100(a)(8): Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements
I. Provide protection for creeks and riparian vegetation and integrate stormwater management measures and open space to minimize water quality and erosion impacts to the creek environment.	<i>Addressed in 18.40.140: Stream Corridor Protection</i>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
(1) Pedestrian and Bicycle Environment	
<p>The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements such as:</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <p>(1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.</p>
<p>A. Ground floor uses that are appealing to pedestrians through well-designed visibility and access (Figure 1-1);</p>	<p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street. (3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development.</p> <p>18.24.030(b)(2): Site Access - Primary Building Entries shall be located from a public right-of-way or, if not possible, a publicly accessible Pedestrian Walkway.</p> <p>18.24.040(b)(3): Building Orientation and Setbacks - Primary Building Entry The primary building entry shall meet at least one of the following standards: (A) Face a public right-of-way. (B) Face a publicly accessible pedestrian walkway. (C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards: (i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet. (ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>18.24.020(4)(B): Primary building entries shall provide at least one seating area or bench within 30 feet of building entry and/or path leading to building entry. This standard may be satisfied by existing seating area or benches located in public right-of-way within 50 feet of the building entry. On arterials—except Downtown—seating areas or benches shall not be located between the sidewalk and curb. Arterial roadways are identified in Map T-5 of the Comprehensive Plan and do not include residential arterials.</p>
<p>B. On primary pedestrian routes, climate and weather protection where possible, such as covered waiting areas, building projections and colonnades, and awnings (Figure 1-2);</p>	<p><u>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure.</p> <p>18.24.060(c)(4)(B): Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p> <p>18.24.060(c)(5): Storefront/Retail Ground Floors (E) Awnings, canopies and weather protection: (i) When transom windows are above display windows, awnings, canopies and similar, weather protection elements shall be installed between transom and display windows. These elements should allow for light to enter the storefront through the transom windows and allow the weather protection feature to shade the display window.</p> <p>18.24.060(c)(6): Other Non-residential Ground Floors (C) Primary entries shall include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p>
<p>C. Streetscape or pedestrian amenities that contribute to the area's streetscape environment such as street trees, bulbouts, benches, landscape elements, and public art (Figure 1-3);</p>	<p><u>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure. Publicly accessible spaces and sidewalks should:</p> <p>(1) Design the transition between the public and private realm through the coordination of amenities and materials, such as accent paving, tree wells, lighting and street furniture (e.g., benches, bicycle racks, trash receptacles, news racks).</p> <p>(2) Complement or match accent paving to existing designs in the Downtown and California Avenue business district.</p> <p>(3) Provide sidewalk widths that accommodate landscaping, street trees, furniture, and pedestrian amenities; create a pleasant, desirable place to walk; provide shade; and enable comfortable pedestrian passage.</p>
<p>D. Bicycle amenities that contribute to the area's bicycle environment and safety needs, such as bike racks, storage or parking, or dedicated bike lanes or paths (Figure 1-1); and</p>	<p><u>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure. Publicly accessible spaces and sidewalks should:</p> <p>(4) Provide amenities, such as parking and repair equipment, for micromobility, such as bicycles and scooters.</p> <p>18.24.020(b)(4)(A): Micromobility infrastructure, such as locations to lock bicycles and scooters, shall be located within 30 feet of the primary building entry and/or a path leading to the primary building entry. This standard may be</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>satisfied by existing infrastructure already located within 50 feet of the project site and located in the public right-of-way.</p> <p><i>Also see bicycle parking standards in Chapter 18.52.040: Off-Street Parking, Loading and Bicycle Facility Requirements</i></p>
<p>E. Vehicle access from alleys or sidestreets where they exist, with pedestrian access from the public street.</p>	<p>18.24.030(a) Site Access Intent Statement Contextual Design Criteria To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.</p> <p>18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available. (B) Except for driveway access <u>and short-term loading spaces</u>, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.</p> <p>18.24.030(b)(2): Site Access - Primary Building Entries shall be located from a public right-of-way or, if not possible, a publicly accessible Pedestrian Walkway.</p>
<p>(2) Street Building Facades</p>	
<p>Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements such as:</p>	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria (3) Reinforce the definition and importance of the street</p>
<p>A. Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street (Figure 2-1);</p>	<p>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria (3) Reinforce the definition and importance of the street</p> <p>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>18.24.040 Building Orientation and Setbacks (5) Front Yard Setback Character Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space:</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters.</p> <p>(B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.</p> <p>18.24.060(c)(4) Building Entries Within Façade Design</p> <p>(ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:</p> <p>a. A recess or projection from the primary façade plane with a minimum depth of two feet.</p> <p>18.24.060(c)(5) Storefront/Retail Ground Floors</p> <p>(B) Transparency shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space.</p> <p>18.24.060(c)(6) Other Non-residential Ground Floors</p> <p>(B) Transparency shall include a minimum 50 percent transparent glazing between 4 and 10 feet in height from sidewalk or terrace grade.</p>
<p>B. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (Figure 2-2);</p>	<p>18.24.060(a) Façade Design Intent Statement Contextual Design Criteria</p> <p>To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <ol style="list-style-type: none"> (1) Human-scaled detail, articulation, and craftsmanship (2) Quality of construction, craftsmanship, and design to create long lasting buildings (3) Expression of a human-scaled façade rhythm and pattern that reflects the building's use (4) Fenestration that enhances the architectural character of the building (5) Defined building entry that is proportional to the building and number of people served (6) Articulation of the building shall break down the scale of the building via building modulation, façade articulation, and variation of fenestration and material patterns. <p><i>See new standards in 18.24.060(c) that identify a menu of options for façade design. For example:</i></p> <p>18.24.060(c) Façade Design</p> <p>(2) Façade Composition</p> <p>Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include a minimum of two of the following façade articulation strategies to create visual interest:</p> <p>(i) Vertical and horizontal recesses such as a pattern of recessed grouping of windows, or recessed panels, or similar strategies as approved by the Director of Planning and Development Services. The recess shall be a minimum four inches in depth.</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(ii) Vertical and horizontal projections such as shading and weather protection devices, <u>or</u> decorative architectural details, or similar strategies as approved by the Director of Planning and Development Services. Projections shall be a minimum four inches in depth.</p> <p>(iii) Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material;</p> <p>(iv) Balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum four inches in depth;</p> <p>(v) Screening devices such as lattices, louvers, shading devices, <u>or</u> perforated metal screens, or similar strategies as approved by the Director of Planning and Development Services; or</p> <p>(vi) Use of fine-grained building materials, such as brick or wood shingles, not to exceed eight inches in either height or width; <u>or</u></p> <p>(vii) Incorporate a minimum of three colors, materials, and/or textures across the whole building.</p>
<p>C. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;</p>	<p>18.24.070(a) Residential Entries Intent Statement Contextual Design Criteria Private entries into ground floor residential units shall be designed to provide:</p> <ul style="list-style-type: none"> (1) human-scaled detailing (2) enhanced pedestrian experience (3) transition between public and private space (4) spaces for residents to gather and spend time outdoors (5) resident privacy <p>See new standards in 18.24.070(b) Residential Entries for specific entry types (i.e., stoops, porches, patios, terraces, frontage courts), dimensional requirements and the minimum and maximum number of units per entry. For example:</p> <p>18.24.070(b)(B) Residential Entries - Porch:</p> <ul style="list-style-type: none"> (i) Porches shall provide entry access for a maximum of one unit; and (ii) Porch heights shall be within 1 step of finished floor height of adjacent unit; and (iii) Porches shall be large enough so a 6-foot by 6-foot square can fit inside of a porch for each unit; and (iv) The maximum porch floor height from the back of sidewalk grade shall be 5 feet. <p>18.24.060(b) Façade Design</p> <p>(A) Building Entries Within Façade Design</p> <p>(i) Primary building entries shall be scaled proportionally to the number of people served (amount of floor-area or number of units accessed). Building entries inclusive of doorway and facade plane shall meet the following minimum dimensions:</p> <ul style="list-style-type: none"> a. Individual residential entries: five feet in width b. Shared residential entry, such as mixed-use buildings: 8 feet in width c. Commercial building entry: 20 feet in width d. Storefront entry: six feet in width

