

Ordinance No. 5460

Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code, Including Chapters 18.04 (Definitions), 18.13 (Multiple Family Residential RM-15, RM-30 and RM-40) Districts), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC, and CS) Districts), 18.18 (Downtown Commercial (CD) District), 18.40 (General Standards and Exceptions), and 18.52 (Parking and Loading Requirements), to Establish or Modify Development Standards for Residential and Mixed-Use Projects Including, But Not Limited to, Minimum and Maximum Unit Density, Unit Size, Floor Area Ratio, Height, and Open Space Including Rooftop Gardens, to Modify Parking Requirements and Adjustments, to Temporarily Limit In-Lieu Parking for Downtown Commercial Office Uses Above the Ground Floor, to Allow Exclusively Residential Projects in Certain Commercial Zoning Districts, to Exempt Certain Affordable Housing Projects from Retail Preservation, to Simplify the Entitlement Process Removing Site and Design Review for Residential and Mixed-Use Projects, and to Make Other Technical Corrections and Clarifications, All to Promote Housing Development Opportunities in the Multi-Family Residential Zoning Districts and Commercial Zoning Districts in Furtherance of Implementation of the Comprehensive Plan

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. California is in the midst of a housing crisis due to a severe shortage of housing that is affordable to large segments of the population, including above-moderate and moderate income households and, most acutely, lower-income households. According to the California Department of Housing and Community Development (HCD), throughout the State, housing production averaged less than 80,000 new homes over the last 10 years, and ongoing production continues to fall far below the projected need of 180,000 additional homes annually. The lack of supply, with a deficit that deepens each year, has been a key driver of the lack of affordability for millions of households throughout the State. The majority of Californian renters pay more than 30 percent of their income toward rent, and nearly one-third pay more than 50 percent of their income toward rent.

B. In the nine-county Bay Area, which contains job centers that have produced a substantial number of new jobs, the lack of housing affordability is even more severe. The Bay Area continues to produce housing units in insufficient numbers to adequately house both existing and projected populations. Between 2011 and 2015, the Bay Area added 500,000 jobs but built only 65,000 new homes. Limited housing, with increasing demand and constraints on

production, have resulted in high housing cost burdens that fall most heavily on lower income households who are more likely to be renters. Between 2000 and 2016, rents increased 24 percent while renter incomes rose just 9 percent. Six of every 10 economically insecure residents are renters and 75 percent of them pay more than 30 percent of their income for housing.

C. For Palo Alto, as a job center with among the highest housing prices and greatest jobs to housing imbalances in the Bay Area, the housing shortage threatens the city's prosperity, diversity, stability, environment, quality of life, and community character.

D. The cost pressures associated with substantially increased housing prices and rents have resulted in displacement and contributed to homelessness, separated families, and loss of diversity. Residents in search of affordability are driven to move to far outlying areas, requiring longer commutes to job centers in the Bay Area, including Palo Alto. According to a recent report by the Bay Area Economic Council, more than 100,000 Bay Area mega-commuters travel 90 minutes or more to reach their jobs, contributing to a 78 percent increase since 1990 in the number of mega-commuters crossing county and regional boundaries to get to work. Of the nearly 200,000 commuters crossing regional boundaries in 2013, 69 percent were commuting into the Bay Area for work. This results in health and quality of life impacts to individuals, as well as community-wide and region-wide impacts in terms of increased traffic congestion, air pollution and greenhouse gas emissions. Without the construction of more housing near urban centers and jobs, the State's ability to achieve its climate change goals is in jeopardy.

E. In November 2017, the City adopted an updated Comprehensive Plan that projected 3,545 to 4,420 new housing units between 2015 and 2030, and included policies to encourage housing production. The Council subsequently approved a Housing Work Plan with a recognition that if Palo Alto remains on its current course, the City will fall short of meeting its Regional Housing Needs Assessment (RHNA) allocation of 1,988 units at varying levels of affordability and the goals inherent in the Comprehensive Plan policies. The Housing Work Plan detailed the actions needed to spur the production of housing, and included the proposed zoning changes reflected in this Ordinance to remove barriers and disincentives to housing development at higher densities where appropriate near transit, jobs and services, and that is affordable for a range of income levels.

SECTION 2. Subsection (a)(142) of Section 18.04.030 of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) is amended to read as follows:

18.04.030 Definitions

...

