

From: [Jeff Levinsky](#)
To: [Council, City](#)
Subject: Proposed Height Transition Ordinance Needs Fixing
Date: Friday, April 8, 2022 10:40:13 AM
Attachments: [Height Transitions April 10 2022 Comments.pdf](#)

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Dear Councilmembers:

The proposed height transition ordinance on Monday's agenda weakens protections and doesn't abide by the directions you set at your last hearing on this. I've attached a marked-up version of the staff report so you can see the specific problems and ways to fix them.

Thanks,

Jeff Levinsky



The proposed ordinance weakens protections and doesn't abide by the direction the Council set at its last hearing on this. Please see details in red on the following pages.

City of Palo Alto City Council Staff Report

(ID # 14058)

Report Type: Action Items

Meeting Date: 4/11/2022

Summary Title: Council Review of Changes to Height Transitions

Title: Public Hearing: Adoption of Ordinance Clarifying Ambiguities in Height Transitions, Adding RMD to the list of Residential Districts and Amending the Setback for the RM-40 Zone District

From: City Manager

Lead Department: Planning and Development Services

Recommendation:

Staff recommends that Council adopt an ordinance proposing changes to height transitions and other development standards (Attachment A).

Executive Summary:

The issue of height transition development standards is related to the objective standards project but focuses narrowly on development standards tables within district regulations in Title 18. This draft ordinance is the first of two ordinances expected in the first half of the year as part of the objective standards project.

Changes to height transitions are proposed for two reasons. First, the language governing height transitions varies across districts and is sometimes ambiguous; this has resulted in the code being interpreted and implemented differently over time. Second, community members have expressed concern that these lower height limits generally do not apply to the RM-40 zone district which is a high-density district. Additionally, this report proposes adding the RMD (Two Unit Multiple-Family Residential District) to the list of Residential Zones in title 18.08 and to the PC list of zoning districts where a reduced height is required. Lastly, this report proposes changes to the RM-40 front and side setbacks to be consistent with all RM zones and to transform the subjective variable setbacks to objective standards. This change is being made at this time since it was a straightforward request by the Council and relates to the development standards tables already being modified herein.

A near-future second ordinance will address all other aspects of the objective standards project, based on feedback received from the Council on October 4 and November 8, 2021.

Background:

For further details on the larger Objective Standards project and its relationship to State Housing Laws and a summary of community outreach completed to date, please review the January 24, 2022 staff report¹. Records from previous meetings described above and the other 13 ARB meetings and three PTC meetings focused on objective standards can be found on the project webpage: bit.ly/ObjectiveStandards

City Council Action

At its January 24, 2022 meeting, the City Council reviewed a draft ordinance and directed staff to make the following changes:

- A. Amend the proposed Ordinance to a 150 ft height transition zone, while leaving the abutting conditions where they already exist;
- B. Clarify if projects want to reduce the horizontal transition zone, they are opting into the discretionary process;
- C. Extend the height transition rules in Part A to RM40 adjacent nonresidential buildings; and
- D. Investigate 18.38.150 section (b), and to incorporate RMD into the language.

The next section of the report details responses to each motion item, explaining how the item is addressed in the ordinance, this report, or a future ordinance.

Discussion and Analysis:

The following changes have been incorporated into the draft ordinance based on the Council motion.

- A. Amend the proposed Ordinance to a 150 ft height transition zone, while leaving the abutting conditions where they already exist;***

Abutting is defined in Chapter 18.04(2) as follows: "*Abutting*" means having property or district lines in common. This means that where "abutting" is applied (i.e. for mixed use and residential development in commercial zones), the lower height limit will apply to:

- 1. Abutting properties (i.e. lots sharing property lines or corners), and/or

¹ Link to January 24, 2022 staff report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220124/20220124pccsm-amended-linked-cq-added.pdf>

