



Architectural Review Board

Staff Report (ID # 12197)

Report Type: Study Session **Meeting Date:** 4/15/2021

Summary Title: Objective Design Standards Project: Height Transition

Title: Study Session: Request for Comments on Staff's Proposed Changes to the Height Transition Code Sections, Which are a Part of the Larger Housing Streamlining and Objective Design Standards project.

From: Jonathan Lait

Recommendation

Staff recommends that the Architectural Review Board (ARB) provide input on required height transitions between lower and higher density zoning districts, related to the objective design standards project.

Background

Project Purpose

The preparation of objective design standards is funded by Senate Bill 2 (SB2). SB2 provides local governments with grants and technical assistance to prepare plans and process improvements that streamline housing approvals, facilitate housing affordability, and/or accelerate housing production.

The City developed a grant proposal to streamline housing approvals through process improvements, namely the development of objective standards. The project aims to simplify and clarify standards and guidelines for staff, decision-makers, and applicants.

Zoning districts that allow multifamily housing include regulations for maximum building height limits and lower height limits for mixed-use and multi-family residential projects adjacent to lower density residential districts. Although, the ARB is not responsible for preparing these development standards, it is uniquely qualified to comment on the architectural impacts, benefits, and drawbacks of these height transitions.

Recent ARB Meetings

At its April 1, 2021¹ meeting, the ARB voted (4-1) to recommend approval of the objective design standards. The ARB also voted to have the Ad Hoc Committee continue to work with City staff and consultants on revisions to the zoning graphics.

During the meeting, City staff and consultants presented the issue of height transitions. However, the ARB did not have adequate time to comment on the topic.

Discussion

The at-places memo, previously provided to the ARB on March 18, 2021, describes the height transition issue and City staff's recommendations for how to streamline code language for ease of interpretation. The memo is included as Attachment A. Please review this memo before considering the following questions:

1. Do ARB members support City staff's proposed changes in Attachment A? If not, how does the ARB recommend staff modify the text?
2. What is the appropriate distance/measurement for when to require reduced heights? Is it 50 feet, 150 feet, or some other distance? Or is there any alternate way to achieve the intent of the height transitions?

Next Steps

Staff will bring the ARB's recommendation to the PTC and City Council for their consideration on a draft ordinance this spring and summer.

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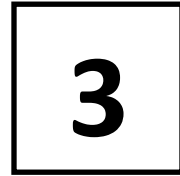
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Attachments:

- Attachment A: Height Transition Memo (DOCX)

¹ April 1, 2021 ARB Staff Report: <https://www.cityofpaloalto.org/civicax/filebank/documents/80784>

² Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org



TO: ARCHITECTURAL REVIEW BOARD
FROM: JODIE GERHARDT, MANAGER OF CURRENT PLANNING
DATE: MARCH 18, 2021
SUBJECT: AGENDA ITEM 3 – RECOMMENDATION ON OBJECTIVE DESIGN STANDARDS

Following is additional information related to building height transitions.

2. Other Updates to Title 18

Transition Zone Between Lower Density Housing and Higher Density and/or Taller Development

As noted in the staff report, the Zoning Code includes special development standards that ensure a transition in height when a project is near low to mid-density residentially zoned properties (generally R-E through RM-30). While staff implements these height standards on a regular basis, the concern is that each section of the Code expresses this requirement in a slightly different manner. This makes the regulations difficult to implement consistently, as represented by several recent projects on El Camino Real. Additionally, these standards can be confusing to developers that would like to make significant investments in our City.

Therefore, staff would like to retain the spirit of these regulations while streamlining the language for ease of use by the public, applicants, reviewing bodies, and staff. The most confusing section and where staff believes the most significant change is needed is the CN, CC, CC(2), and CS development standards. In these zones it is unclear if the transition area is 50 feet or 150 feet. In many instances, a 50 feet transition area has been enforced. Staff would like to codify this interpretation because (1) a 50-foot transition zone provides protection to lower density development while accommodating the City's need to provide additional housing and (2) this transition zone aligns with the most recent Code interpretations and project approvals.

It should be noted that transitions in height are also regulated by daylight plane requirements (in the RM, Commercial zones) and by Context-Based Design Criteria (soon to be Objective Design Standards).