(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, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas, or areas with mechanical equipment. 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, ~~groups,~~ 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 3. The title of Chapter 18.13 of Title 18 (Zoning) of the PAMC is amended to read as follows:

Chapter 18.13

MULTIPLE-FAMILY RESIDENTIAL (RM-~~2015~~, RM-30 AND RM-40) DISTRICTS

SECTION 4. Section 18.13.010 (Purposes) and Section 18.13.040 (Development Standards) of **Chapter 18.13 (Multiple Family Residential RM-15, RM-30 and RM-40) Districts** of Title 18 (Zoning) of the PAMC are amended as follows:

18.13.010 Purposes

This section specifies regulations for three multiple family residential districts.

(a) RM-~~2015~~ Low Density Multiple-Family Residence District [RM-~~2015~~]

The RM-~~2015~~ low-density multiple-family residence district is intended to create, preserve and enhance areas for a mixture of single-family and multiple-family housing which is compatible with lower density and residential districts nearby, including single-family residence districts. The RM-~~2015~~ residence district also serves as a transition to moderate density multiple-family districts or districts with nonresidential uses. Permitted densities in the RM-~~2015~~ residence district range from eight to ~~fifteen~~ twenty dwelling units per acre, ~~with no required minimum density.~~

	<u>RM-20</u>	<u>RM-30</u>	<u>RM-40</u>	<u>Subject to regulations in:</u>
<u>Minimum Site Specifications</u>				
<u>Site Area (ft²)</u>		<u>8,500</u>		
<u>Site Width (ft)</u>		<u>70</u>		
<u>Site Depth (ft)</u>		<u>100</u>		
<u>Substandard Lot Specifications</u>				
<u>Site Area (ft²)</u>	<u>Less than 8,500 square feet and/or</u>			
<u>Site Width (ft)</u>	<u>less than 70 feet in width</u>			
<u>Minimum Setbacks</u>	<u>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply</u>			
<u>Front Yard (ft)</u>	<u>20</u>	<u>20</u>	<u>0-25⁽¹⁾</u>	<u>18.13.040(b)</u>
<u>On arterial roadways⁽¹⁾</u>	<u>0-20⁽¹⁾</u>	<u>0-20⁽¹⁾</u>	<u>0-25⁽¹⁾</u>	
<u>Interior Side Yards (ft)</u>				
<u>For lots with width of 70 feet or greater</u>	<u>10</u>	<u>10</u>	<u>10</u>	
<u>For lots with width of less than 70 feet</u>	<u>6 feet</u>			
<u>Interior Rear Yards (ft)³</u>	<u>10</u>	<u>10</u>	<u>10</u>	
<u>Street Side and Street Rear Yards (ft)</u>	<u>16</u>	<u>16</u>	<u>0-16⁽²⁾</u>	
<u>Maximum Height (ft)</u>	<u>30</u>	<u>35</u>	<u>40</u>	
<u>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</u>			<u>35</u>	
<u>Daylight Planes⁽⁷⁾</u>				
<u>• Daylight Plane for side and rear lot lines for sites abutting any R-1, R-2, RMD, or RM-20 district or abutting a site containing a single-family or two-family residential use in a nonresidential district:</u>				
<u>Initial Height (ft)</u>		<u>10</u>		
<u>Angle (degrees)</u>		<u>45</u>		

• <u>Daylight Plane for side and rear lot lines for sites abutting a RM-30, RM-40, Planned Community, or nonresidential district that does not contain a single-family or two-family residential use:</u>				
<u>For lots with width of 70 feet or greater</u>	<u>None</u>			
<u>For lots with width of less than 70 feet, limited to the first 10 feet from the property line (no daylight plane beyond 10 feet):</u>				
<u>Initial Height (ft)</u>	<u>10</u>			
<u>Angle (degrees)</u>	<u>45</u>			
<u>Maximum Site Coverage:</u>				
<u>Base</u>	<u>35%</u>	<u>40%</u>	<u>45%</u>	
<u>Additional area permitted to be covered by covered patios or overhangs otherwise in compliance with all applicable laws</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	
<u>Maximum Floor Area Ratio (FAR)⁽⁴⁾</u>	<u>0.5:1</u>	<u>0.6:1</u>	<u>1.0:1</u>	
<u>Residential Density (units)</u>				
<u>Maximum number of units per acre⁽³⁾</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>18.13.040(g)</u>
<u>Minimum number of units per acre⁽⁸⁾</u>	<u>11</u>	<u>16</u>	<u>21</u>	
<u>Minimum Site Open Space⁽⁵⁾ (percent)</u>	<u>35</u>	<u>30</u>	<u>20</u>	<u>18.13.040(e)</u>
<u>Minimum Usable Open Space (sf per unit)⁽⁵⁾</u>	<u>150</u>	<u>150</u>	<u>150</u>	
<u>Minimum common open space (sf per unit)</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>18.13.040(e)</u>
<u>Minimum private open space (sf per unit)</u>	<u>50</u>	<u>50</u>	<u>50</u>	
<u>Performance Criteria</u>	<u>See provisions of Chapter 18.23</u>			<u>Ch. 18.23</u>
<u>Landscape Requirements</u>				<u>18.40.130</u>
<u>Parking⁽⁶⁾</u>	<u>See provisions of Chapter 18.52</u>			<u>Ch. 18.52</u>