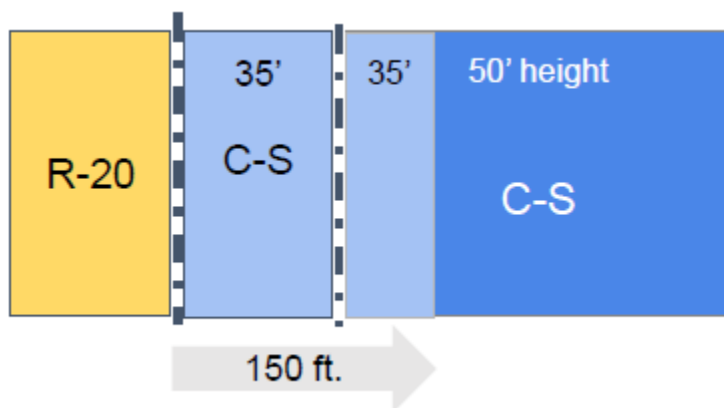
To be clear, our Code does not define lots sharing a corner as "abutting" so it should be fixed, as in:

18.04.030(a)(2) "Abutting" means having any property or district lines or boundary points in common.

2. Abutting zoning districts, (i.e. including parcels separated by a street or alley, as district boundaries are often along the centerline of a street²).

However, where “abutting” is applied, the lower height limit will *not* apply if the latter parcel is separated by another parcel (i.e., not abutting). In the current version of the ordinance in Attachment A, City staff removed “abutting” where it was proposed to be added to two sets of district regulations: 18.13: RM-20/RM-30/RM-40 and 18.20: MOR/ROLM/RP/GM district regulations. One of the consequences of the motion, as made, is that in these two sets of districts, the lower height limit would apply to the “leapfrog” scenario, as illustrated in Figure 1.

Figure 1: Height Transitions for Parcels Not Abutting (Leapfrog Scenario)



Actually, the proposed ordinance does not match Council intent to continue to allow “leapfrogging” where already in the code. See the ordinance below for examples and suggested corrections.

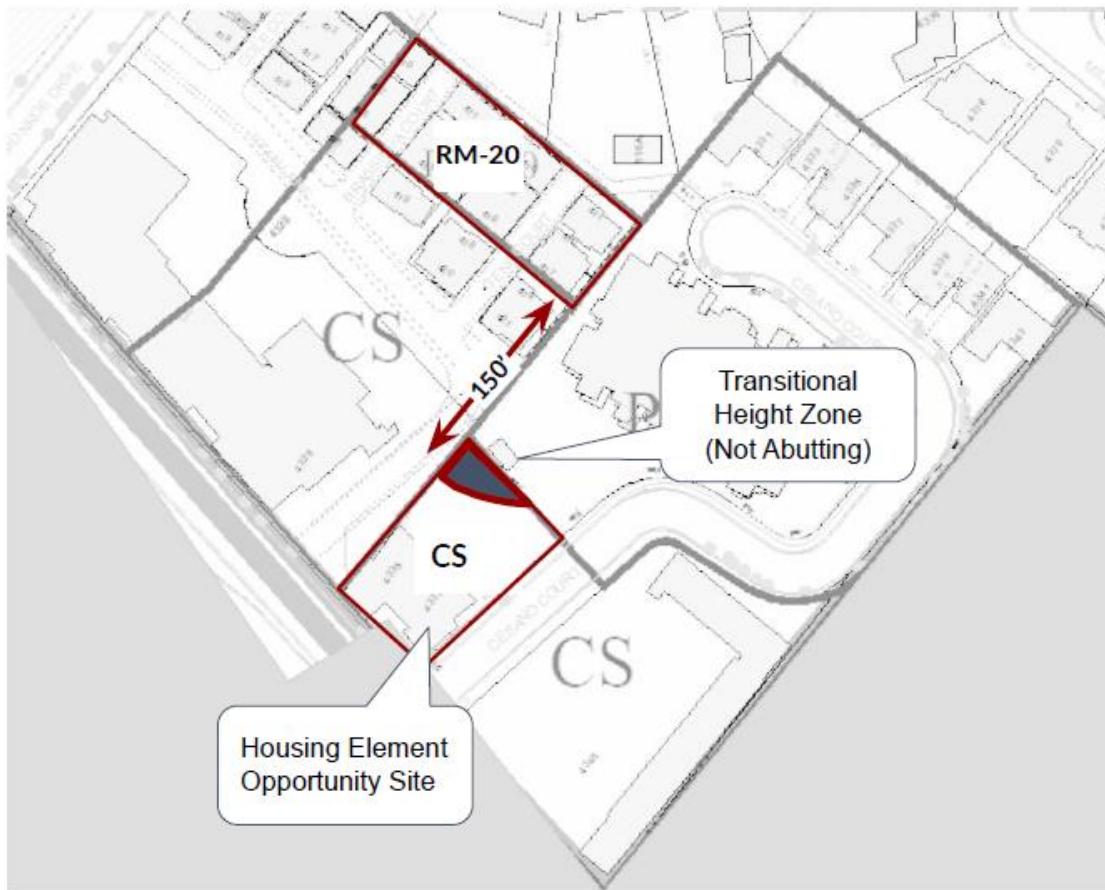
As proposed by the draft ordinance, within 150 feet of a site with R-20 zoning, the lower height limit of 35 feet would apply, as shown in light blue—regardless of whether a parcel is abutting or separated by another lot. The dotted lines indicate separate parcels.