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
D. Residential units and storefronts that have a presence on the street and are not walled-off or oriented exclusively inward;	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement <u>Contextual Design Criteria</u></p> <p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>(3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy.</p>
E. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street;	<p>18.24.040(b) Building Orientation and Setbacks</p> <p>(3) Primary Building Entry The primary building entry shall meet at least one of the following standards:</p> <p>(A) Face a public right-of-way.</p> <p>(B) Face a publicly accessible pedestrian walkway.</p> <p>(C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards:</p> <p>(i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet.</p> <p>(ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p>
F. All exposed sides of a building designed with the same level of care and integrity;	<p>18.24.060(a) Façade Design Intent Statement <u>Contextual Design Criteria</u></p> <p>To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <p>(2) Quality of construction, craftsmanship, and design to create long lasting buildings</p> <p>18.24.060(b) Façade Design Application</p> <p>(1) All facades shall meet all the required design standards and guidelines to ensure the same level of care and integrity throughout the building design.</p> <p>(2) Façade sidewalls located along a zero-lot line where, at time of approval are not visible from a right-of-way, are exempt.</p> <p>(3) Façade sidewalls located along a zero-lot line, where at time of approval are visible from a right-of-way, shall continue color, material, and pattern of the main façade.</p>
G. Reinforcing the definition and importance of the street with building mass; and	<p>18.24.050(a) Building Massing Intent Statement <u>Contextual Design Criteria</u></p> <p>(3) Reinforce the definition and importance of the street</p> <p>18.24.040(b)(3): Building Orientation and Setbacks - Primary Building Entry</p> <p>The primary building entry shall meet at least one of the following standards:</p> <p>(A) Face a public right-of-way.</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(B) Face a publicly accessible pedestrian walkway.</p> <p>(C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards:</p> <p>(i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet.</p> <p>(ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p> <p>18.24.040(b)(4): Ground Floor Residential Units</p> <p>(A) The finished floor of ground floor residential units, when adjacent to a public right-of-way, shall be within the minimum and maximum heights according to setback distance from back of walk identified in Figure 2. On sites with a cross slope greater than 2% along a building facade, the average height of the finished floor and back of walk shall be used. In flood zones, the minimum floor height shall be defined by the Federal Emergency Management Agency (FEMA) flood zone elevation.</p> <p>18.24.040(b)(5) Front Yard Setback Character</p> <p>Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space:</p> <p>(A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters.</p> <p>(B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.</p>
<p>H. Upper floors set back to fit in with the context of the neighborhood.</p>	<p><u>18.24.040(a) Building Orientation and Setbacks</u> Intent Statement <u>Contextual Design Criteria</u></p> <p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(1) Buildings that create a street frontage that are compatible with nearby buildings and land uses.</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p>(5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development.</p> <p>18.24.050(b)(1) Upper Floor Step Backs <u>& Daylight Planes</u></p> <p>(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> <u>the facing facade</u>, and the step shall occur for a minimum of 70% of the <u>each</u> façade length.</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p> <p><u>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</u></p> <ul style="list-style-type: none"> (i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u> (ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u> (iii) <u>The project abuts residential units in the side or rear yard.</u> <p>18.24.060(c)(1)(A)(i)(b): Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade. <i>[Choice in menu of options]</i></p> <p><i>Also see setbacks and daylight plane standards in district regulations' development standards tables.</i></p>
(3) Massing and Setbacks	
Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:	<p>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</p> <p>To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ul style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (3) Reinforce the definition and importance of the street (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate. (5) Provide harmonious transitions between abutting properties
A. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies (Figure 3-1);	<p>18.24.050(a)(4): Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate.</p> <p>18.24.060(c)(4) Building Entries Within Façade Design</p> <p>(A) (ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:</p> <ul style="list-style-type: none"> a. A recess or projection from the primary façade plane with a minimum depth of two feet. (B) Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods. <p><i>Also see new standards/menu options for massing and articulation in:</i></p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p><i>18.24.060 Façade Design - (c)(1)(A) Variation in building modulation and Variation in façade articulation. For example:</i></p> <p>18.24.060(c)(1)(A)(ii) Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, <u>or</u> bay windows or similar strategies as approved by the Director of Planning and Development Services <i>[Choice in menu of options]</i></p>
<p>B. Design with articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest (Figure 3-1);</p>	<p><i>18.24.050(a)(1): Break down large building facades and massing to create a human-scaled building that enhances the context of the site</i></p> <p><i>18.24.050(a)(2): Are consistent in scale, mass and character to adjacent land uses and land use designations</i></p> <p>18.24.050(b)(2) <u>Privacy and Transitions to Residential Uses</u> Lower Density Building Types</p> <p>When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade and maintain privacy by meeting all of the following applicable standards:</p> <p>(B) A minimum façade break of four feet in width, two feet in depth, and 32 square feet of area for every 36 to 40 feet of façade length.</p> <p>18.24.050(b)(3) Maximum Façade Length</p> <p>For portions of a building facade facing a public street, right-of-way, or publicly accessible path, any building greater than 25 feet in height and 70 feet in length shall not have a continuous façade plane greater than 70% of the façade length without an upper floor modulation, which can include bay windows. Upper floor façade modulations shall be a minimum 2 feet in depth, which can be a recess or a projection.</p> <p>(A) Buildings 250 feet in length or greater, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 400 square feet and a width greater than or equal to two times the depth.</p> <p>(B) Buildings 150 to 250 feet in length, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 64 square feet and a minimum width of 8 feet and minimum depth of 4 feet.</p> <p><i>Also see new standards/menu options for massing and articulation in</i></p> <p><i>18.24.060 Façade Design - (c)(1)(A) Variation in building modulation and Variation in façade articulation. For example:</i></p> <p>18.24.060(c)(1)(A)(ii) Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, <u>or</u> bay windows or similar strategies as approved by the Director of Planning and Development Services</p> <p><i>Also see materials standards in 18.24.090 Materials</i></p>
<p>C. Corner buildings that incorporate special features to reinforce important</p>	<p><i>18.24.040(a) Building Orientation and Setbacks</i> Intent Statement <i>Contextual Design Criteria</i></p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
intersections and create buildings of unique architectural merit and varied styles (Figure 3-1);	<p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience.</p> <p>18.24.040(b) Building Orientation and Setbacks</p> <p>(1) Treatment of Corner Buildings (less than 40 feet)</p> <p>Corner buildings less than 40 feet in height and end units of townhouses or other attached housing products that face the street shall include the following features on their secondary building frontage:</p> <ul style="list-style-type: none"> (A) A height to width ratio greater than 1.2:1 (B) A minimum of 15 percent fenestration area. (C) At least one facade modulation with a minimum depth of 18 inches and a minimum width of two feet. <p>Examples: Wrap around front porch, bay window.</p> <p>(2) Treatment of Corner Buildings (40 feet and higher)</p> <p>Corner buildings 40 feet or taller in height shall include at least one of the following special features:</p> <ul style="list-style-type: none"> (A) Street wall shall be located at the minimum front yard setback or build-to line for a minimum aggregated length of 40 feet in length on both facades meeting at the corner and shall include one or more of the following building features: <ul style="list-style-type: none"> (i) An entry to ground floor retail or primary building entrance located within 25 feet of the corner of the building (ii) A different material application and/or fenestration pattern from the rest of the façade. (iii) A change in height of at least 4 feet greater or less than the height of the abutting primary façade.
D. Building facades articulated with a building base, body and roof or parapet edge (Figure 3-2);	18.24.060(c)(1)(A): Buildings three stories or taller and on lots wider than 50 feet shall be designed to differentiate a defined base or ground floor, a middle or body, and a top, cornice, or parapet cap. Each of these elements shall be distinguished from one another for a minimum of 80% of the façade length through use of two or more of the following four techniques...
E. Buildings set back from the property line to create an effective 12' sidewalk on El Camino Real, 8' elsewhere (Figure 3-4);	<p>18.24.020(b)(1)(A) Sidewalk Widths: Public sidewalks abutting a development parcel in any commercial mixed-use district (CN, CS, CC, CC(2), CD-C, CD-S, CD-N, PTOD) shall have a minimum sidewalk width (curb to back of walk) of at least 10 feet. This standard may be met with a combination of pedestrian clear path and landscape and furniture strip (see Figure 1), as long as the pedestrian clear path is no less than 8 feet. If the existing public sidewalk does not meet the minimum standard, a publicly accessible extension of the sidewalk, with corresponding public access easement, shall be provided. Notwithstanding the total dimensions required herein, the following streets/locations shall have a minimum sidewalk width as noted:</p> <ul style="list-style-type: none"> (i) El Camino Real: 12 ft (ii) San Antonio Road, from Middlefield Road to East Charleston Road: 12 ft
F. A majority of the building frontage located at the setback line (Figure 3-3); and	<i>Removed. Inconsistent with build-to-lines in Chapter 18.16.060 (Table 3 and 4, and related footnotes) which details build-to lines, depending on setback and zone.</i>
G. No side setback for midblock properties, allowing for a continuous	<i>Removed. Redundant with detailed side setbacks in Chapter 18.16.060 (Table 3 and 4)</i>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
street facade, except when abutting low density residential (Figure 3-3).	
(4) Low-Density Residential Transitions	
<p>Where new projects are built abutting existing lower-scale residential development, care shall be taken to respect the scale and privacy of neighboring properties through:</p> <p>A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses (Figure 4-1);</p> <p>B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements (Figure 4-2);</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <p>(1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site</p> <p>(2) Are consistent in scale, mass and character to adjacent land uses and land use designations</p> <p>(5) Provide harmonious transitions between adjacent abutting properties</p> <p><u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.</u></p> <p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(1) Buildings that create a street frontage that are compatible with nearby buildings and land uses.</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p>(5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development.</p> <p><u>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</u> (A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> <u>the facing facade</u>, and the step shall occur for a minimum of 70% of the <u>each</u> façade length.</p> <p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p> <p><u>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</u></p> <p>(i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u></p> <p>(ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u></p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(iii) <u>The project abuts residential units in the side or rear yard.</u></p> <p>18.24.060(c)(1)(A)(i)(b): Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade. <i>[Choice in menu of options]</i></p> <p><i>Also see setbacks and daylight plane standards in district regulations' development standards tables.</i></p>
<p>C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties (Figure 4-3);</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> <u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.</u></p> <p>18.24.050(b)(2)(C) Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p><u>18.24.050(b)(2)(D) Windows: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</u></p> <p>(v) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u> (vi) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u> (vii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u> (viii) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u></p> <p><u>18.24.050(b)(2)(E) Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</u></p> <p>(iv) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (v) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (vi) <u>Provide balcony/deck design measure which may include:</u></p> <p>d) <u>Minimum 85% opaque railing</u> e) <u>Obscure glass railing</u> f) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u></p> <p>18.24.080(b)(1)(D): Balconies shall not be located within the daylight plane</p>
<p>D. Minimizing sight lines into and from neighboring properties (Figure 4-3);</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> <u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses.</u></p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>18.24.050(b)(2) <u>Privacy and Transitions to Residential Uses</u> Lower Density Building Types</p> <p>When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade and maintain privacy by meeting all of the following <u>applicable</u> standards:</p> <p>(A) <u>Landscape Screening</u>: A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.</p> <p>(C) <u>Maximum Transparency</u>: Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p>(D) <u>Windows</u>: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</p> <ul style="list-style-type: none"> (i) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u> (ii) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u> (iii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u> (iv) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u> <p>(E) <u>Balconies</u>: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</p> <ul style="list-style-type: none"> (i) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (ii) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (iii) <u>Provide balcony/deck design measure which may include:</u> <ul style="list-style-type: none"> a) <u>Minimum 85% opaque railing</u> b) <u>Obscure glass railing</u> c) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u>
E. Limiting sun and shade impacts on abutting properties; and	<p>18.24.040(a) <u>Building Orientation and Setbacks</u> Intent Statement <u>Contextual Design Criteria</u></p> <p>...Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <ul style="list-style-type: none"> (1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with abutting lower density residential development.

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(7) Optimized building orientation for thermal comfort, shading, daylighting, and natural ventilation and other forms of passive design.</p> <p><i>See setbacks and daylight plane standards in district regulations' development standards tables.</i></p> <p><i>No new sun access or shade impact standards are proposed.</i></p>
<p>F. Providing pedestrian paseos and mews to create separation between uses.</p>	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement <u>Contextual Design Criteria</u></p> <p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria...</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p>18.24.020(b) Public Realm/Sidewalk Character</p> <p>(1) Sidewalk Widths</p> <p>(B) Publicly accessible sidewalks or walkways <u>with landscape strips</u>, connecting through a development parcel (e.g., on a through lot) shall have a minimum six-foot width.</p> <p>(C) Pedestrian walkways that are designed to provide access to bicycles shall have a minimum width of eight feet, with two feet of clear space on either side.</p>
(5) Project Open Space	
<p>Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.</p>	<p>18.24.080(a) Open Space Intent Statement <u>Contextual Design Criteria</u></p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(2) Be generous in dimension to provide usable space</p> <p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>(4) Promote public health</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(6) Promote sustainable practices and opportunities for green infrastructure</p> <p>(7) Promote community safety through eyes on the street</p>
<p>A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;</p>	<p>18.24.080(a) Open Space Intent Statement <u>Contextual Design Criteria</u></p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <p>(2) Be generous in dimension to provide usable space</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(6) Promote sustainable practices and opportunities for green infrastructure</p> <p>18.24.080(b)(1) Private Open Space. If Private Open Spaces is provided, it shall meet the following standards: ...</p> <p>(A) Floor area shall include a clear space with a minimum dimension of a circle with a six-foot diameter.</p> <p>(B) Minimum clear height dimension of 8'-6" feet</p> <p>(C) Be accessed directly from a residential unit</p> <p>(D) Balconies shall not be located within the daylight plane</p> <p>(E) Notwithstanding subsection (a), ground floor patios shall meet the following minimum requirements: ...</p> <p style="padding-left: 40px;">(i) RM-20 and RM-30 districts: Minimum 100 square feet of area, the least dimension of which is eight feet for at least 75% of the area</p> <p style="padding-left: 40px;">(ii) RM-40 districts: Minimum 80 square feet of area, the least dimension of which is six feet for at least 75% of the area</p> <p style="padding-left: 40px;">(iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)</p>
<p>B. Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the users (e.g., residents, employees, or public)</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u> To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto.</p> <p>18.24.080(b)(1) Private Open Space If Private Open Spaces is provided, it shall meet the following standards:</p> <p>(C) Be accessed directly from a residential unit</p> <p>18.24.080(b)(2) Common Open Space If Common Open Space is provided, it shall meet the following standards:</p> <p>(A) Minimum size of 200 square feet</p> <p>(B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter.</p> <p>(D) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25</p> <p>(E) Include places to sit</p> <p>(F) A minimum 20% of landscaping</p>
<p>C. Common open spaces should connect to the pedestrian pathways and</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u> ... Common and private open spaces should include the following characteristics:</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
existing natural amenities of the site and its surroundings;	<p>(1) Be integrated into the site access and building circulation strategy</p> <p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>18.24.080(b)(2) Common Open Space</p> <p>If Common Open Space is provided, it shall meet the following standards:</p> <p>(C) A minimum of 60% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted.</p> <p>(F) A minimum 20% of landscaping</p>
D. Usable open space may be any combination of private and common spaces;	<i>Removed. Redundant with development standards in Chapter 18.16.060 Table 4, footnote (2) details requirements and options for private and common open space.</i>
E. Usable open space does not need to be located on the ground and may be located in porches, decks, balconies and/or podiums (but not on rooftops) (Figure 5-1);	<i>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124) and inconsistent with permitted rooftop open spaces in the CN and CS sites on El Camino Real and CC(2) sites that do not abut a single- or two-family residential use or zoning district</i>
F. Open space should be located to activate the street façade and increase "eyes on the street" when possible (Figure 5-1);	<p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria ...Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(7) Promote community safety through eyes on the street</p> <p>18.24.040(b)(2)(B): An open space with a minimum dimension of 20 feet and minimum area of 450 square feet. The open space shall be at least one of the following:</p> <p>(i) A publicly accessible open space/plaza</p> <p>(ii) A space used for outdoor seating for public dining</p> <p>(iii) A residential Common Open Space adjacent to a common interior space and less than two feet above adjacent sidewalk grade. Fences and railing shall be a minimum 50% transparent. <i>[Choice in menu of options]</i></p>
G. Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement;	<p><i>See existing noise standards in Section 9.10.030(a).</i></p> <p><i>See existing noise standards for rooftop open spaces in 18.40.230: Rooftop Gardens.</i></p> <p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria ...Common and private open spaces should include the following characteristics:</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>18.24.080(b)(1) Private Open Space. If Private Open Spaces is provided, it shall meet the following standards: ... (C) Be accessed directly from a residential unit (D) Balconies shall not be located within the daylight plane (E) ...ground floor patios shall meet the following minimum requirements... (iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)</p> <p>18.24.080(b)(2) If Common Open Space is provided, it shall meet the following standards... (A) Minimum size of 200 square feet (B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter. (C) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25</p>
<p>H. Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces (Figure 5-2); and</p>	<p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics: (3) Provide landscape elements that will support the health of the plants and enhance the character of place (6) Promote sustainable practices and opportunities for green infrastructure</p> <p>18.24.080(b) (2) Common Open Space (2) If Common Open Space is provided, it shall meet the following standards: (F) A minimum 20% of landscaping (G) Soil Depth: Planting in above grade courtyards shall have a minimum soil depth of 12 inches for ground cover, 20 inches for shrubs, and 36 inches for trees.</p>
<p>I. Parking may not be counted as open space.</p>	<p><i>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124).</i></p>
<p>(6) Parking Design</p>	
<p>Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:</p> <p>A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, etc.;</p>	<p>18.24.030(a) Site Access Intent Statement Contextual Design Criteria To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements: (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.030(b)(3) Vehicle Access.</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	<p>(A) Vehicle access shall be located on alleys or side streets where available.</p> <p>(B) Except for driveway access <u>and short-term loading spaces</u>, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.</p> <p>18.24.030(b)(4) Loading Docks and Service Areas. Loading and service areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience as follows:</p> <p>(A) Loading docks and service areas shall be located on facades other than the primary building frontage: on alleys, from parking areas, and/or at the rear or side of building if building includes these frontages. When only primary building frontage is available, loading docks and service areas shall be recessed a minimum five feet from the primary façade and shall be screened in accordance with Chapter 18.23.050.</p> <p>(B) Loading dock and service areas located within setback areas shall be screened in accordance with Chapter 18.23.050 and separated from pedestrian access to the primary building entry to avoid impeding pedestrian movement and safety.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (A) Entry Size: No more than 25% of the site frontage facing a street should be devoted to garage openings, carports, surface parking, loading entries, or utilities access (on sites with less than 100 feet of frontage, no more than 25 feet)</p>
<p>B. Structured parking is fronted or wrapped with habitable uses when possible (Figure 6-1);</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <p>(3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.060(b)(7)(B): Above grade structured parking levels facing a public right-of-way or publicly accessible open space/path, with the exception of vehicular alleys, shall be lined with commercial or habitable uses with a minimum depth of 20 feet.</p>
<p>C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art;</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (C) Partially sub-grade parking shall not have an exposed façade that exceeds five feet in height above abutting grade at back of sidewalk. (D) Partially sub-grade parking shall be screened with continuous landscaping and shrubbery with minimum height of 3 feet and be within 10 feet of the sub-grade parking.</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
D. Landscaping such as trees, shrubs, vines, or groundcover is incorporated into surface parking lots (Figure 6-2);	<i>Removed. Redundant with landscaping standards and guidelines in Chapter 18.54.040: Landscaping of Parking Areas</i>
E. For properties with parking access from the rear of the site (such as a rear alley or driveway) landscaping shall provide a visual buffer between vehicle circulation areas and abutting properties (Figure 6-3);	<p><i>Removed. Redundant with standards and guidelines in Chapter 18.54.040(f): Landscaping of Parking Areas (Landscape Screens) and Chapter 18.23.050: Visual, Screening and Landscaping (proposed to be modified to be broadly applicable and relocated to Chapter 18.40.260). For Example:</i></p> <p>18.54.040(f) Landscaping of Parking Areas <i>[Existing Code Section]</i></p> <p>(a) Perimeter Landscaping: Each unenclosed parking facility shall provide a perimeter landscaped strip at least five feet wide between and adjacent to a line defining the exterior boundary of the parking area and the nearest adjacent property line, not separated by a building. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous except for required access to the site or to the parking facility. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature. Where the parking facility adjoins another site, a fence, wall, or other equivalent screening feature may be required.</p> <p>18.40.260(b) Visual Screening and Landscaping <i>[Existing Code Section]</i></p> <p>(1) For non-residential properties abutting residential uses:</p> <p>(ii) Walls facing residential properties shall incorporate architectural design features and landscaping in order to reduce apparent mass and bulk.</p> <p>(iii) Loading docks and exterior storage of materials or equipment shall be screened from view from residential properties by fencing, walls or landscape buffers.</p> <p>(iv) All required interior yards (setbacks) abutting residential properties shall be planted and maintained as a landscaped screen.</p> <p>(2) For all project types:</p> <p>(i) All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped with ground cover, shrubs, and/or trees.</p> <p>(iii) A minimum 10-foot planting and screening strip shall be provided adjacent to any façade abutting a low density residential district (R-1, R-2, or RMD) or abutting railroad tracks.</p>
F. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming;	<i>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria (5) Utilize street parking for visitor or customer parking and to enhance traffic calming.</i>
G. For properties with parking accessed from the front, minimize the amount of frontage used for parking access, no more than 25% of the site frontage facing a street should be devoted to garage openings, carports, or	<p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities</p> <p>(A) Entry Size: No more than 25% of the site frontage facing a street should be devoted to garage openings, carports, surface parking, loading entries, or utilities access (on sites with less than 100 feet of frontage, no more than 25 feet)</p>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
open/surface parking (on sites with less than 100 feet of frontage, no more than 25 feet);	
H. Where two parking lots abut and it is possible for a curb cut and driveway to serve several properties, owners are strongly encouraged to enter in to shared access agreements (Figure 6-4); and	<u>18.24.030(a)(4) Shared access agreements among property owners, where feasible, to reduce the number and widths of curb cuts and driveways.</u>
I. Parking is accessed from side streets or alleys when possible.	<p>18.24.030(a)(3): Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available.</p>
(7) Large (Multi-Acre) Sites	
Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:	<p><i>Sites over 1 acre in size are not uniquely addressed. Standards and contextual design criteria below would be broadly applicable and would not just apply to large sites.</i></p> <p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ol style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (3) Reinforce the definition and importance of the street (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate. (5) Provide harmonious transitions between abutting properties
A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated with Palo Alto's Bicycle Master Plan, when applicable);	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <ol style="list-style-type: none"> (1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
<p>B. The diversity of building types increases with increased lot size (e.g., <1 acre = minimum 1 building type; 1-2 acres = minimum 2 housing types; greater than 2 acres = minimum 3 housing types) (Figures 7-1 through 7-3); and</p>	<p>(2) <u>Connections to side streets, open spaces, mews, alleys, and paseos</u></p> <p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features.</p> <p><u>18.24.050(b)(5)(A) A diversity of housing types (e.g., detached units, attached rowhouses/townhomes, condominiums or apartments, mixed use) are required for projects on large lots:</u></p> <ul style="list-style-type: none"> • <u>< 1-acre lots: minimum 1 housing type;</u> • <u>1 to 2-acre lots: minimum 2 housing types; or</u> • <u>> 2-acre lots = minimum 3 housing types.</u> <p>18.24.060(b)(2): Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies.</p>
<p>C. Where a site includes more than one housing type, each building type should respond to its immediate context in terms of scale, massing, and design (e.g., Village Residential building types facing or abutting existing single-family residences) (Figures 7-2 and 7-3).</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <p><u>(5) Provide harmonious transitions between abutting properties</u></p> <p><u>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</u></p> <p>(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> <u>the facing facade</u>, and the step shall occur for a minimum of 70% of <u>the each</u> façade length.</p> <p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p> <p><u>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</u></p> <ul style="list-style-type: none"> (i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u> (ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u> (iii) <u>The project abuts residential units in the side or rear yard.</u>