_(b) RM-30 Medium Density Multiple-Family Residence District [RM-30]

The RM-30 medium density multiple-family residence district is intended to create, preserve and enhance neighborhoods for multiple-family housing with site development standards and visual characteristics intended to mitigate impacts on nearby lower density residential districts. Projects at this density are intended for larger parcels that will enable developments to provide their own parking spaces and to meet their open space needs in the form of garden apartments or cluster developments. Permitted

densities in the RM-30 residence district range from sixteen to thirty dwelling units per acre, ~~with no required minimum density.~~

(c) RM-40 High Density Multiple-Family Residence District [RM-40]

The RM-40 high density multiple-family residence district is intended to create, preserve and enhance locations for apartment living at the highest density deemed appropriate for Palo Alto. The most suitable locations for this district are in the downtown area, in select sites in the California Avenue area and along major transportation corridors which are close to mass transportation facilities and major employment and service centers. Permitted densities in the RM-40 residence district range from thirty-one to forty dwelling units per acre, ~~with no required minimum density.~~

Section 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 Community Environment, 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 2015	RM 30	RM 40	Subject to regulations in:
Minimum Site Specifications				
Site Area (ft ²)		8,500		
Site Width (ft)		70		
Site Depth (ft)		100		
Substandard Lot Specifications				
Site Area (ft ²)	Less than 8,500 square feet and/or less than 70 feet in width			
Site Width (ft)				
Minimum Setbacks	Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply			

	RM 2015	RM 30	RM 40	Subject to regulations in:
Front Yard (ft)	20	20	0-25 ⁽¹⁾	18.13.040(b)
On arterial roadways ⁽¹⁾	0-20 ⁽¹⁾	0-20 ⁽¹⁾	0-25 ⁽¹⁾	
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 portions of a site within 50 feet of a more restrictive residential district or a site containing a residential use in a nonresidential district			35	
Daylight Planes⁽⁷⁾				
<ul style="list-style-type: none"> Daylight Plane for side and rear lot lines for sites abutting any R-1, R-2, RMD, or RM 2015 district or abutting a site containing a single-family or two-family residential use in a nonresidential district: 				
Initial Height (ft)	10			
Angle (degrees)	45			
<ul style="list-style-type: none"> Daylight Plane for side and rear lot lines for sites abutting a RM 30, RM 40, Planned Community, or nonresidential district that does not contain a single-family or two-family residential use: 				
For lots with width of 70 feet or greater	None			
For lots with width of less than 70 feet, limited to the first 10 feet from the property line (no daylight plane beyond 10 feet):				

	RM 2015	RM 30	RM 40	Subject to regulations in:
Initial Height (ft)	10			
Angle (degrees)	45			
Maximum Site Coverage:				
Base	35%	40%	45%	
Additional area permitted to be covered by covered patios or overhangs otherwise in compliance with all applicable laws	5%	5%	5%	
Maximum Floor Area Ratio (FAR)⁽⁴⁾	0.5:1	0.6:1	1.0:1	
Maximum Residential Density (units)				
Maximum number of units per acre ⁽³⁾	20 15	30	40	18.13.040(g)
Minimum Residential Density (units)				
Minimum number of units per acre ⁽³⁾	<u>11</u>	<u>16</u>	<u>21</u>	
Minimum Site Open Space⁽⁵⁾ (percent)	35	30	20	18.13.040(e)
Minimum Usable Open Space (sf per unit)⁽⁵⁾	150 200	150	150 100	
Minimum common open space (sf per unit)	75 100	75	75 50	18.13.040(e)
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 Chapter 18.52			Ch. 18.52

- (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 do not include residential arterials.
- (2) 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.
- (3) Provided that, for any lot of 5,000 square feet or greater, two units are allowed, subject to compliance with all other development regulations.