Staff was unsure if this was the Council’s intent. If this ~~was~~ was the Council’s intent, then the proposed ordinance in Attachment A is correct, as written. If this was not the Council’s intent, then the term “abutting” should be added to the height standard in Chapters 18.13 and 18.20.

Figure 2 illustrates the effects of not including “abutting” in the reduced height standard in Chapter 18.13 and 18.20 regulations (i.e. “leapfrog” scenario). In this South El Camino Real location, the height transition (i.e. 35 foot height limit) would apply in the northern corner the southern CS-zoned parcel, about 15 feet into the property. Since this site is a Housing Element Opportunity Site it is required to meet its density threshold and realistic capacity as calculated in the 5th Cycle Housing Element, which could result in taller building on other portions of the site. The lower height limit would apply to the northern corner of the parcel and the remaining portion of the site could build out up to the maximum height of up to 50 feet.

² A proposed footnote to each development standards table helps clarify that the 150-foot distance is measured from the property line of the subject site and not from the district boundary, which could be the centerline of the street.

Figure 2: Applicability of Height Transitions for Parcels Not Abutting (18.13: RM-20/RM-30/RM-40 and 18.20: MOR/ROLM/RP/GM)



B. Clarify if projects want to reduce the horizontal transition zone, they are opting into the discretionary process;

In general, when applicants request any kind of modification from a development standard or objective design standard, they are opting into a discretionary review process. To vary from the transitional height requirement, an applicant would need to apply for 1) a variance or 2) a Design Enhancement Exception (DEE) both of which are discretionary processes.

- 1) Variances are reviewed at the staff level (PAMC Section 18.76.030). However, in the case of a height transition, it would be very difficult for staff to make the required findings for a variance, which include determining that the site has special circumstances, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in

this title substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district

- 2) Design Enhancement Exceptions (DEE) at reviewed in the same manner as architectural reviews (PAMC Section 18.76.050 and 18.77.070), which can be done at the staff level or through the ARB process. This allows the ARB to use discretion in their interpretation of the AR findings to condition and recommend approval or denial of projects.

There is a key exception under State Density Bonus Law, which allows concessions and waivers to modify development standards, without necessarily triggering discretionary review. An affordable housing project proposed under State Density Bonus law could request a waiver or concession from the height transition standards, and still be subject to ministerial review.³ As a result, staff recommend not stipulating that the discretionary process is necessarily required. Rather, proposed footnotes in the RM and CN/CS/CC development standards tables each confirm that a reduction requires review by the ARB and approval by the Director, which are inherently discretionary actions. This would apply to most projects except for a project utilizing State Density Bonus law to exceed height standards.

C. Extend the height transition rules in Part A to RM-40 adjacent nonresidential buildings;

Unfortunately, the proposed ordinance still does not treat RM-40 the same as other residences in all situations. See detailed comments on the ordinance below including suggested corrections.