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
(8) Sustainability and Green Building Design	
Project design and materials to achieve sustainability and green building design should be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:	<p>18.24.090(a) Materials Intent Statement Contextual Design Criteria To promote the use of high quality, durable, sustainable, and attractive materials that exhibit a sense of permanence and contribute to the aesthetic quality of the development and to the urban design fabric of the community.</p> <p>18.24.100(a) Sustainability and Green Building Design Intent Statement Contextual Design Criteria To incorporate sustainability, green building, and environmental considerations into the project design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design...</p> <p>18.24.100(b): See Chapter 16.14: California Green Building Standards additional requirements for green building and sustainable design. Notwithstanding Section 18.24.010(c), these regulations may not be modified through alternative compliance.</p>
A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation (Figure 8-1).	18.24.100(a)(1): Optimize building orientation for thermal comfort, shading, daylighting, and natural ventilation, including operable windows
B. Design landscaping to create comfortable micro-climates and reduce heat island effects.	18.24.100(a)(2): Design landscaping to create comfortable micro-climates and reduce heat island effects
C. Design for easy pedestrian, bicycle, and transit access.	18.24.030(a) Site Access Intent Statement Contextual Design Criteria To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.
D. Maximize onsite stormwater management through landscaping and permeable pavement (Figure 8-2).	18.24.100(a)(4): Maximize onsite stormwater management through landscaping and permeable pavement
E. Use sustainable building materials.	18.24.100(a)(5): Use sustainable building materials
F. Design lighting, plumbing, and equipment for efficient energy and water use.	18.24.100(a)(6): Design lighting, plumbing and equipment for efficient energy use
G. Create healthy indoor environments.	18.24.100(a)(7): Create healthy indoor environments
H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with	18.24.100(a)(8): Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements

CN, CC, CS Zones - 18.16.090 Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
edible fruits, vegetables or other plants to satisfy a portion of project open space requirements.	
I. Provide protection for creeks and riparian vegetation and integrate stormwater management measures and open space to minimize water quality and erosion impacts to the creek environment.	<i>Addressed in 18.40.140: Stream Corridor Protection</i>
J. Encourage installation of photovoltaic panels (Figure 8-3).	<i>Removed. Addressed by California Energy Code requirements. Guideline could be added to contextual design criteria, if desired.</i>

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
(1) Pedestrian and Bicycle Environment	
<p>The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements such as:</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <p>(1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.</p>
<p>A. Ground floor uses that are appealing to pedestrians through well-designed visibility and access (Figure 1-1);</p>	<p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street. (3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development.</p> <p>18.24.030(b)(2): Site Access - Primary Building Entries shall be located from a public right-of-way or, if not possible, a publicly accessible Pedestrian Walkway.</p> <p>18.24.040(b)(3): Building Orientation and Setbacks - Primary Building Entry The primary building entry shall meet at least one of the following standards: (A) Face a public right-of-way. (B) Face a publicly accessible pedestrian walkway. (C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards: (i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet. (ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p>

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	Proposed Standard or Contextual Design Criteria
	<p>18.24.020(4)(B): Primary building entries shall provide at least one seating area or bench within 30 feet of building entry and/or path leading to building entry. This standard may be satisfied by existing seating area or benches located in public right-of-way within 50 feet of the building entry. On arterials—except Downtown—seating areas or benches shall not be located between the sidewalk and curb. Arterial roadways are identified in Map T-5 of the Comprehensive Plan and do not include residential arterials.</p>
<p>B. On primary pedestrian routes, climate and weather protection where possible, such as covered waiting areas, building projections and colonnades, and awnings (Figure 1-2);</p>	<p><u>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure.</p> <p>18.24.060(c)(4)(B): Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p> <p>18.24.060(c)(5): Storefront/Retail Ground Floors (E) Awnings, canopies and weather protection: (i) When transom windows are above display windows, awnings, canopies and similar, weather protection elements shall be installed between transom and display windows. These elements should allow for light to enter the storefront through the transom windows and allow the weather protection feature to shade the display window.</p> <p>18.24.060(c)(6): Other Non-residential Ground Floors (C) Primary entries shall include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p>
<p>C. Streetscape or pedestrian amenities that contribute to the area's streetscape environment such as street trees, bulbouts, benches, landscape elements, and public art (Figure 1-3);</p>	<p><u>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure. Publicly accessible spaces and sidewalks should:</p> <p>(1) Design the transition between the public and private realm through the coordination of amenities and materials, such as accent paving, tree wells, lighting and street furniture (e.g., benches, bicycle racks, trash receptacles, news racks).</p> <p>(2) Complement or match accent paving to existing designs in the Downtown and California Avenue business district.</p> <p>(3) Provide sidewalk widths that accommodate landscaping, street trees, furniture, and pedestrian amenities; create a pleasant, desirable place to walk; provide shade; and enable comfortable pedestrian passage.</p>
<p>D. Bicycle amenities that contribute to the area's bicycle environment and safety needs, such as bike racks, storage or parking, or dedicated bike lanes or paths (Figure 1-1); and</p>	<p><u>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure. Publicly accessible spaces and sidewalks should:</p> <p>(4) Provide amenities, such as parking and repair equipment, for micromobility, such as bicycles and scooters.</p> <p>18.24.020(b)(4)(A): Micromobility infrastructure, such as locations to lock bicycles and scooters, shall be located within 30 feet of the primary building entry and/or a path leading to the primary building entry. This standard may be</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>satisfied by existing infrastructure already located within 50 feet of the project site and located in the public right-of-way.</p> <p><i>Also see bicycle parking standards in Chapter 18.52.040: Off-Street Parking, Loading and Bicycle Facility Requirements</i></p>
<p>E. Vehicle access from alleys or sidestreets where they exist, with pedestrian access from the public street.</p>	<p>18.24.030(a) Site Access <u>Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.</p> <p>18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available. (B) Except for driveway access <u>and short-term loading spaces</u>, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.</p> <p>18.24.030(b)(2): Site Access - Primary Building Entries shall be located from a public right-of-way or, if not possible, a publicly accessible Pedestrian Walkway.</p>
<p>(2) Street Building Facades</p>	
<p>Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements such as:</p>	<p>18.24.040(a) Building Orientation and Setbacks <u>Intent Statement Contextual Design Criteria</u> (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>18.24.050(a) Building Massing <u>Intent Statement Contextual Design Criteria</u> (3) Reinforce the definition and importance of the street</p>
<p>A. Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street (Figure 2-1);</p>	<p>18.24.050(a) Building Massing <u>Intent Statement Contextual Design Criteria</u> (3) Reinforce the definition and importance of the street</p> <p>18.24.040(a) Building Orientation and Setbacks <u>Intent Statement Contextual Design Criteria</u> (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>18.24.040 Building Orientation and Setbacks (5) Front Yard Setback Character Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space: (A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters.</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.</p> <p>18.24.060(c)(4) Building Entries Within Façade Design (ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following: a. A recess or projection from the primary façade plane with a minimum depth of two feet.</p> <p>18.24.060(c)(5) Storefront/Retail Ground Floors (B) Transparency shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space.</p> <p>18.24.060(c)(6) Other Non-residential Ground Floors (B) Transparency shall include a minimum 50 percent transparent glazing between 4 and 10 feet in height from sidewalk or terrace grade.</p>
<p>B. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (Figure 2-2);</p>	<p><u>18.24.060(a) Façade Design Intent Statement Contextual Design Criteria</u> To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <ul style="list-style-type: none"> (1) Human-scaled detail, articulation, and craftsmanship (2) Quality of construction, craftsmanship, and design to create long lasting buildings (3) Expression of a human-scaled façade rhythm and pattern that reflects the building's use (4) Fenestration that enhances the architectural character of the building (5) Defined building entry that is proportional to the building and number of people served (6) Articulation of the building shall break down the scale of the building via building modulation, façade articulation, and variation of fenestration and material patterns. <p><i>See new standards in 18.24.060(c) that identify a menu of options for façade design. For example:</i></p> <p>18.24.060(c) Façade Design (2) Façade Composition Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include a minimum of two of the following façade articulation strategies to create visual interest: (i) Vertical and horizontal recesses such as a pattern of recessed grouping of windows, or recessed panels, or similar strategies as approved by the Director of Planning and Development Services. The recess shall be a minimum four inches in depth.</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(ii) Vertical and horizontal projections such as shading and weather protection devices, or decorative architectural details, or similar strategies as approved by the Director of Planning and Development Services. Projections shall be a minimum four inches in depth.</p> <p>(iii) Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material;</p> <p>(iv) Balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum four inches in depth;</p> <p>(v) Screening devices such as lattices, louvers, shading devices, or perforated metal screens, or similar strategies as approved by the Director of Planning and Development Services; or</p> <p>(vi) Use of fine-grained building materials, such as brick or wood shingles, not to exceed eight inches in either height or width; <u>or</u></p> <p><u>(vii) Incorporate a minimum of three colors, materials, and/or textures across the whole building.</u></p>
<p>C. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;</p>	<p><u>18.24.070(a) Residential Entries Intent Statement Contextual Design Criteria</u></p> <p>Private entries into ground floor residential units shall be designed to provide:</p> <p>(1) human-scaled detailing</p> <p>(2) enhanced pedestrian experience</p> <p>(3) transition between public and private space</p> <p>(4) spaces for residents to gather and spend time outdoors</p> <p>(5) resident privacy</p> <p><i>See new standards in 18.24.070(b) Residential Entries for specific entry types (i.e., stoops, porches, patios, terraces, frontage courts), dimensional requirements and the minimum and maximum number of units per entry. For example:</i></p> <p>18.24.070(b)(B) Residential Entries - Porch:</p> <p>(i) Porches shall provide entry access for a maximum of one unit; and</p> <p>(ii) Porch heights shall be within 1 step of finished floor height of adjacent unit; and</p> <p>(iii) Porches shall be large enough so a 6-foot by 6-foot square can fit inside of a porch for each unit; and</p> <p>(iv) The maximum porch floor height from the back of sidewalk grade shall be 5 feet.</p> <p>18.24.060(b) Façade Design</p> <p>(A) Building Entries Within Façade Design</p> <p>(i) Primary building entries shall be scaled proportionally to the number of people served (amount of floor-area or number of units accessed). Building entries inclusive of doorway and facade plane shall meet the following minimum dimensions:</p> <p>a. Individual residential entries: five feet in width</p> <p>b. Shared residential entry, such as mixed-use buildings: 8 feet in width</p> <p>c. Commercial building entry: 20 feet in width</p> <p>d. Storefront entry: six feet in width</p>