- (4) 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.
- (5) Subject to the limitations of Section 18.13.040(e). Usable open space is included as part of the minimum site open space; 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 open space 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.
- (7) Each daylight plane applies specifically and separately to each property line according to the adjacent use.
- (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.

(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.
- (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.

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(e) Usable Open Space

The following usable open space regulations shall apply:

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

(2) Usable Open Space (Private and Common). Each project shall, at a minimum, have a portion of the site, as prescribed in Table 2, developed into permanently maintained usable open space, including private and common usable open space areas. Usable open space shall be located protected from the activities of commercial areas and adjacent public streets and shall provide noise buffering from surrounding uses where feasible. ~~Parking, driveways and required parking lot landscaping shall not be counted as usable open space.~~

(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-~~2015~~ and RM-30 districts: 100 square feet, the least dimension of which is 8 feet for at least 75% of the area.
- (iii) Patios or yards in the RM-40 district: 80 square feet, the least dimension of which is 6 feet for at least 75% of the area.

(B) Common Usable Open Space. The minimum designated common open space area on the site shall be 10 feet wide and each such designated area shall comprise a minimum of 200 square feet. In the RM-30 and RM-40 districts, part or all of the required private usable open space areas may be added to the required common usable open space in a development, for purposes of improved design, privacy, protection and increased play area for children, upon a recommendation of the Architectural Review Board and approval of the Director.

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

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

- (1) Total gross floor area of all such uses shall not exceed 5,000 square feet or three percent of the gross residential floor area within the development, whichever is smaller, and may not occupy any level other than the ground level or below grade levels.
- (2) A maximum of 2,500 square feet of retail and/or service and/or eating and drinking uses shall be allowed per establishment.
- (3) Personal services, retail services, and eating and drinking services provided in accordance with this section shall not be included in the gross floor area for the site.

- (4) The conditional use permit for the project may preclude certain uses and shall include conditions that are appropriate to limit impacts of noise, lighting, odors, parking and trash disposal from the operation of the commercial establishment. The hours of operation shall be limited to assure compatibility with the residential use and surrounding residential uses.
- (5) Allowable Neighborhood-Serving Uses. A neighborhood-serving use primarily serves individual consumers and households, not businesses, is generally pedestrian oriented in design, and does not generate noise, fumes or truck traffic greater than that typically expected for uses with a local customer base. A neighborhood-serving use is also one to which a significant number of local customers and clients can walk, bicycle or travel short distances, rather than relying primarily on automobile access or the provider of the goods or services traveling off-site. Allowable neighborhood-serving personal services, retail services and eating and drinking services may include, but are not limited to, "agent" dry cleaners, flower shops, convenience grocery stores (excluding liquor stores), delicatessens, cafes, fitness facilities, day care facilities, and similar uses found by the Planning Director to be compatible with the intent of this provision.
- (6) Sign programs, including size, number, color, placement, etc. shall be permitted only as specified in the conditional use permit and by the Planning Director upon recommendation of the Architectural Review Board.
- (7) Off-street parking and bicycle facilities, in addition to facilities required for residential uses, shall be provided as may be specified by the conditional use permit. However, there shall not be less than one parking space for each employee working or expected to be working at the same time.
- (8) 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) Below Market Rate Units and Rental Housing Protection~~

- ~~(1) In developments of five or more units on sites of less than five acres, not less than fifteen percent (15%) of the units shall be provided at below market rates (BMR) to very low, low and moderate income households in accordance with Program H 36 of the Palo Alto Comprehensive Plan Housing Element. In developments of five or more units on sites of five acres or more, not less than twenty percent (20%) of the units shall be provided at below market rates (BMR). Specified percentages are applied to all proposed units in a project, including those designated as BMR units.~~
- ~~(2) Further details of the BMR program requirements, including their applicability to subdivisions and for density bonus purposes, are found in the discussion of Programs H 36 and H 38 of the Palo Alto Comprehensive Plan Housing Element.~~
- ~~(3) Below market rate units shall be fully integrated into the development unless good cause is shown for an exception.~~

(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 (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) Performance Criteria

In addition to all other provisions of this chapter, all multi-family development shall comply with applicable provisions of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, ~~Industrial~~ Manufacturing and Planned Community Districts).