The revised ordinance in Attachment A removes the exception for new non-residential projects within 150 feet of a RM-40 district. This means that non-residential projects within 150 feet of a RM-40 district would now be subject to the reduced height limit. As with most of Palo Alto's new ordinances, no caveats are identified in the ordinance for pipeline/pending projects, so any project that has not yet been approved (i.e. 123 Sherman Avenue, 21PLN-00172) would be subject to this standard, where applicable.

D. Investigate 18.38.150 section (b), and to incorporate RMD into the language.

This motion item relates to maximum heights stated in Chapter 18.38: Planned Community (PC) District. The revised ordinance in Attachment A adds RMD to the list of zoning districts where a reduced height limits would be required for new PC projects adjacent to an RMD site. Currently, PC sites adjacent to RM-zoned sites—i.e., a higher density district—are subject to these lower height limits, so it is reasonable to assume that RMD should be included in the list of zones.

Environmental Review:

The proposed changes to 18.38.150(b) actually remove protections. See comments on the ordinance below for details and suggested corrections.

³ For example, under SB 35, a project that utilizes State Density Bonus law to vary from development standards is still considered "consistent with objective zoning standards." (Government Code Section 65913.4(a)(5).)

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:

Attachment12.a: Attachment A: Ordinance Amending Title 18 to Clarify Transitional Height Standards and Update Setbacks for RM-40 (PDF)

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Various Chapters of
Title 18 (Zoning) to Clarify Transitional Height Standards and Update Setbacks for
the RM-40 Zone District

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

SECTION 1. Findings and Declarations.


- A. Title 18 (Zoning) of the Palo Alto Municipal Code contains development standards governing the maximum height of structures in close proximity to lower density residential zones. The purpose of these development standards is to ensure the harmonious transition between lower and higher intensity development.
- B. The existing language on height transitions has created confusion among the public, project applicants, and City staff. This confusion, in turn, has resulted in differing interpretations of the law over the years.
- C. The City Council now wishes to clarify the zoning code with respect to height transitions. The clarifications to height transition standards contained in this ordinance are declarative of existing law.

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 (new text underlined):

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	Most Restrictive
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	
Least Restrictive	

SECTION 3. 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) is amended as follows (new text underlined and deletions ~~struck through~~; omissions are noted with [. . .] for large sections of unchanged text):

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 design criteria set forth in Section [18.13.060](#).

Table 2
Multiple Family Residential Development Table

	RM-20	RM-30	RM-40	Subject to regulations in:
[...]	[...]	[...]	[...]	[...]
Minimum Setbacks	Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply			
Front Yard (ft)	20	20	0-25 20 (±2)	18.13.040(b)
On arterial roadways, <u>expressways</u> , and <u>freeways</u> (1)	0-20 (1,2)	0-20 (1,2)	0-25 (1,2)	
Interior Side Yards (ft)				
For lots with width of 70 feet or greater	10	10	10	
For lots with width of less than 70 feet	6 feet			
Interior Rear Yards (ft) ³	10	10	10	
Street Side and Street Rear Yards (ft)	16	16	0-16 (2)	

Maximum Height (ft)	30	35	40	
Maximum height for those p Portions of a site within 50 feet of a more restrictive abutting residential district or a site containing a residential use in a nonresidential district <u>(9)</u>			35	<u>18.08.030</u>
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]
<p><u>Footnotes:</u></p> <p>(1) Minimum front setbacks shall be determined by the Architectural Review Board upon review pursuant to criteria set forth in Chapter 18.76 and the context-based criteria outlined in Section 18.13.060. Arterial roadways, <u>expressways, and freeways are identified in Map T-5 of the Comprehensive Plan and</u> do not include residential arterials.</p> <p>(2) Lesser setbacks may be allowed by the Planning Director, upon recommendation Minimum street side setbacks in the RM-40 zone may be from 0 to 16 feet and shall be determined by the Architectural Review Board upon review pursuant to criteria set forth in Chapter 18.76 and the context-based criteria outlined in Section 18.13.060. <u>Special setbacks may not be reduced except upon approval of a design enhancement exception or variance.</u></p> <p>[. . .]</p> <div style="border: 1px solid red; padding: 5px; margin: 10px 0;"> <p style="color: red;">We are retaining the context-based criteria, so the reference here to that should remain.</p> </div> <p>(8) The minimum density for a site may be reduced by the Director if, after the proposal is reviewed by the Architectural Review Board, the Director finds that existing site improvements or other parcel constraints, preclude the development from meeting the minimum density. A site with an existing single-family use or two-family use may be redeveloped at the existing density, either single-family or two-family as applicable. An existing or replaced single-family or two-family residence shall not be considered a nonconforming use, and the provisions of Chapter 18.70 shall not apply, solely based on the minimum density requirement.</p> <p>(9) <u>Distance shall be measured from the property line of the subject site.</u></p>				