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	Proposed Standard or Contextual Design Criteria
<p>D. Residential units and storefronts that have a presence on the street and are not walled-off or oriented exclusively inward;</p> <p>E. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street;</p>	<p><u>18.24.040(a) Building Orientation and Setbacks</u> Intent Statement <u>Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria: (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street. (3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy.</p> <p>18.24.040(b) Building Orientation and Setbacks (3) Primary Building Entry The primary building entry shall meet at least one of the following standards: (A) Face a public right-of-way. (B) Face a publicly accessible pedestrian walkway. (C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards: (i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet. (ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p>
<p>F. All exposed sides of a building designed with the same level of care and integrity;</p>	<p><u>18.24.060(a) Façade Design</u> Intent Statement <u>Contextual Design Criteria</u> To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements: (2) Quality of construction, craftsmanship, and design to create long lasting buildings</p> <p>18.24.060(b) Façade Design Application (1) All facades shall meet all the required design standards and guidelines to ensure the same level of care and integrity throughout the building design. (2) Façade sidewalls located along a zero-lot line where, at time of approval are not visible from a right-of-way, are exempt. (3) Façade sidewalls located along a zero-lot line, where at time of approval are visible from a right-of-way, shall continue color, material, and pattern of the main façade.</p>
<p>G. Reinforcing the definition and importance of the street with building mass; and</p>	<p><u>18.24.050(a) Building Massing</u> Intent Statement <u>Contextual Design Criteria</u> (3) Reinforce the definition and importance of the street</p> <p>18.24.040(b)(3): Building Orientation and Setbacks - Primary Building Entry The primary building entry shall meet at least one of the following standards: (A) Face a public right-of-way. (B) Face a publicly accessible pedestrian walkway.</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards:</p> <p>(i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet.</p> <p>(ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p> <p>18.24.040(b)(4): Ground Floor Residential Units</p> <p>(A) The finished floor of ground floor residential units, when adjacent to a public right-of-way, shall be within the minimum and maximum heights according to setback distance from back of walk identified in Figure 2. On sites with a cross slope greater than 2% along a building facade, the average height of the finished floor and back of walk shall be used. In flood zones, the minimum floor height shall be defined by the Federal Emergency Management Agency (FEMA) flood zone elevation.</p> <p>18.24.040(b)(5) Front Yard Setback Character</p> <p>Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space:</p> <p>(A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters.</p> <p>(B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.</p>
H. Upper floors set back to fit in with the context of the neighborhood.	<p><u>18.24.040(a) Building Orientation and Setbacks</u> Intent Statement <u>Contextual Design Criteria</u></p> <p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(1) Buildings that create a street frontage that are compatible with nearby buildings and land uses.</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p>(5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development.</p> <p>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</p> <p>(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and the facing facade</u>, and the step shall occur for a minimum of 70% of the <u>each</u> facade length.</p> <p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</p> <ul style="list-style-type: none"> (i) The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and (ii) The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and (iii) The project abuts residential units in the side or rear yard. <p>18.24.060(c)(1)(A)(i)(b): Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade. <i>[Choice in menu of options]</i></p> <p><i>Also see setbacks and daylight plane standards in district regulations' development standards tables.</i></p>
(3) Massing and Setbacks	
Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u></p> <p>To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ul style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (3) Reinforce the definition and importance of the street (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate. (5) Provide harmonious transitions between abutting properties
A. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies (Figure 3-1);	<p><u>18.24.050(a)(4): Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate.</u></p> <p>18.24.060(c)(4) Building Entries Within Façade Design</p> <p>(A) (ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:</p> <ul style="list-style-type: none"> a. A recess or projection from the primary façade plane with a minimum depth of two feet. (B) Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods. <p><i>Also see new standards/menu options for massing and articulation in:</i></p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p><i>18.24.060 Façade Design - (c)(1)(A) Variation in building modulation and Variation in façade articulation. For example:</i></p> <p>18.24.060(c)(1)(A)(ii) Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, or bay windows or similar strategies as approved by the Director of Planning and Development Services <i>[Choice in menu of options]</i></p>
<p>B. Design with articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest (Figure 3-1);</p>	<p><i>18.24.050(a)(1): Break down large building facades and massing to create a human-scaled building that enhances the context of the site</i></p> <p><i>18.24.050(a)(2): Are consistent in scale, mass and character to adjacent land uses and land use designations</i></p> <p>18.24.050(b)(2) <u>Privacy and Transitions to Residential Uses</u> Lower Density Building Types</p> <p>When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade and maintain privacy by meeting all of the following applicable standards:</p> <p>(B) A minimum façade break of four feet in width, two feet in depth, and 32 square feet of area for every 36 to 40 feet of façade length.</p> <p>18.24.050(b)(3) Maximum Façade Length</p> <p>For portions of a building facade facing a public street, right-of-way, or publicly accessible path, any building greater than 25 feet in height and 70 feet in length shall not have a continuous façade plane greater than 70% of the façade length without an upper floor modulation, which can include bay windows. Upper floor façade modulations shall be a minimum 2 feet in depth, which can be a recess or a projection.</p> <p>(A) Buildings 250 feet in length or greater, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 400 square feet and a width greater than or equal to two times the depth.</p> <p>(B) Buildings 150 to 250 feet in length, which face a public street, right-of-way, or publicly accessible path, shall have at least one vertical façade break with a minimum area greater than 64 square feet and a minimum width of 8 feet and minimum depth of 4 feet.</p> <p><i>Also see new standards/menu options for massing and articulation in</i></p> <p><i>18.24.060 Façade Design - (c)(1)(A) Variation in building modulation and Variation in façade articulation. For example:</i></p> <p>18.24.060(c)(1)(A)(ii) Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, or bay windows or similar strategies as approved by the Director of Planning and Development Services</p> <p><i>Also see materials standards in 18.24.090 Materials</i></p>
<p>C. Corner buildings that incorporate special features to reinforce important</p>	<p><i>18.24.040(a) Building Orientation and Setbacks</i> Intent Statement <u>Contextual Design Criteria</u></p>

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
intersections and create buildings of unique architectural merit and varied styles (Figure 3-1);	<p style="color: green;">To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience.</p> <p>18.24.040(b) Building Orientation and Setbacks</p> <p>(1) Treatment of Corner Buildings (less than 40 feet)</p> <p>Corner buildings less than 40 feet in height and end units of townhouses or other attached housing products that face the street shall include the following features on their secondary building frontage:</p> <ul style="list-style-type: none"> (A) A height to width ratio greater than 1.2:1 (B) A minimum of 15 percent fenestration area. (C) At least one facade modulation with a minimum depth of 18 inches and a minimum width of two feet. <p>Examples: Wrap around front porch, bay window.</p> <p>(2) Treatment of Corner Buildings (40 feet and higher)</p> <p>Corner buildings 40 feet or taller in height shall include at least one of the following special features:</p> <ul style="list-style-type: none"> (A) Street wall shall be located at the minimum front yard setback or build-to line for a minimum aggregated length of 40 feet in length on both facades meeting at the corner and shall include one or more of the following building features: <ul style="list-style-type: none"> (i) An entry to ground floor retail or primary building entrance located within 25 feet of the corner of the building (ii) A different material application and/or fenestration pattern from the rest of the façade. (iii) A change in height of at least 4 feet greater or less than the height of the abutting primary façade.
D. Building facades articulated with a building base, body and roof or parapet edge (Figure 3-2);	18.24.060(c)(1)(A): Buildings three stories or taller and on lots wider than 50 feet shall be designed to differentiate a defined base or ground floor, a middle or body, and a top, cornice, or parapet cap. Each of these elements shall be distinguished from one another for a minimum of 80% of the façade length through use of two or more of the following four techniques...
E. Buildings set back from the property line to create an effective 12' sidewalk on El Camino Real, 8' elsewhere (Figure 3-4);	<p>18.24.020(b)(1)(A) Sidewalk Widths: Public sidewalks abutting a development parcel in any commercial mixed-use district (CN, CS, CC, CC(2), CD-C, CD-S, CD-N, PTOD) shall have a minimum sidewalk width (curb to back of walk) of at least 10 feet. This standard may be met with a combination of pedestrian clear path and landscape and furniture strip (see Figure 1), as long as the pedestrian clear path is no less than 8 feet. If the existing public sidewalk does not meet the minimum standard, a publicly accessible extension of the sidewalk, with corresponding public access easement, shall be provided. Notwithstanding the total dimensions required herein, the following streets/locations shall have a minimum sidewalk width as noted:</p> <ul style="list-style-type: none"> (i) El Camino Real: 12 ft (ii) San Antonio Road, from Middlefield Road to East Charleston Road: 12 ft
F. A majority of the building frontage located at the setback line (Figure 3-3); and	<i>Removed. Inconsistent with build-to-lines in Chapter 18.16.060 (Table 4) which details build-to lines, depending on setback.</i>
G. No side setback for midblock properties, allowing for a continuous	<i>Removed. Redundant with detailed side setbacks in Chapter 18.16.060 (Table 4)</i>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
street facade, except when abutting low density residential (Figure 3-3).	
(4) Low-Density Residential Transitions	
Where new projects are built abutting existing lower-scale residential development, care shall be taken to respect the scale and privacy of neighboring properties through:	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ul style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (5) Provide harmonious transitions between adjacent abutting properties <u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses (e.g., location of pedestrian paths and mews/drive aisles).</u> <p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <ul style="list-style-type: none"> (1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development. <p><u>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</u> (A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both the primary building frontage and the facing facade</u>, and the step shall occur for a minimum of 70% of the each <u>each</u> facade length. (B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height. <u>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</u> (i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u></p>
A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses (Figure 4-1);	
B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements (Figure 4-2);	