Summary of Existing Transitional Height Standards

The existing height transition standards are summarized below:

Zoning District	Height limitation near residential
RM-40	Maximum height for those portions of a site within 50 feet of a more restrictive residential district or a site containing a residential use in a nonresidential district
CC, CC(2) and CS (non-residential)	Within 150 feet of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site Within 150 feet of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the side (5)
CN, CC, CC(2) and CS (mixed-use and residential)	(Note 5 does not apply to CN) (5) For sites abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.
CD-C, CD-S, CD-N (non-residential)	Within 150 feet of an abutting residential zone district
CD-C, CD-S, CD-N (mixed-use and residential)	Within 150 feet of an abutting residential zone district
MOR, ROLM, ROLM(E), RP, RP(5), GM	Within 150 feet of an residential zone (5) Within 40 feet of an residential zone (5) (5) Residential zones include R-1, R-2, RE, RMD, RM-20, RM-30, RM-40 and residential Planned Community (PC) zones.
exclusively residential use in the MOR & ROLM	must meet RM-30 development standards
exclusively residential use in the ROLM(E)	must meet RM-20 development standards
exclusively residential use in the RP & RP(5)	within 150 feet of an R-E, R-1, R-2, RMD, or similar density residential PC zone shall be permitted ... subject to approval of a CUP, and compliance with the RM-20 standards.
PF	Maximum height within 150 feet of a residential district (ft)
AH	Within 50 feet of a R1, R-2, RMD, RM-20, or RM-30 zoned property (3) (3) The Planning Director may recommend a waiver from the transitional height standard.
WH	Within 150 feet of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site The maximum height within one hundred fifty feet of any RE, R-1, R-2, RM, or applicable PC district shall be thirty-five feet; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent residential, the maximum height within one hundred fifty feet of an RM-4 or RM-5 district shall be fifty feet
PC	Residential District - RE, R-1 (20,000), R-1 10,000), R-1 (8,000), R-1 (7,000), R-1, R-2, RM-20, RM-30, RM-40
18.08.030	

- Zoning Chapter 18.13 (RM-40): The Multiple Family Residential zones chapter provides height standards. In the RM-40 zone, the maximum height is reduced “for those portions of a site within 50 feet of a more restrictive residential district or a site containing a residential use in a nonresidential district”. The transition area is limited to 50 feet, with no mention of a 150-foot radius affecting height.
- Zoning Code Chapter 18.16 (CN, CC, CC(2), CS zones): Community Commercial and Commercial Service zones, excluding CN (Neighborhood Commercial), Section 18.16.060 development standards for mixed use (including residential) projects specify special lower height limits with the following parameter:
 “Within 150 ft. of a residential zone district (other than an RM-40 or PC zone) abutting or located within 50 feet of the side.”

This has long been interpreted that the portion of a proposed building’s height must be lower when it is within 50 feet of the side of the parcel that abuts residential property (R-zoned property other than RM-40 or a residential PC). If the proposed building is to be placed at least 50 feet from the abutting residential property line, the new building does not need to meet a lower height limit in the CN, CC, CC(2) or CS zones.

- Zoning Code Chapter 18.18 (CD - Commercial Downtown zone): Development standards Section 18.18.060, mixed use and residential Table 3, has clearer height standard language; i.e. a lower height is required.

This code section states that “within 150 ft. of an abutting residential zone” the height limit is reduced from 50 feet to 40 feet. This section includes a footnote (4) that states: “For sites abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.”

The CD height standard within the 150-foot radius of an R-zone has no reference to “within 50 feet of the side.”