[. . .]

SECTION 4. Section 18.16.060 (Development Standards) of Chapter 18.16 (Neighborhood, Community, And Service Commercial (CN, CC And CS) Districts) of Title 18 (Zoning) is amended as follows (new text underlined and deletions ~~struck through~~; omissions are noted with [. . .] for large sections of unchanged text):

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 development services, pursuant to Section [18.76.020](#).

Table 3
Exclusively Non-residential Development Standards

	CN	CC	CC(2)	CS	Subject to regulations in Section
[...]	[...]	[...]	[...]	[...]	[...]
Maximum Height (ft)					
Standard		50'	37' (4)	50'	
Portions of a site within 150 ft. of an <u>abutting</u> residential district (other than an RM-40 or PC zone) <u>(9) abutting or located within 50 feet of the site</u>	25' and 2 stories	35'	35'	35'	18.08.030
[...]	[...]	[...]	[...]	[...]	[...]
Footnotes: (1) No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard. [...] Loses the current height protection when sites don't abut. Fix to "Portions of a site within 150 ft. of a residential district (9) where that district is located within 50 feet of the site." This protects RM-40 and residential PCs and eliminates staff's concern of an ambiguity in the language. (9) Distance shall be measured from the property line of the subject site. <u>150-foot measurement may be reduced to 50 feet at minimum, subject to approval by the Planning Director, upon recommendation by the Architectural Review Board pursuant to criteria set forth in Chapter 18.76.</u> Eliminate this second sentence. It removes an existing protection for residents and obliges them to hear of the proposed reduction, potentially pay for an appeal, and face political uncertainty -- all just to retain the height protections they currently have and have for decades.					

(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 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 development services, pursuant to Section [18.76.020](#).

Table 4
Mixed Use and Residential Development Standards

	CN	CC	CC(2)	CS	Subject to regulations in:
[...]	[...]	[...]	[...]	[...]	[...]
Maximum Height (ft)					
Standard	35'(4)	50'	37'	50'	
Portions of a site within 150 ft. of an <u>abutting</u> residential zone district (other than an RM-40 or PC zone) (5) <u>abutting</u> or located within 50 feet of the side	35'	35'(5)	35'(5)	35'(5)	18.08.030
[...]	[...]	[...]	[...]	[...]	[...]
Footnotes: (1) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district. [...] Loses the current height protection when sites don't abut. Fix to "Portions of a site within 150 ft. of a residential district (5) where that district is located within 50 feet of the site." This protects RM-40 and residential PCs and eliminates staff's concern of an ambiguity in the language. (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. Distance shall be measured from the property line of the subject site. 150-foot measurement may be reduced to 50 feet at minimum, subject to approval by the Planning Director, upon recommendation by the Architectural Review Board pursuant to criteria set forth in Chapter 18.76. Eliminate this second sentence. As noted above, it removes an existing protection for residents and obliges them to hear of the proposed reduction, potentially pay for an appeal, and face political uncertainty -- all just to retain a height protection they already have today and have for decades. (10) In the CC(2) zone and on CN and CS zoned sites on El Camino Real, there shall be no minimum mixed use ground floor commercial FAR for a residential project, except to the extent that the retail preservation requirements of Section 18.40.180 or the retail shopping (R) combining district (Chapter 18.30(A)) applies.					