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u></p> <p>(iii) <u>The project abuts residential units in the side or rear yard.</u></p> <p>18.24.060(c)(1)(A)(i)(b): Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade. <i>[Choice in menu of options]</i></p> <p><i>Also see setbacks and daylight plane standards in district regulations' development standards tables.</i></p>
<p>C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties (Figure 4-3);</p>	<p>18.24.050(a) Building Massing <u>Intent Statement Contextual Design Criteria</u></p> <p><u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses (e.g., location of pedestrian paths and mews/drive aisles).</u></p> <p>18.24.050(b)(2) Privacy and Transitions to Residential Uses Lower Density Building Types</p> <p>When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade <u>and maintain privacy</u> by meeting all of the following <u>applicable</u> standards:</p> <p>(A) <u>Landscape Screening</u>: A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.</p> <p>(C) <u>Maximum Transparency</u>: Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p><u>(D) Windows: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</u></p> <p>(i) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u></p> <p>(ii) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u></p> <p>(iii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u></p> <p>(iv) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u></p> <p><u>(E) Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</u></p> <p>(i) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u></p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(ii) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u></p> <p>(iii) <u>Provide balcony/deck design measure which may include:</u></p> <ul style="list-style-type: none"> a) <u>Minimum 85% opaque railing</u> b) <u>Obscure glass railing</u> c) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u> <p>18.24.080(b)(1)(D): Balconies shall not be located within the daylight plane</p>
D. Minimizing sight lines into and from neighboring properties (Figure 4-3);	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u></p> <p><u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses (e.g., location of pedestrian paths and mews/drive aisles).</u></p> <p>18.24.050(b)(2) <u>Privacy and Transitions to Residential Uses</u> Lower Density Building Types</p> <p>When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade and maintain privacy by meeting all of the following <u>applicable</u> standards:</p> <p>(A) <u>Landscape Screening</u>: A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.</p> <p>(C) <u>Maximum Transparency</u>: Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p>(D) <u>Windows</u>: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</p> <ul style="list-style-type: none"> (i) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u> (ii) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u> (iii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u> (iv) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u> <p>(E) <u>Balconies</u>: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</p> <ul style="list-style-type: none"> (i) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (ii) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (iii) <u>Provide balcony/deck design measure which may include:</u>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	a) <u>Minimum 85% opaque railing</u> b) <u>Obscure glass railing</u> c) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u>
E. Limiting sun and shade impacts on abutting properties; and	<p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u></p> <p>...Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(1) Buildings that create a street frontage that are compatible with nearby buildings and land uses.</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p>(5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with abutting lower density residential development.</p> <p>(7) Optimized building orientation for thermal comfort, shading, daylighting, and natural ventilation and other forms of passive design.</p> <p><i>See setbacks and daylight plane standards in district regulations' development standards tables.</i></p> <p><i>No new sun access or shade impact standards are proposed.</i></p>
F. Providing pedestrian paseos and mews to create separation between uses.	<p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u></p> <p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria...</p> <p>(4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces.</p> <p><u>18.24.020(b) Public Realm/Sidewalk Character</u></p> <p>(1) Sidewalk Widths</p> <p>(B) Publicly accessible sidewalks or walkways <u>with landscape strips</u>, connecting through a development parcel (e.g., on a through lot) shall have a minimum six-foot width.</p> <p>(C) Pedestrian walkways that are designed to provide access to bicycles shall have a minimum width of eight feet, with two feet of clear space on either side.</p>
(5) Project Open Space	
Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u></p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(2) Be generous in dimension to provide usable space</p>

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	Proposed Standard or Contextual Design Criteria
	<p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>(4) Promote public health</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(6) Promote sustainable practices and opportunities for green infrastructure</p> <p>(7) Promote community safety through eyes on the street</p>
<p>A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u></p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <p>(2) Be generous in dimension to provide usable space</p> <p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(6) Promote sustainable practices and opportunities for green infrastructure</p> <p>18.24.080(b)(1) Private Open Space.</p> <p>If Private Open Spaces is provided, it shall meet the following standards: ...</p> <p>(A) Floor area shall include a clear space with a minimum dimension of a circle with a six-foot diameter.</p> <p>(B) Minimum clear height dimension of 8'-6" feet</p> <p>(C) Be accessed directly from a residential unit</p> <p>(D) Balconies shall not be located within the daylight plane</p> <p>(E) Notwithstanding subsection (a), ground floor patios shall meet the following minimum requirements: ...</p> <p>(i) RM-20 and RM-30 districts: Minimum 100 square feet of area, the least dimension of which is eight feet for at least 75% of the area</p> <p>(ii) RM-40 districts: Minimum 80 square feet of area, the least dimension of which is six feet for at least 75% of the area</p> <p>(iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)</p>
<p>B. Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the users (e.g., residents, employees, or public)</p>	<p><u>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</u></p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto.</p> <p>18.24.080(b)(1) Private Open Space</p> <p>If Private Open Spaces is provided, it shall meet the following standards:</p> <p>(C) Be accessed directly from a residential unit</p>

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	Proposed Standard or Contextual Design Criteria
	<p>18.24.080(b)(2) Common Open Space</p> <p>If Common Open Space is provided, it shall meet the following standards:</p> <p>(A) Minimum size of 200 square feet</p> <p>(B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter.</p> <p>(D) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25</p> <p>(E) Include places to sit</p> <p>(F) A minimum 20% of landscaping</p>
<p>C. Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings;</p>	<p>18.24.080(a) Open Space Intent Statement <u>Contextual Design Criteria</u>... Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>18.24.080(b)(2) Common Open Space</p> <p>If Common Open Space is provided, it shall meet the following standards:</p> <p>(C) A minimum of 60% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted.</p> <p>(F) A minimum 20% of landscaping</p>
<p>D. Usable open space may be any combination of private and common spaces;</p>	<p><i>Removed. Redundant with development standards in Chapter 18.18.060(b) (Table 3) which details requirements and options for private and common open space.</i></p>
<p>E. Usable open space does not need to be located on the ground and may be located in porches, decks, balconies and/or podiums (but not on rooftops) (Figure 5-1);</p>	<p><i>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124) and inconsistent with permitted rooftop open spaces in the CD-C district on sites that do not abut a single- or two-family residential use or zoning district</i></p>
<p>F. Open space should be located to activate the street façade and increase "eyes on the street" when possible (Figure 5-1);</p>	<p>18.24.080(a) Open Space Intent Statement <u>Contextual Design Criteria</u> ...Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy</p> <p>(5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>(7) Promote community safety through eyes on the street</p> <p>18.24.040(b)(2)(B): An open space with a minimum dimension of 20 feet and minimum area of 450 square feet. The open space shall be at least one of the following:</p> <p>(i) A publicly accessible open space/plaza</p> <p>(ii) A space used for outdoor seating for public dining</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	(iii) A residential Common Open Space adjacent to a common interior space and less than two feet above adjacent sidewalk grade. Fences and railing shall be a minimum 50% transparent. <i>[Choice in menu of options]</i>
<p>G. Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement;</p>	<p><i>See noise standards in Section 9.10.030(a).</i> <i>See existing noise standards for rooftop open spaces in 18.40.230: Rooftop Gardens.</i></p> <p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria ...Common and private open spaces should include the following characteristics: (5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses</p> <p>18.24.080(b)(1) Private Open Space. If Private Open Spaces is provided, it shall meet the following standards: ... (C) Be accessed directly from a residential unit (D) Balconies shall not be located within the daylight plane (E) ...ground floor patios shall meet the following minimum requirements... (iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)</p> <p>18.24.080(b)(2) If Common Open Space is provided, it shall meet the following standards... (A) Minimum size of 200 square feet (B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter. (C) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25</p>
<p>H. Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces (Figure 5-2); and</p>	<p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics: (3) Provide landscape elements that will support the health of the plants and enhance the character of place (6) Promote sustainable practices and opportunities for green infrastructure</p> <p>18.24.080(b) (2) Common Open Space (2) If Common Open Space is provided, it shall meet the following standards: (F) A minimum 20% of landscaping (G) Soil Depth: Planting in above grade courtyards shall have a minimum soil depth of 12 inches for ground cover, 20 inches for shrubs, and 36 inches for trees.</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
I. Parking may not be counted as open space.	<i>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124).</i>
(6) Parking Design	
<p>Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:</p> <p>A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, etc.;</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements: (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available. (B) Except for driveway access <u>and short-term loading spaces</u>, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.</p> <p>18.24.030(b)(4) Loading Docks and Service Areas. Loading and service areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience as follows: (A) Loading docks and service areas shall be located on facades other than the primary building frontage: on alleys, from parking areas, and/or at the rear or side of building if building includes these frontages. When only primary building frontage is available, loading docks and service areas shall be recessed a minimum five feet from the primary façade and shall be screened in accordance with Chapter 18.23.050. (B) Loading dock and service areas located within setback areas shall be screened in accordance with Chapter 18.23.050 and separated from pedestrian access to the primary building entry to avoid impeding pedestrian movement and safety.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (A) Entry Size: No more than 25% of the site frontage facing a street should be devoted to garage openings, carports, surface parking, loading entries, or utilities access (on sites with less than 100 feet of frontage, no more than 25 feet)</p>
B. Structured parking is fronted or wrapped with habitable uses when possible (Figure 6-1);	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements: (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	18.24.060(b)(7)(B): Above grade structured parking levels facing a public right-of-way or publicly accessible open space/path, with the exception of vehicular alleys, shall be lined with commercial or habitable uses with a minimum depth of 20 feet.
C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art;	<p>18.24.030(a) Site Access Intent Statement Contextual Design Criteria (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (C) Partially sub-grade parking shall not have an exposed façade that exceeds five feet in height above abutting grade at back of sidewalk. (D) Partially sub-grade parking shall be screened with continuous landscaping and shrubbery with minimum height of 3 feet and be within 10 feet of the sub-grade parking.</p>
D. Landscaping such as trees, shrubs, vines, or groundcover is incorporated into surface parking lots (Figure 6-2);	<i>Removed. Redundant with landscaping standards and guidelines in Chapter 18.54.040: Landscaping of Parking Areas</i>
E. For properties with parking access from the rear of the site (such as a rear alley or driveway) landscaping shall provide a visual buffer between vehicle circulation areas and abutting properties (Figure 6-3);	<p><i>Removed. Redundant with standards and guidelines in Chapter 18.54.040(f): Landscaping of Parking Areas (Landscape Screens) and Chapter 18.23.050: Visual, Screening and Landscaping (proposed to be modified to be broadly applicable and relocated to Chapter 18.40.260). For Example:</i></p> <p>18.54.040(f) Landscaping of Parking Areas <i>[Existing Code Section]</i> (a) Perimeter Landscaping: Each unenclosed parking facility shall provide a perimeter landscaped strip at least five feet wide between and adjacent to a line defining the exterior boundary of the parking area and the nearest adjacent property line, not separated by a building. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous except for required access to the site or to the parking facility. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature. Where the parking facility adjoins another site, a fence, wall, or other equivalent screening feature may be required.</p> <p>18.40.260(b) Visual Screening and Landscaping <i>[Existing Code Section]</i> (1) For non-residential properties abutting residential uses: (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.</p>

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	(iii) A minimum 10-foot planting and screening strip shall be provided adjacent to any façade abutting a low density residential district (R-1, R-2, or RMD) or abutting railroad tracks.
F. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming;	18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria (5) Utilize street parking for visitor or customer parking and to enhance traffic calming.
G. For properties with parking accessed from the front, minimize the amount of frontage used for parking access, no more than 25% of the site frontage facing a street should be devoted to garage openings, carports, or open/surface parking (on sites with less than 100 feet of frontage, no more than 25 feet);	18.24.030(a)(3): Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries. 18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (A) Entry Size: No more than 25% of the site frontage facing a street should be devoted to garage openings, carports, surface parking, loading entries, or utilities access (on sites with less than 100 feet of frontage, no more than 25 feet)
H. Where two parking lots abut and it is possible for a curb cut and driveway to serve several properties, owners are strongly encouraged to enter in to shared access agreements (Figure 6-4); and	18.24.030(a)(4) Shared access agreements among property owners, where feasible, to reduce the number and widths of curb cuts and driveways.
I. Parking is accessed from side streets or alleys when possible.	18.24.030(a)(3): Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries. 18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available.
(7) Large (Multi-Acre) Sites	
Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:	Sites over 1 acre in size are not uniquely addressed. Standards and contextual design criteria below would be broadly applicable and would not just apply to large sites. 18.24.050(a) Building Massing Intent Statement Contextual Design Criteria To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that: (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (3) Reinforce the definition and importance of the street (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate.

CD - 18.18.110 - Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	(5) Provide harmonious transitions between abutting properties
A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated with Palo Alto's Bicycle Master Plan, when applicable);	<p>18.24.030(a) Site Access Intent Statement <u>Contextual Design Criteria</u></p> <p>To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <p>(1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.</p> <p>(2) Connections to side streets, open spaces, mews, alleys, and paseos</p>
B. The diversity of building types increases with increased lot size (e.g., <1 acre = minimum 1 building type; 1-2 acres = minimum 2 housing types; greater than 2 acres = minimum 3 housing types) (Figures 7-1 through 7-3); and	<p>18.24.050(a) Building Massing Intent Statement <u>Contextual Design Criteria</u></p> <p>To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features.</p> <p><u>18.24.050(b)(5)(A) A diversity of housing types (e.g., detached units, attached rowhouses/townhomes, condominiums or apartments, mixed use) are required for projects on large lots:</u></p> <ul style="list-style-type: none"> • < 1-acre lots: minimum 1 housing type; • 1 to 2-acre lots: minimum 2 housing types; or • > 2-acre lots = minimum 3 housing types. <p>18.24.060(b)(2): Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies.</p>
C. Where a site includes more than one housing type, each building type should respond to its immediate context in terms of scale, massing, and design (e.g., Village Residential building types facing or abutting existing single-family residences) (Figures 7-2 and 7-3).	<p>18.24.050(a) Building Massing Intent Statement <u>Contextual Design Criteria</u></p> <p>To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <p>(5) Provide harmonious transitions between abutting properties</p> <p>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</p> <p>(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> the facing facade, and the step shall occur for a minimum of 70% of the <u>each</u> façade length.</p> <p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p>

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	Proposed Standard or Contextual Design Criteria
	<p>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</p> <ul style="list-style-type: none"> (i) The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and (ii) The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and (iii) The project abuts residential units in the side or rear yard.
(8) Sustainability and Green Building Design	
<p>Project design and materials to achieve sustainability and green building design should be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:</p>	<p>18.24.090(a) Materials Intent Statement Contextual Design Criteria To promote the use of high quality, durable, sustainable, and attractive materials that exhibit a sense of permanence and contribute to the aesthetic quality of the development and to the urban design fabric of the community.</p> <p>18.24.100(a) Sustainability and Green Building Design Intent Statement Contextual Design Criteria To incorporate sustainability, green building, and environmental considerations into the project design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design...</p> <p>18.24.100(b): See Chapter 16.14: California Green Building Standards additional requirements for green building and sustainable design. Notwithstanding Section 18.24.010(c), these regulations may not be modified through alternative compliance.</p>
A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation (Figure 8-1).	18.24.100(a)(1): Optimize building orientation for thermal comfort, shading, daylighting, and natural ventilation, including operable windows
B. Design landscaping to create comfortable micro-climates and reduce heat island effects.	18.24.100(a)(2): Design landscaping to create comfortable micro-climates and reduce heat island effects
C. Design for easy pedestrian, bicycle, and transit access.	<p>18.24.030(a) Site Access Intent Statement Contextual Design Criteria To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.</p>
D. Maximize onsite stormwater management through landscaping and permeable pavement (Figure 8-2).	18.24.100(a)(4): Maximize onsite stormwater management through landscaping and permeable pavement
E. Use sustainable building materials.	18.24.100(a)(5): Use sustainable building materials

CD - 18.18.110 - Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
F. Design lighting, plumbing, and equipment for efficient energy and water use.	18.24.100(a)(6): Design lighting, plumbing and equipment for efficient energy use
G. Create healthy indoor environments.	18.24.100(a)(7): Create healthy indoor environments
H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements.	18.24.100(a)(8): Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements
I. Provide protection for creeks and riparian vegetation and integrate stormwater management measures and open space to minimize water quality and erosion impacts to the creek environment.	Addressed in 18.40.140: Stream Corridor Protection
J. Encourage installation of photovoltaic panels (Figure 8-3).	Removed. Addressed by California Energy Code requirements. Guideline could be added to contextual design criteria, if desired.