SECTION 5. The Residential Uses portion of Table 1 of subsection (a) of Section 18.16.040 (Land Uses) of **Chapter 18.16 (Neighborhood, Community, and Service Commercial (CN, CC, and CS Districts))** of Title 18 (Zoning) of the PAMC is amended as follows:

Section 18.16.040 Land Uses

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:
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...

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	

...

(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 Opportunity Sites~~ 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).

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SECTION 6. Subsections (b) and (c) 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) of the PAMC are amended as follows:

Section 18.16.060 Development Standards

...

(b) Mixed Uses 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 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:
Minimum Site Specifications					
Site Area (ft ²)	None required				
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply
Front Yard (ft)	0' - 10' to create an 8' - 12' effective sidewalk width ⁽⁸⁾	None Required ⁽⁸⁾	0' - 10' to create an 8' - 12' effective sidewalk width ⁽⁸⁾	0' - 10' to create an 8' - 12' effective sidewalk width ⁽⁸⁾	
Rear Yard (ft)	10' for residential portion; no requirement for commercial portion				
Rear Yard abutting residential zone district (ft)	10'				
Interior Side Yard if	10'				

	CN	CC	CC(2)	CS	Subject to regulations in:
abutting residential zone district (ft)					
Street Side Yard (ft)	5'				
Build-to-Lines	50% of frontage built to setback ⁽¹⁾ 33% of side street built to setback ⁽¹⁾				
Permitted Setback Encroachments	Balconies, awnings, porches, stairways, and similar elements may extend up to 6' into the setback. Cornices, eaves, fireplaces, and similar architectural features (excluding flat or continuous walls or enclosures of interior space) may extend up to 4' into the front and rear setbacks and up to 3' into interior side setbacks				
Maximum Site Coverage	50%	50%	100%	50%	
Landscape/Open Space Coverage	35%	30%	20%	30%	
Usable Open Space		20 sq ft per unit for 5 or fewer units ⁽²⁾ , 150 sq ft per unit for 6 units or more ⁽²⁾			
Maximum Height (ft)					
Standard	35' ⁽⁴⁾	50'	37'	50'	
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	35'	35' ⁽⁵⁾	35' ⁽⁵⁾	35' ⁽⁵⁾	
Daylight Plane for lot lines abutting one or more residential zoning districts	Daylight plane height and slope shall be identical to those of the most restrictive residential zoning district abutting the lot line				
Residential Density (net) ⁽³⁾	15 or 20 ⁽⁹⁾	See sub-section (e) below	<u>No maximum</u>	30	<u>18.16.060(i)</u>
<u>Sites on El Camino Real</u>	<u>No maximum</u>		<u>30</u>	<u>No maximum</u>	
Maximum Residential Floor Area Ratio (FAR)	0.5:1 ⁽⁴⁾		0.6:1	0.6:1	
Maximum Nonresidential Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	
Total Mixed Use Floor Area Ratio (FAR)	0.9:1 ⁽⁴⁾		2.0:1	1.0:1	

	CN	CC	CC(2)	CS	Subject to regulations in:
Minimum Mixed Use Ground Floor Commercial FAR ⁽⁶⁾	0.15:1 ⁽¹⁰⁾		0.15:1 ⁽¹⁰⁾ 0.25:1 ⁽⁷⁾ ⁽¹⁰⁾	0.15:1 ⁽¹⁰⁾	
Parking	See Chapters 18.52 and 18.54 (Parking)				18.52, 18.54

- (1) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.
- (2) 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 six feet; and (4) minimum common open space dimension twelve feet.

For 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, 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.

- (3) Residential density shall be computed based upon the total site area, irrespective of the percent of the site devoted to commercial use.
- (4) For CN sites on El Camino Real, height may increase to a maximum of 40 feet and the FAR may increase to a maximum of 1.0:1 (0.5:1 for nonresidential, 0.5:1 for residential).
- (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.
- (6) Ground floor commercial uses generally include retail, personal services, hotels and eating and drinking establishments. Office uses may be included only to the extent they are permitted in ground floor regulations.
- (7) If located in the California Avenue Parking Assessment District.
- (8) A 12-foot sidewalk width is required along El Camino Real frontage.
- (9) Residential densities up to 20 units/acre ~~only are allowed~~ on CN zoned housing inventory sites identified in the Housing Element. Other CN zoned sites not located on El Camino Real are subject to a maximum residential density of up to 15 units/acre.
- (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) Residential and nonresidential mixed use projects shall be subject to site and design review in accord with Chapter 18.30(G), except that mixed use projects with nine or fewer residential units shall only require review by the architectural review board.~~

(12) 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.