(1) Nonresidential uses that involve the use or storage of hazardous materials in excess of the exempt quantities prescribed in Title 15 of the Municipal Code, including but not limited to dry cleaning plants and auto repair, are prohibited in a mixed use development with residential uses.

(2) Residential mixed use development is prohibited on any site designated with an Automobile Dealership (AD) Combining District overlay.

(c) Exclusively Residential Uses

[. . .]

SECTION 5. Section 18.18.060 (Development Standards) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) is amended as follows (new text underlined and deletions ~~struck through~~; omissions are noted with [. . .] for large sections of unchanged text):

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 development services, pursuant to Section [18.76.020](#):

Table 2				
Exclusively Non-Residential Development Standards				
	CD-C	CD-S	CD-N	Subject to regulations in Section:
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]
Maximum Height (ft)				
Standard	50	50	25	
<u>Portions of a site within</u> 150 ft. of an abutting residential zone district	– (3)	– (3)	– (3)	18.08.030
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]

(b) Mixed Use and Residential

Table 3 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 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 development services, pursuant to Section [18.76.020](#):

Fix to "Portions of a site within 150 feet of an abutting residential district (4)." This treats RM-40 and residential PCs the same as other residences.

TABLE 3
MIXED USE AND RESIDENTIAL DEVELOPMENT STANDARDS

	CD-C	CD-S	CD-N	Subject to regulations in Section:
[...]	[...]	[...]	[...]	[...]
Maximum Height (ft)				
Standard	50'	50'	35'	<u>18.08.030</u>
<u>Portions of a site</u> <u>within 150 ft. of an</u> <u>abutting residential zone</u> <u>district (other than an</u> <u>RM-40 or PC zone)(4)</u>	40'(4)	40'(4)	35'(4)	<u>18.08.030</u>
[...]	[...]	[...]	[...]	[...]

Footnotes:

(1) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space except as provided below); (3) minimum private open space dimension 6; and (4) minimum common open space dimension 12.

For CN and CS sites on El Camino Real, CS sites on San Antonio Road between Middlefield Road and East Charleston Road and CC(2) sites that do not abut a single- or two-family residential use or zoning district, rooftop gardens may qualify as usable open space and may count as up to 60% of the required usable open space for the residential component of a project. In order to qualify as usable open space, the rooftop garden shall meet the requirements set forth in Section 18.40.230.

[...]

(4) Distance shall be measured from the property line of the subject site. For sites abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.

(5) The weighted average residential unit size shall be calculated by dividing the sum of the square footage of all units by the number of units. For example, a project with ten 800-square foot 1-bedroom units, eight 1,200-square foot 2-bedroom units, and two 1,800-square foot 3-bedroom units would have a weighted average residential unit size of $((10 \times 800) + (8 \times 1,200) + (2 \times 1,800)) \div (10 + 8 + 2) = 1,060$ square feet.

[...]

SECTION 6. 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) is amended as follows (new text underlined and deletions ~~struck through~~; omissions are noted with [. . .] for large sections of unchanged text):

18.20.040 Site Development Standards

Development in the office research, industrial, and manufacturing districts is subject to the following development standards, provided that more restrictive regulations may be required as part of design review under Chapter 18.76 of the Palo Alto Municipal Code.

(a) Development Standards for Non-Residential Uses

Table 2 shows the site development standards for exclusively non-residential uses in the industrial and manufacturing districts.

TABLE 2
INDUSTRIAL/MANUFACTURING NON-RESIDENTIAL SITE DEVELOPMENT STANDARDS

	MOR	ROLM	ROLM(E)	RP	RP(5)	GM	Subject to Regulations in Chapter:
[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Maximum Height (ft)							
Standard	50	35(4)		35(4)		50	
Portions of a site w Within 150 ft. of an abutting residential zone <u>district</u> (5)	35	35		35		35	<u>18.08.030</u>
Portions of a site w Within 40 ft. of an abutting residential zone <u>district</u> (5)	35	25		25		35	<u>18.08.030</u>
[...]	[...]	[...]		[...]		[...]	[...]
(5) <u>Distance shall be measured from the property line of the subject site. Residential zones include R 1, R 2, RE, RMD, RM 20, RM 30, RM 40 and residential Planned Community (PC) zones.</u>							

[. . .]