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
(1) Pedestrian and Bicycle Environment	
The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements such as:	<p>18.24.030(a) Site Access Intent Statement Contextual Design Criteria To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p> <p>(1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.</p>
A. Connectivity for pedestrians and cyclists with external and internal (if any) streets, pathways, or bike facilities (See Figure 1-1);	
B. Pathways and streets that present a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks;	<p>18.24.030(a) Site Access Intent Statement Contextual Design Criteria To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.</p> <p><i>See 18.24.020(b)(A) Figure 1: Illustrative Sidewalk Section and Description of Zones, and related table</i></p>
C. Wide sidewalks (built as easements beyond the property line if needed, but not to the detriment of existing or future bike lanes) along Park Boulevard to reinforce the street as a primary pedestrian and bicycle linkage to the multimodal station;	<p>18.24.020(b)(1)(A) Sidewalk Widths: Public sidewalks abutting a development parcel in any commercial mixed-use district (CN, CS, CC, CC(2), CD-C, CD-S, CD-N, PTOD) shall have a minimum sidewalk width (curb to back of walk) of at least 10 feet. This standard may be met with a combination of pedestrian clear path and landscape and furniture strip (see Figure 1), as long as the pedestrian clear path is no less than 8 feet. If the existing public sidewalk does not meet the minimum standard, a publicly accessible extension of the sidewalk, with corresponding public access easement, shall be provided.</p> <p><i>Park Blvd. sidewalk widths should be identified through the NVCAP process.</i></p>
D. Bicycle amenities that contribute to the area's bicycle environment and safety needs, such as bike racks, storage or parking, or dedicated bike lanes or paths (See Figure 1-2);	<p>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure. Publicly accessible spaces and sidewalks should:</p> <p>(4) Provide amenities, such as parking and repair equipment, for micromobility, such as bicycles and scooters.</p> <p>18.24.020(b)(4)(A): Micromobility infrastructure, such as locations to lock bicycles and scooters, shall be located within 30 feet of the primary building entry and/or a path leading to the primary building entry. This standard may be satisfied by existing infrastructure already located within 50 feet of the project site and located in the public right-of-way.</p> <p><i>Also see bicycle parking standards in Chapter 18.52.040: Off-Street Parking, Loading and Bicycle Facility Requirements</i></p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
<p>E. Ground floor uses that are appealing to pedestrians through well-designed visibility and access (See Figure 1-2);</p>	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement <u>Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <ul style="list-style-type: none"> (1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street. (3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development. <p>18.24.030(b)(2): Site Access - Primary Building Entries shall be located from a public right-of-way or, if not possible, a publicly accessible Pedestrian Walkway.</p> <p>18.24.040(b)(3): Building Orientation and Setbacks - Primary Building Entry The primary building entry shall meet at least one of the following standards:</p> <ul style="list-style-type: none"> (A) Face a public right-of-way. (B) Face a publicly accessible pedestrian walkway. (C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards: <ul style="list-style-type: none"> (i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet. (ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet. <p>18.24.020(4)(B): Primary building entries shall provide at least one seating area or bench within 30 feet of building entry and/or path leading to building entry. This standard may be satisfied by existing seating area or benches located in public right-of-way within 50 feet of the building entry. On arterials—except Downtown—seating areas or benches shall not be located between the sidewalk and curb. Arterial roadways are identified in Map T-5 of the Comprehensive Plan and do not include residential arterials.</p>
<p>F. On primary pedestrian routes such as Park Boulevard and California Avenue, climate and weather protection where possible, such as covered waiting areas, building projections and</p>	<p>18.24.020(a) Public Realm/Sidewalk Character Intent Statement <u>Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure.</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
colonnades, and awnings (See Figure 1-3);	<p>18.24.060(c)(4)(B): Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p> <p>18.24.060(c)(5): Storefront/Retail Ground Floors (E) Awnings, canopies and weather protection: (i) When transom windows are above display windows, awnings, canopies and similar, weather protection elements shall be installed between transom and display windows. These elements should allow for light to enter the storefront through the transom windows and allow the weather protection feature to shade the display window.</p> <p>18.24.060(c)(6): Other Non-residential Ground Floors (C) Primary entries shall include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p>
G. Streetscape or pedestrian amenities that contribute to the area's streetscape environment such as street trees, bulb-outs, benches, landscape elements, and public art (See Figures 1-4 and 1-5); and	<p>18.24.020(a) Public Realm/Sidewalk Character Intent Statement <u>Contextual Design Criteria</u> To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure. Publicly accessible spaces and sidewalks should:</p> <p>(1) Design the transition between the public and private realm through the coordination of amenities and materials, such as accent paving, tree wells, lighting and street furniture (e.g., benches, bicycle racks, trash receptacles, news racks).</p> <p>(2) Complement or match accent paving to existing designs in the Downtown and California Avenue business district.</p> <p>(3) Provide sidewalk widths that accommodate landscaping, street trees, furniture, and pedestrian amenities; create a pleasant, desirable place to walk; provide shade; and enable comfortable pedestrian passage.</p>
H. Vehicle access from alleys or sidestreets where they exist, with pedestrian access from the public street.	<p>18.24.030(a) Site Access Intent Statement <u>Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.</p> <p>18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available. (B) Except for driveway access and short-term loading spaces, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.</p> <p>18.24.030(b)(2): Site Access - Primary Building Entries shall be located from a public right-of-way or, if not possible, a publicly accessible Pedestrian Walkway.</p>
(2) Street Building Facades	
Street facades shall be designed to provide a strong relationship with the sidewalks and the street(s), to create an	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement <u>Contextual Design Criteria</u> (2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
environment that supports and encourages pedestrian activity through design elements such as:	<p>18.24.050(a) Building Massing Intent Statement <u>Contextual Design Criteria</u></p> <p>(3) Reinforce the definition and importance of the street</p>
<p>A. Façade articulation reflecting the rhythm of nearby commercial and residential areas such as California Avenue;</p>	<p>18.24.060(a) Façade Design Intent Statement <u>Contextual Design Criteria</u></p> <p>To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <ul style="list-style-type: none"> (1) Human-scaled detail, articulation, and craftsmanship (2) Quality of construction, craftsmanship, and design to create long lasting buildings (3) Expression of a human-scaled façade rhythm and pattern that reflects the building's use (4) Fenestration that enhances the architectural character of the building (5) Defined building entry that is proportional to the building and number of people served (6) Articulation of the building shall break down the scale of the building via building modulation, façade articulation, and variation of fenestration and material patterns. <p><i>See new standards in 18.24.060(c) that identify a menu of options for façade design. For example:</i></p> <p>18.24.060(c) Façade Design</p> <p>(2) Façade Composition</p> <p>Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include a minimum of two of the following façade articulation strategies to create visual interest...</p>
<p>B. Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street (See Figures 2-1 and 2-2);</p>	<p>18.24.050(a) Building Massing Intent Statement <u>Contextual Design Criteria</u></p> <p>(3) Reinforce the definition and importance of the street</p> <p>18.24.040(a) Building Orientation and Setbacks Intent Statement <u>Contextual Design Criteria</u></p> <p>(2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>18.24.040 Building Orientation and Setbacks</p> <p>(5) Front Yard Setback Character</p> <p>Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space:</p> <ul style="list-style-type: none"> (A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters. (B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>18.24.060(c)(4) Building Entries Within Façade Design (ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following: a. A recess or projection from the primary façade plane with a minimum depth of two feet.</p> <p>18.24.060(c)(5) Storefront/Retail Ground Floors (B) Transparency shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space.</p> <p>18.24.060(c)(6) Other Non-residential Ground Floors (B) Transparency shall include a minimum 50 percent transparent glazing between 4 and 10 feet in height from sidewalk or terrace grade.</p>
<p>C. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (See Figures 2-1 and 2-2);</p>	<p><u>18.24.060(a) Façade Design Intent Statement Contextual Design Criteria</u> To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <ul style="list-style-type: none"> (1) Human-scaled detail, articulation, and craftsmanship (2) Quality of construction, craftsmanship, and design to create long lasting buildings (3) Expression of a human-scaled façade rhythm and pattern that reflects the building's use (4) Fenestration that enhances the architectural character of the building (5) Defined building entry that is proportional to the building and number of people served (6) Articulation of the building shall break down the scale of the building via building modulation, façade articulation, and variation of fenestration and material patterns. <p><i>See new standards in 18.24.060(c) that identify a menu of options for façade design. For example:</i></p> <p>18.24.060(c) Façade Design</p> <p>(2) Façade Composition Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include a minimum of two of the following façade articulation strategies to create visual interest:</p> <ul style="list-style-type: none"> (i) Vertical and horizontal recesses such as a pattern of recessed grouping of windows, or recessed panels, or similar strategies as approved by the Director of Planning and Development Services. The recess shall be a minimum four inches in depth. (ii) Vertical and horizontal projections such as shading and weather protection devices, or decorative architectural details, or similar strategies as approved by the Director of Planning and Development Services. Projections shall be a minimum four inches in depth.