- Zoning Chapter 18.20 (MOR, ROLM, ROLM(E), RP, RP(5), and GM zones): The chapter enables multiple family residential use mixed with non-residential use via a Conditional Use Permit. The Chapter’s Table 1 enables this mix of uses by CUP in the ROLM, MOR and RP zones, but not in the GM zone. For Exclusively Residential Uses: Within the MOR and ROLM zones, such development must meet RM-30 development standards. Within the ROLM(E) zone, such development must meet RM-20 development standards. Within the RP and RP(5) zones, the height and other standards for such development is noted as follows: “Within 150 feet of an R-E, R-1, R-2, RMD, or similar density residential PC zone” the mixed-use development subject to CUP must meet RM-20 standards.
- Zoning Chapter 18.30 Combining Districts:
 - Affordable Housing, J (AH): “Within 50 ft of an R-1, R-2, RMD, RM-20, or RM-30 zoned property”. The 150-foot radius is not cited as affecting height.
 - Workforce Housing, K (WH): “Within 150 ft. of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site”. This is similar to the Chapter 18.16 verbiage but staff believe there is a clerical error. Staff believe that “site” should be “side”, as in, the abutting side of the property.
- Zoning Chapter 18.38 Planned Community: Section 18.38.150 Special regulations notes “The maximum height within one hundred fifty feet of any RE, R-1, R-2, RM, or applicable PC district shall be thirty-five feet; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent residential, the maximum height within one hundred fifty feet of an RM-4 or RM-5 district shall be fifty feet.”

Suggested Clarifications for Chapters 18.16 and 18.30(K):

As shown above, these height transitions standards are expressed in at least 11 different ways making them difficult to implement in a consistent manner. Staff would like to streamline the language in all sections, to standardize them while maintaining the same intent.

The proposed height transition standards are summarized below:

Zoning District	Proposal
RM-40	Within 50 feet of a more restrictive residential district or a site containing a residential use in a nonresidential district
CC, CC(2) and CS (non-residential)	Within 50 feet of an residential district (other than an RM-40 or PC zone)
CN, CC, CC(2) and CS (mixed-use and residential)	Within 50 feet of an residential district (other than an RM-40 or PC zone) (5) For sites in the CC(2) district, abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.
CD-C, CD-S, CD-N (non-residential)	Within 150 feet of an abutting residential district
CD-C, CD-S, CD-N (mixed-use and residential)	Within 150 feet of an abutting residential district
MOR, ROLM, ROLM(E), RP, RP(5), GM	Within 150 feet of an residential district (including Residential PC zones)
	Within 40 feet of an residential district (including Residential PC zones)
	delete footnote
exclusively residential use in the MOR & ROLM	no change
exclusively residential use in the ROLM(E)	no change
exclusively residential use in the RP & RP(5)	no change
PF	Within 150 feet of a residential district
AH	Within 50 feet of an residential district (other than an RM-40 or PC zone) (3)
	no change
WH	Within 50 feet of an residential district (other than an RM-40 or PC zone)
	The maximum height within 150 feet of any RE, R-1, R-2, RM-20, or applicable PC district shall be 35 feet; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least 60 percent residential, the maximum height within 150 feet of an RM-30 and/or RM-40 district shall be 50 feet
PC	
18.08.030	Residential District - RE, RMD, R-1 (20,000), R-1 (10,000), R-1 (8,000), R-1 (7,000), R-1, R-2, RM-20, RM-30, RM-40

The most significant change would be in the CN, CC, CC(2) and CS zoning section, where the City received most of its multiple family residential and mixed-use projects fronting El Camino Real. The current language of this height transition for development in the CN, CC, CC(2) and CS zones is confusing for City staff and project applicants.

The proposed standard for these commercial zones clarifies the Code: that only the portion of the building within 50 feet of the applicable lower density residential zone must have a reduced height limit. This is intended to provide visual relief, and access to light and air, along with other requirements (i.e. daylight plane and objective design standards). Staff will present several example projects (i.e. 2209 El Camino Real, 3001 El Camino Real, 3705 El Camino Real, and 4216 El Camino Real) and a graphic that illustrates this concept during the hearing.

This standard is in keeping with current interpretation of the CN, CC, CC(2) and CS zoning regulations. This concept would also apply to the WH combining district which has the same confusing language. Staff believes the other zones’ height standards only need slight wordsmithing changes to streamline their implementation.

ARB & Objective Standards

As the ARB, PTC, and ultimately City Council consider objective standards, these advisory and policy making bodies can also clarify this aspect of the Code. By providing feedback on this topic, the ARB can help advise the PTC and the Council on how to treat transition zones. Clarity will help meet the other goal of this project, which is to streamline housing development through clear, consistent, and well-organized code language.