SECTION 7. Section 18.30(J).090 (Development Standards) of Subchapter 18.30(J) (Affordable Housing (AH) Combining District Regulations) of Chapter 18.30 (Combining Districts) of Title 18 (Zoning) is amended to read as follows (new text underlined and deletions ~~struck through~~; omissions are noted with [. . .] for large sections of unchanged text):

18.30(J).090 Development Standards

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

Table 1
Development Standards

AH Combining District (1)		
Minimum Site Specifications		Subject to regulations in:
[. . .]	[. . .]	[. . .]
Maximum Height (ft)	50'	
Portions of a site within 50 ft of an abutting residential district (other than an RM-40 or PC zone) R1, R-2, RMD, RM-20, or RM-30 zoned property	35'(3)	<u>18.08.030</u>
[. . .]	[. . .]	[. . .]
(3) Distance shall be measured from the property line of the subject site. The Planning Director may recommend a waiver from the transitional height standard.		

[. . .] Fix to "Portions of a site within 50 ft. of a residential district." This treats RM-40 and residential PCs the same as other residences.

SECTION 8. 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 (new text underlined and deletions ~~struck through~~; omissions are noted with [. . .] for large sections of unchanged text):

18.30(K).070 Development Standards

(a) Where the WH combining district is combined with the public facilities district, the following development standards shall apply for workforce housing projects, including permitted incidental uses, in lieu of the development standards for the underlying PF zoning district:

Table 1
Development Standards

WH Combining District		
Minimum Site Specifications		Subject to regulations in:
[. . .]	[. . .]	[. . .]

Maximum Height (ft)		
Standard	50'	
Portions of a site within 150 ft. of an abutting residential district (other than an RM-40 or PC zone) <u>(5) abutting or located within 50 feet of the site</u>	35', except as limited by applicable daylight plane requirements	18.08.030
[...]	[...]	[...]
Footnotes:		
[...]		
(5) Distance shall be measured from the property line of the subject site.		

[...] Fix to "Portions of a site within 150 feet of a residential district (5) where that residential district is abutting or located within 50 feet of the site." This treats RM-40 and residential PCs the same as other residences.

SECTION 9. Section 18.38.150 (Special requirements) of Chapter 18.38 (PC Planned Community District Regulations) of Title 18 (Zoning) is amended to read as follows (new text underlined and deletions ~~struck through~~; omissions are noted with [...] for large sections of unchanged text):

18.38.150 Special requirements.

Sites abutting ~~or~~ and having any portion located with ~~one hundred fifty~~ 150 feet of any RE, R-1, R-2, RMD, RM, or any PC district permitting single-family development or multiple-family development shall be subject to the following additional height and yard requirements:

- (a) Parking Facilities. The maximum height shall be equal to the height established in the most restrictive adjacent zone district.

The current law covers RM-30 and RM-40 while the proposed law would not, so remove the "-20"

- (b) All Other Uses. The maximum height within ~~one hundred fifty~~ 150 feet of any abutting RE, R-1, R-2, RMD, RM-~~20~~, or applicable PC district shall be ~~thirty-five~~ 35 feet; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least ~~sixty~~ 60 percent residential, the maximum height within ~~one hundred fifty~~ 150 feet of an abutting RM-~~4~~ 30 or RM-~~5~~ 40 district shall be ~~fifty~~ 50 feet.

[...] Delete from "provided" onwards to treat RM-30 and RM-40 the same as other residential sites. Claiming that RM-4 and RM-5 actually referred to those zones puts an unreasonable burden on people reading the code.

SECTION 10. 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.

Remove "abutting" to be consistent with the Council motion to not introduce new abutting requirements.

SECTION 11. 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 12. 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 13. 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

City Manager

Director of Planning & Development
Services