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(iii) Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material;</p> <p>(iv) Balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum four inches in depth;</p> <p>(v) Screening devices such as lattices, louvers, shading devices, <u>or</u> perforated metal screens, or similar strategies as approved by the Director of Planning and Development Services; or</p> <p>(vi) Use of fine-grained building materials, such as brick or wood shingles, not to exceed eight inches in either height or width.</p>
<p>D. Entries and windows that face onto the street (See Figures 2-1 and 2-2);</p>	<p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <p>(2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</p> <p>(3) Ground floor residential units that have direct entry and presence on the street, and maintain privacy.</p> <p>18.24.040(b) Building Orientation and Setbacks</p> <p>(3) Primary Building Entry The primary building entry shall meet at least one of the following standards:</p> <p>(A) Face a public right-of-way.</p> <p>(B) Face a publicly accessible pedestrian walkway.</p> <p>(C) Be visible from a public right-of-way through a forecourt or front porch that meets the following standards:</p> <p>(i) For residential buildings with fewer than seven units, building entry forecourts or front porches shall be a minimum area of 36 square feet and minimum dimension of six feet.</p> <p>(ii) For commercial buildings or residential buildings with seven or more units, building entry forecourts or front porches shall be a minimum of 100 square feet and a minimum width of 8 feet.</p>
<p>E. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale (See Figures 2-1 and 2-2); and</p>	<p><u>18.24.070(a) Residential Entries Intent Statement Contextual Design Criteria</u> Private entries into ground floor residential units shall be designed to provide:</p> <p>(1) human-scaled detailing</p> <p>(2) enhanced pedestrian experience</p> <p>(3) transition between public and private space</p> <p>(4) spaces for residents to gather and spend time outdoors</p> <p>(5) resident privacy</p> <p><i>See new standards in 18.24.070(b) Residential Entries for specific entry types (i.e., stoops, porches, patios, terraces, frontage courts), dimensional requirements and the minimum and maximum number of units per entry. For example:</i></p> <p>18.24.070(b)(B) Residential Entries - Porch:</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(i) Porches shall provide entry access for a maximum of one unit; and</p> <p>(ii) Porch heights shall be within 1 step of finished floor height of adjacent unit; and</p> <p>(iii) Porches shall be large enough so a 6-foot by 6-foot square can fit inside of a porch for each unit; and</p> <p>(iv) The maximum porch floor height from the back of sidewalk grade shall be 5 feet.</p> <p>18.24.060(b) Façade Design</p> <p>(A) Building Entries Within Façade Design</p> <p>(i) Primary building entries shall be scaled proportionally to the number of people served (amount of floor-area or number of units accessed). Building entries inclusive of doorway and facade plane shall meet the following minimum dimensions:</p> <p>a. Individual residential entries: five feet in width</p> <p>b. Shared residential entry, such as mixed-use buildings: 8 feet in width</p> <p>c. Commercial building entry: 20 feet in width</p> <p>d. Storefront entry: six feet in width</p>
<p>F. Residential units and storefronts that have a presence on the street and are not walled-off or oriented exclusively inward.</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u></p> <p><u>(3) Reinforce the definition and importance of the street</u></p> <p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u></p> <p><u>(2) Placement and orientation of doorways, windows, stoops, and landscape elements to create a direct relationship with the street.</u></p> <p>18.24.040 Building Orientation and Setbacks</p> <p>(5) Front Yard Setback Character</p> <p>Required setbacks shall provide a hardscape and/or landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to outdoor seating, front porches, door swing of building entries, and publicly accessible open space:</p> <p>(A) Ground-floor retail or retail-like uses shall have a minimum of 10% of the required setback as landscaped area or planters.</p> <p>(B) Ground-floor residential uses shall have a minimum of 60% landscaped area in the required setback area.</p> <p>18.24.060(c)(4) Building Entries Within Façade Design</p> <p>(ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:</p> <p>a. A recess or projection from the primary façade plane with a minimum depth of two feet.</p> <p>18.24.060(c)(5) Storefront/Retail Ground Floors</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(B) Transparency shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space.</p> <p>18.24.060(c)(6) Other Non-residential Ground Floors</p> <p>(B) Transparency shall include a minimum 50 percent transparent glazing between 4 and 10 feet in height from sidewalk or terrace grade.</p>
(3) Massing and Articulation	
<p>Buildings shall be designed to minimize massing and provide for articulation and design variety through elements such as:</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u></p> <p>To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ol style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (3) Reinforce the definition and importance of the street (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate. (5) Provide harmonious transitions between abutting properties
<p>A. Buildings that include pedestrian-scaled detail, articulation and craftsmanship of the facade (See Figure 3-1);</p>	<p><u>18.24.060(a) Façade Design Intent Statement Contextual Design Criteria</u></p> <p>To create cohesive and well-crafted building facades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area. Facades should include the following elements:</p> <ol style="list-style-type: none"> (1) Human-scaled detail, articulation, and craftsmanship (2) Quality of construction, craftsmanship, and design to create long lasting buildings (3) Expression of a human-scaled façade rhythm and pattern that reflects the building's use (4) Fenestration that enhances the architectural character of the building (5) Defined building entry that is proportional to the building and number of people served (6) Articulation of the building shall break down the scale of the building via building modulation, façade articulation, and variation of fenestration and material patterns. <p><i>See new standards in 18.24.060(c) that identify a menu of options for façade design. For example:</i></p> <p>18.24.060(c) Façade Design</p> <p>(2) Façade Composition</p> <p>Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include a minimum of two of the following façade articulation strategies to create visual interest:</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(i) Vertical and horizontal recesses such as a pattern of recessed grouping of windows, <u>or</u> recessed panels, or similar strategies as approved by the Director of Planning and Development Services. The recess shall be a minimum four inches in depth.</p> <p>(ii) Vertical and horizontal projections such as shading and weather protection devices, <u>or</u> decorative architectural details, or similar strategies as approved by the Director of Planning and Development Services. Projections shall be a minimum four inches in depth.</p> <p>(iii) Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material;</p> <p>(iv) Balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum four inches in depth;</p> <p>(v) Screening devices such as lattices, louvers, shading devices, <u>or</u> perforated metal screens, or similar strategies as approved by the Director of Planning and Development Services; or</p> <p>(vi) Use of fine-grained building materials, such as brick or wood shingles, not to exceed eight inches in either height or width; <u>or</u></p> <p>(vii) Incorporate a minimum of three colors, materials, and/or textures across the whole building.</p>
<p>B. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies (See Figure 3-1);</p>	<p>18.24.050(a)(4): Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate.</p> <p>18.24.060(c)(4) Building Entries Within Façade Design</p> <p>(A) (ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:</p> <p>a. A recess or projection from the primary façade plane with a minimum depth of two feet.</p> <p>(B) Primary entries shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.</p> <p><i>Also see new standards/menu options for massing and articulation in:</i> 18.24.060 Façade Design - (c)(1)(A) Variation in building modulation and Variation in façade articulation. For example: 18.24.060(c)(1)(A)(ii) Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, <u>or</u> bay windows or similar strategies as approved by the Director of Planning and Development Services [Choice in menu of options]</p>
<p>C. Corner buildings that incorporate special features to reinforce important intersections and create buildings of unique architectural merit and varied styles (See Figures 3-2 and 3-3);</p>	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience.</p> <p>18.24.040(b) Building Orientation and Setbacks</p> <p>(1) Treatment of Corner Buildings (less than 40 feet)</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>Corner buildings less than 40 feet in height and end units of townhouses or other attached housing products that face the street shall include the following features on their secondary building frontage:</p> <ul style="list-style-type: none"> (A) A height to width ratio greater than 1.2:1 (B) A minimum of 15 percent fenestration area. (C) At least one facade modulation with a minimum depth of 18 inches and a minimum width of two feet. Examples: Wrap around front porch, bay window. <p>(2) Treatment of Corner Buildings (40 feet and higher)</p> <p>Corner buildings 40 feet or taller in height shall include at least one of the following special features:</p> <ul style="list-style-type: none"> (A) Street wall shall be located at the minimum front yard setback or build-to line for a minimum aggregated length of 40 feet in length on both facades meeting at the corner and shall include one or more of the following building features: <ul style="list-style-type: none"> (i) An entry to ground floor retail or primary building entrance located within 25 feet of the corner of the building (ii) A different material application and/or fenestration pattern from the rest of the façade. (iii) A change in height of at least 4 feet greater or less than the height of the abutting primary façade.
D. Design with articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest from the train and neighborhood east of the tracks;	<p>18.24.050(b)(4) Special Conditions - Railroad Frontages</p> <p>All parcels with lot lines abutting railroad rights-of-way shall meet the following standards on the railroad-abutting facade:</p> <ul style="list-style-type: none"> (A) A minimum facade break of at least 10 feet in width and six feet in depth for every 60 feet of façade length. (B) For portion of a building 20 feet or greater in height, a maximum continuous façade length shall not exceed 60 feet.
E. Limiting facades such that no more than 70%, and no more than 100 continuous linear feet, of the street facade exceeds a height of 25 feet (See Figure 3-4);	<p>18.24.050(b)(3) Maximum Façade Length.</p> <p>For portions of a building facade facing a public street, right-of-way, or publicly accessible path, any building greater than 25 feet in height and 70 feet in length shall not have a continuous façade plane greater than 70% of the façade length without an upper floor modulation, which can include bay windows. Upper floor façade modulations shall be a minimum 2 feet in depth, which can be a recess or a projection.</p>
F. Landscape elements to buffer the rear of the lot and the railroad tracks, with trees spaced at a maximum of 25 feet on center and combined with other landscape elements such as fencing, hedges or shrubs (See Figure 3-4);	<p><i>See draft performance standard Chapter 18.40.260(b)(2) Visual Screening and Landscaping</i></p> <p><i>(iii) A minimum 10-foot planting and screening strip shall be provided adjacent to any façade abutting a low density residential district (R-1, R-2, or RMD) or abutting railroad tracks.</i></p>
G. Application of daylight plane requirements for R-1 and R-2 adjacencies to property boundaries adjacent to the railroad right-of-way (See Figure 3-5); and	<p><i>Removed. Redundant with daylight plane standards in Chapter 18.34.040: PTOD District Regulations, Table 2: Development Standards</i></p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
H. Maintaining view corridors from Colorado Avenue and El Dorado Avenue west to the hills.	<i>Views addressed in Comprehensive Plan goals and policies.</i>
(4) Low-Density Residential Transitions	
Where new projects are built adjacent to existing lower-scale residential development, care shall be taken to respect the scale and privacy of adjacent properties through:	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ul style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (5) Provide harmonious transitions between adjacent abutting properties (6) <u>Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses (e.g., location of pedestrian paths and mews/drive aisles).</u> <p><u>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</u> To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <ul style="list-style-type: none"> (1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent <u>abutting</u> lower density residential development. <p><u>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</u> (A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> the facing facade, and the step shall occur for a minimum of 70% of the <u>each</u> façade length. (B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height. <u>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</u></p>
A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses (See Figure 4-1);	
B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match adjacent R-1 and R-2 zone requirements (See Figure 4-2);	

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u></p> <p>(ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u></p> <p>(iii) <u>The project abuts residential units in the side or rear yard.</u></p> <p>18.24.060(c)(1)(A)(i)(b): Upper floor step backs. A horizontal step back of upper-floor façades with a minimum five-foot step back from the primary façade for a minimum of 80% of the length of the façade. <i>[Choice in menu of options]</i></p> <p><i>Also see setbacks and daylight plane standards in district regulations' development standards tables.</i></p>
<p>C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties (See Figure 4-3);</p>	<p><u>18.24.050(a) Building Massing</u> Intent Statement <u>Contextual Design Criteria</u></p> <p><u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses (e.g., location of pedestrian paths and mews/drive aisles).</u></p> <p>18.24.050(b)(2) <u>Privacy and Transitions to Residential Uses</u> Lower Density Building Types</p> <p>When a building abuts a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use, the building shall break down the abutting façade and maintain privacy by meeting all of the following applicable standards:</p> <p>(A) <u>Landscape Screening</u>: A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.</p> <p>(C) <u>Maximum Transparency</u>: Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p><u>(D) Windows</u>: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</p> <p>(i) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u></p> <p>(ii) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u></p> <p>(iii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u></p> <p>(iv) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u></p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(E) <u>Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</u></p> <ul style="list-style-type: none"> (i) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (ii) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (iii) <u>Provide balcony/deck design measure which may include:</u> <ul style="list-style-type: none"> a) <u>Minimum 85% opaque railing</u> b) <u>Obscure glass railing</u> c) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u> <p>18.24.080(b)(1)(D): Balconies shall not be located within the daylight plane</p>
<p>D. Minimizing sight lines into and from neighboring properties (See Figure 4-3);</p>	<p>18.24.050(a) Building Massing <u>Intent Statement Contextual Design Criteria</u></p> <p><u>(6) Maintain privacy of residential uses through design strategies such as offset windows, reduced glazing, landscape screening, and site planning that extends setbacks to residential uses (e.g., location of pedestrian paths and mews/drive aisles).</u></p> <p>18.24.050(b)(2) Privacy and Transitions to Residential Uses <u>Lower Density Building Types</u></p> <p>When a building abuts <u>a residential use at an interior side and/or rear property line with a RE, RMD, R-1, or R-2 zoned parcel or a village residential or existing single-family residential use</u>, the building shall break down the abutting façade <u>and maintain privacy</u> by meeting all of the following <u>applicable</u> standards:</p> <p>(A) <u>Landscape Screening</u>: A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.</p> <p>(C) <u>Maximum Transparency</u>: Within 40 feet of an abutting structure, no more than 15% of the confronting facing façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if they are fixed and fully obscured.</p> <p><u>(D) Windows: Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an abutting residential building, facing windows on the subject site shall meet the following:</u></p> <ul style="list-style-type: none"> (i) <u>Window sills at and above the 2nd floor shall be at least 5 feet above finished floor; or</u> (ii) <u>Windows shall have opaque or translucent glazing at or below 5 feet above finished floor; or</u> (iii) <u>Windows shall be angled up to 30 degrees (parallel to window) to face away from abutting privacy impacts; and</u> (iv) <u>Landscape screening shall be 24-inch box size or larger and 8+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity</u>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(E) Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an abutting residential building, balconies and decks on the subject site shall be designed to prevent views:</p> <ul style="list-style-type: none"> (i) <u>No sight lines are permitted within 5 feet of finished floor and a 45-degree angle downward from balcony railing</u> (ii) <u>Submit section view of proposed balcony/deck and abutting residential windows and/or private open space</u> (iii) <u>Provide balcony/deck design measure which may include:</u> <ul style="list-style-type: none"> a) <u>Minimum 85% opaque railing</u> b) <u>Obscure glass railing</u> c) <u>Barrier with min. 18" horizontal depth from railing (e.g., landscape planter)</u>
<p>E. Limiting sun and shade impacts on adjacent properties;</p>	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</p> <p>...Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria:</p> <ul style="list-style-type: none"> (1) Buildings that create a street frontage that are compatible with nearby buildings and land uses. (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. (5) Buildings that provide side and rear setbacks and/or upper story step backs to create a compatible relationship with abutting lower density residential development. (7) Optimized building orientation for thermal comfort, shading, daylighting, and natural ventilation and other forms of passive design. <p><i>See setbacks and daylight plane standards in district regulations' development standards tables.</i></p> <p><i>No new sun access or shade impact standards are proposed.</i></p>
<p>F. Providing pedestrian paseos and mews to create separation between uses;</p>	<p>18.24.040(a) Building Orientation and Setbacks Intent Statement Contextual Design Criteria</p> <p>To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space. Buildings and site design should meet the following criteria...</p> <ul style="list-style-type: none"> (4) Transitional spaces and buffer areas between buildings, parcels, and sites through building setbacks that distinguish private and public spaces. <p>18.24.020(b) Public Realm/Sidewalk Character</p> <ul style="list-style-type: none"> (1) Sidewalk Widths (B) Publicly accessible sidewalks or walkways <u>with landscape strips</u>, connecting through a development parcel (e.g., on a through lot) shall have a minimum six-foot width. (C) Pedestrian walkways that are designed to provide access to bicycles shall have a minimum width of eight feet, with two feet of clear space on either side.
<p>G. Design with articulation, varied setbacks, and materials that minimize</p>	<p>18.24.050(b)(4) Special Conditions - Railroad Frontages</p> <p>All parcels with lot lines abutting railroad rights-of-way shall meet the following standards on the railroad-abutting facade:</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
sound reflection to neighboring properties adjacent to the railroad.	(A) A minimum facade break of at least 10 feet in width and six feet in depth for every 60 feet of façade length. (B) For portion of a building 20 feet or greater in height, a maximum continuous façade length shall not exceed 60 feet.
(5) Project Open Space	
Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.	<p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <ul style="list-style-type: none"> (1) Be integrated into the site access and building circulation strategy (2) Be generous in dimension to provide usable space (3) Provide landscape elements that will support the health of the plants and enhance the character of place (4) Promote public health (5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses (6) Promote sustainable practices and opportunities for green infrastructure (7) Promote community safety through eyes on the street
A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;	<p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria</p> <p>To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto. Common and private open spaces should include the following characteristics:</p> <ul style="list-style-type: none"> (2) Be generous in dimension to provide usable space (3) Provide landscape elements that will support the health of the plants and enhance the character of place (5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses (6) Promote sustainable practices and opportunities for green infrastructure <p>18.24.080(b)(1) Private Open Space.</p> <p>If Private Open Spaces is provided, it shall meet the following standards: ...</p> <ul style="list-style-type: none"> (A) Floor area shall include a clear space with a minimum dimension of a circle with a six-foot diameter. (B) Minimum clear height dimension of 8'-6" feet (C) Be accessed directly from a residential unit (D) Balconies shall not be located within the daylight plane (E) Notwithstanding subsection (a), ground floor patios shall meet the following minimum requirements: ... <ul style="list-style-type: none"> (i) RM-20 and RM-30 districts: Minimum 100 square feet of area, the least dimension of which is eight feet for at least 75% of the area

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
	<p>(ii) RM-40 districts: Minimum 80 square feet of area, the least dimension of which is six feet for at least 75% of the area</p> <p>(iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)</p>
<p>B. Open space should be sited and designed to accommodate different activities, groups and active and passive uses, and should be located convenient to the users (e.g., residents, employees, or public);</p>	<p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto.</p> <p>18.24.080(b)(1) Private Open Space If Private Open Spaces is provided, it shall meet the following standards: (C) Be accessed directly from a residential unit</p> <p>18.24.080(b)(2) Common Open Space If Common Open Space is provided, it shall meet the following standards: (A) Minimum size of 200 square feet (B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter. (D) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25 (E) Include places to sit (F) A minimum 20% of landscaping</p>
<p>C. Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings (See Figure 5-2);</p>	<p>18.24.080(a) Open Space Intent Statement Contextual Design Criteria ... Common and private open spaces should include the following characteristics:</p> <p>(1) Be integrated into the site access and building circulation strategy (3) Provide landscape elements that will support the health of the plants and enhance the character of place</p> <p>18.24.080(b)(2) Common Open Space If Common Open Space is provided, it shall meet the following standards: (C) A minimum of 60% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted. (F) A minimum 20% of landscaping</p>
<p>D. Usable open space may be any combination of private and common spaces;</p>	<p>Relocated to PTOD development standards in Chapter 18.34.040(e).</p>
<p>E. Usable open space does not need to be located on the ground (See Figure 5-1);</p>	<p>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124).</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

Existing Context-Based Design Criteria	Proposed Standard or Contextual Design Criteria
<p>F. Open space should be located to activate the street façade and increase "eyes on the street" when possible (See Figure 5-3);</p>	<p>18.24.080(a) Open Space Intent Statement <u>Contextual Design Criteria</u> ...Common and private open spaces should include the following characteristics:</p> <ul style="list-style-type: none"> (1) Be integrated into the site access and building circulation strategy (5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses (7) Promote community safety through eyes on the street <p>18.24.040(b)(2)(B): An open space with a minimum dimension of 20 feet and minimum area of 450 square feet. The open space shall be at least one of the following:</p> <ul style="list-style-type: none"> (i) A publicly accessible open space/plaza (ii) A space used for outdoor seating for public dining (iii) A residential Common Open Space adjacent to a common interior space and less than two feet above adjacent sidewalk grade. Fences and railing shall be a minimum 50% transparent. <i>[Choice in menu of options]</i>
<p>G. Both private and common open space areas should be buffered from noise where feasible; and</p>	<p><i>See noise standards in Section 9.10.030(a).</i></p> <p><i>See existing noise standards for rooftop open spaces in 18.40.230: Rooftop Gardens.</i></p> <p>18.24.080(a) Open Space Intent Statement <u>Contextual Design Criteria</u> ...Common and private open spaces should include the following characteristics:</p> <ul style="list-style-type: none"> (5) Be located to provide easy access to private and common building areas, protected from the activities of commercial areas, and balance privacy and noise impacts to neighboring uses <p>18.24.080(b)(1) Private Open Space.</p> <p>If Private Open Spaces is provided, it shall meet the following standards: ...</p> <ul style="list-style-type: none"> (C) Be accessed directly from a residential unit (D) Balconies shall not be located within the daylight plane (E) ...ground floor patios shall meet the following minimum requirements... (iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4) <p>18.24.080(b)(2) If Common Open Space is provided, it shall meet the following standards...</p> <ul style="list-style-type: none"> (A) Minimum size of 200 square feet (B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter. (C) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25
<p>H. Parking may not be counted as open space.</p>	<p><i>Removed. Redundant with definition of usable open space in Chapter 18.04.030(124).</i></p>
<p>(6) Parking Design</p>	

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
<p>Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:</p> <p>A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, etc.;</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements: (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.030(b)(3) Vehicle Access. (A) Vehicle access shall be located on alleys or side streets where available. (B) Except for driveway access <u>and short-term loading spaces</u>, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.</p> <p>18.24.030(b)(4) Loading Docks and Service Areas. Loading and service areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience as follows: (A) Loading docks and service areas shall be located on facades other than the primary building frontage: on alleys, from parking areas, and/or at the rear or side of building if building includes these frontages. When only primary building frontage is available, loading docks and service areas shall be recessed a minimum five feet from the primary façade and shall be screened in accordance with Chapter 18.23.050. (B) Loading dock and service areas located within setback areas shall be screened in accordance with Chapter 18.23.050 and separated from pedestrian access to the primary building entry to avoid impeding pedestrian movement and safety.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (A) Entry Size: No more than 25% of the site frontage facing a street should be devoted to garage openings, carports, surface parking, loading entries, or utilities access (on sites with less than 100 feet of frontage, no more than 25 feet)</p>
<p>B. Structured parking is fronted or wrapped with habitable uses when possible (See Figure 6-1);</p>	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements: (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.060(b)(7)(B): Above grade structured parking levels facing a public right-of-way or publicly accessible open space/path, with the exception of vehicular alleys, shall be lined with commercial or habitable uses with a minimum depth of 20 feet.</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art (See Figure 6-2);	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> (3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.</p> <p>18.24.060(b)(7) Façade Design - Parking/Loading/Utilities (C) Partially sub-grade parking shall not have an exposed façade that exceeds five feet in height above abutting grade at back of sidewalk. (D) Partially sub-grade parking shall be screened with continuous landscaping and shrubbery with minimum height of 3 feet and be within 10 feet of the sub-grade parking.</p>
D. Landscaping such as trees, shrubs, vines or groundcover is incorporated into surface parking lots (See Figure 6-3); and	<i>Removed. Redundant with landscaping standards and guidelines in Chapter 18.54.040: Landscaping of Parking Areas</i>
E. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming on the street.	<p><u>18.24.020(a) Public Realm/Sidewalk Character Intent Statement Contextual Design Criteria</u> (5) <u>Utilize street parking for visitor or customer parking and to enhance traffic calming.</u></p>
(7) Large (Multi-Acre) Sites	
Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:	<p><i>Sites over 1 acre in size are not uniquely addressed. Standards and contextual design criteria below would be broadly applicable and would not just apply to large sites.</i></p> <p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <ul style="list-style-type: none"> (1) Break down large building facades and massing to create a human-scaled building that enhances the context of the site (2) Are consistent in scale, mass and character to adjacent land uses and land use designations (3) Reinforce the definition and importance of the street (4) Provide rooflines and massing that emphasize and accentuate significant elements of the building such as entries, bays, and balconies, and shading elements where appropriate. (5) Provide harmonious transitions between abutting properties
A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated	<p><u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:</p>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
with the Palo Alto Bicycle Master Plan, when applicable);	<p>(1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.</p> <p>(2) Connections to side streets, open spaces, mews, alleys, and paseos</p>
<p>B. The diversity of building types increases with increased lot size (e.g., less than 1 acre = minimum 1 housing type; 1 - 2 acres = minimum 2 housing types; greater than 2 acres = minimum 3 housing types) (See Figure 7-1); and</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features.</p> <p><u>18.24.050(b)(5)(A) A diversity of housing types (e.g., detached units, attached rowhouses/townhomes, condominiums or apartments, mixed use) are required for projects on large lots:</u></p> <ul style="list-style-type: none"> • <u>< 1-acre lots: minimum 1 housing type;</u> • <u>1 to 2-acre lots: minimum 2 housing types; or</u> • <u>> 2-acre lots = minimum 3 housing types.</u> <p>18.24.060(b)(2): Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies.</p>
<p>C. Where a site includes more than one housing type, each housing type should respond to its immediate context in terms of scale, massing, and design (e.g., lower density building types facing or adjacent to existing single-family residences) (See Figure 7-1).</p>	<p><u>18.24.050(a) Building Massing Intent Statement Contextual Design Criteria</u> To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:</p> <p>(5) Provide harmonious transitions between abutting properties</p> <p><u>18.24.050(b)(1) Upper Floor Step Backs & Daylight Planes</u></p> <p>(A) When the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along <u>both</u> the primary building frontage <u>and</u> the facing facade, and the step shall occur for a minimum of 70% of the <u>each</u> façade length.</p> <p>(B) Notwithstanding, subsection (a), when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.</p> <p><u>(C) If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</u></p> <ul style="list-style-type: none"> (i) <u>The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</u> (ii) <u>The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</u>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
	(iii) <u>The project abuts residential units in the side or rear yard.</u>
(8) Sustainability and Green Building Design	
Project design and materials to achieve sustainability and green building design should be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:	<p><u>18.24.090(a) Materials Intent Statement Contextual Design Criteria</u> To promote the use of high quality, durable, sustainable, and attractive materials that exhibit a sense of permanence and contribute to the aesthetic quality of the development and to the urban design fabric of the community.</p> <p><u>18.24.100(a) Sustainability and Green Building Design Intent Statement Contextual Design Criteria</u> To incorporate sustainability, green building, and environmental considerations into the project design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design...</p> <p>18.24.100(b): See Chapter 16.14: California Green Building Standards additional requirements for green building and sustainable design. Notwithstanding Section 18.24.010(c), these regulations may not be modified through alternative compliance.</p>
A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation (See Figure 8-1);	<u>18.24.100(a)(1): Optimize building orientation for thermal comfort, shading, daylighting, and natural ventilation, including operable windows</u>
B. Design landscaping to create comfortable micro-climates and reduce heat island effects (See Figure 8-2);	<u>18.24.100(a)(2): Design landscaping to create comfortable micro-climates and reduce heat island effects</u>
C. Design for easy pedestrian, bicycle, and transit access;	<u>18.24.030(a) Site Access Intent Statement Contextual Design Criteria</u> To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.
D. Maximize onsite stormwater management through landscaping and permeable pavement (See Figure 8-3);	<u>18.24.100(a)(4): Maximize onsite stormwater management through landscaping and permeable pavement</u>
E. Use sustainable building materials.	<u>18.24.100(a)(5): Use sustainable building materials</u>
F. Design lighting, plumbing and equipment for efficient energy use;	<u>18.24.100(a)(6): Design lighting, plumbing and equipment for efficient energy use</u>
G. Create healthy indoor environments;	<u>18.24.100(a)(7): Create healthy indoor environments</u>

PTOD - 18.34.050 - Pedestrian and Transit Oriented Development Combining District Context-Based Design Criteria

<i>Existing Context-Based Design Criteria</i>	<i>Proposed Standard or Contextual Design Criteria</i>
H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements (See Figure 8-2); and	18.24.100(a)(8): Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements
I. Provide protection for creeks and riparian vegetation and integrate stormwater management measures and open space to minimize water quality and erosion impacts to the creek environment.	Addressed in 18.40.140: Stream Corridor Protection

Schedule of Meetings

Published May 5, 2022

This is a courtesy notice only. Meeting dates, times, and locations are subject to change. Almost all Palo Alto Council and some Standing Committee meetings are cablecast live on Channel 26. If there happens to be concurrent meetings, one meeting will be broadcast on Channel 29.

Meetings are held in-person and by virtual teleconference.

MONDAY, May 9

Sp. City Council Meeting, 5:00 p.m.

TUESDAY, May 10

Sp. Finance Committee Meeting, 9:00 a.m.

TUESDAY, May 10

Sp. Policy and Services Committee Meeting, 7:00 p.m.

TUESDAY, May 11

Sp. Finance Committee Meeting, 9:00 a.m.

THURSDAY, May 12

Historic Resources Board Meeting, 9:00 a.m.

THURSDAY, May 12

Human Relations Commission, 6:00 p.m.

MONDAY, May 16

Sp. City Council Meeting, 5:00 p.m.

TUESDAY, May 17

Sp. Finance Committee Meeting, 5:30 p.m.

WEDNESDAY, May 18

Sp. Rail Committee Meeting, 1:00 p.m.

THURSDAY, May 19

Architectural Review Board Meeting, 8:30 a.m.

THURSDAY, May 19

Public Art Commission Meeting, 7:00 p.m.

MONDAY, May 24

Sp. Finance Committee Meeting, 12:00 p.m.

MONDAY, May 24

Parks and Recreation Commission, 7:00 p.m.

TUESDAY, May 25

Planning & Transportation Commission Meeting, 6:00 p.m.

WEDNESDAY, May 26

Historic Resources Board Meeting, 9:00 a.m.