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

(c) Exclusively Residential Uses

Exclusively residential uses are generally prohibited in the CN, CS, ~~and CC, and CC(2)~~ zone districts, except on housing inventory sites identified in the Housing Element, subject to the standards in Section 18.16.060(b), and on CS and CN sites on El Camino Real and CC(2) sites, subject to the following.

(1) On CS and CN sites on El Camino Real and on CC(2) sites, where the retail shopping (R) combining district or the retail preservation provisions of Section 18.40.180 do not apply, exclusively residential uses are allowed subject to the standards in Section 18.16.060(b) and the following additional requirements:

(A) Residential units shall not be permitted on the ground-floor of development fronting on El Camino Real unless set back a minimum of 15 feet from the property line or the 12-foot effective sidewalk setback along the El Camino Real frontage, whichever is greater. Common areas, such as lobbies, stoops, community rooms, and work-out spaces with windows and architectural detail are permitted on the ground-floor El Camino Real frontage.

(B) Parking shall be located behind buildings or below grade, or, if infeasible, screened by landscaping, low walls, or garage structures with architectural detail.

...

(k) Housing Incentive Program

(1) For an exclusively residential or residential mixed-use project in the CC(2) zone or on CN or CS zoned sites on El Camino Real, the Director may waive the residential floor area ratio (FAR) limit and the maximum site coverage requirement after the project with the proposed waiver or waivers is reviewed

by the Architectural Review Board, if the Director finds that a project exceeding these standards is consistent with the required architectural review findings. In no event shall the Director approve a commercial FAR that exceeds the standard in Table 4 of Section 18.16.060(b) or a total FAR (including both residential and commercial FAR) in excess of 2.0 in the CC(2) zone or 1.5 in the CN or CS zone.

(2) For a 100% affordable housing project in the CC(2) zone or on CN or CS zoned sites on El Camino Real, the Director may waive any development standard including parking after the project with the proposed waiver or waivers is reviewed by the Architectural Review Board, if the Director finds that a project with such waiver or waivers is consistent with the required architectural review findings. In no event shall the Director approve development standards more permissive than the standards applicable to the Affordable Housing (AH) Combining District in Chapter 18.30(J). A “100% affordable housing project” as used herein means a multiple-family housing or mixed-use project in which the residential component consists 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, as defined in Section 16.65.020, and where the average household income does not exceed 60% of the area median income level, except for a building manager’s unit.

(3) This program is a local alternative to the state density bonus law, and therefore, a project utilizing this program shall not be eligible for a density bonus under Chapter 18.15 (Residential Density Bonus).

(l) Parking and Vehicular Access on California Avenue Restricted

Vehicular access to CC(2) zoned sites on California Avenue which requires vehicular movement across the sidewalk on California Avenue shall be prohibited, except where required by law and as applied to parcels owned, leased or controlled by the City.

SECTION 7. Subsections (b) and (c) of Section 18.18.060 (Development Standards) of **Chapter 18.18 (Downtown Commercial (CD) District)** of Title 18 (Zoning) of the PAMC are amended as follows:

Section 18.18.060 Development Standards

...

(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 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:
Minimum Setbacks				Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply
Front Yard (ft)	None required		10'	
Rear Yard (ft)	10' for residential portion; no requirement for commercial portion			
Interior Side Yard (ft)	No requirement	10' if abutting residential zone	10' if abutting residential zone	
Street Side Yard (ft)	No requirement	5'	5'	
Permitted Setback Encroachments	Balconies, awnings, porches, stairways, and similar elements may extend up to 6' into the setback. Cornices, eaves, fireplaces, and similar architectural features (excluding flat or continuous walls or enclosures of interior space) may extend up to 4' into the front and rear setbacks and up to 3' into interior side setbacks			
Maximum Site Coverage	No requirement	50%	50%	
Landscape Open Space Coverage	20%	30%	35%	
Usable Open Space	200 sq ft per unit for 5 or fewer units ⁽¹⁾ ; 150 sq ft per unit for 6 units or more ⁽¹⁾			
Maximum Height (ft)				

	CD-C	CD-S	CD-N	Subject to regulations in Section:
Standard	50'	50'	35'	
Within 150 ft. of an abutting residential zone	40' ⁽⁴⁾	40' ⁽⁴⁾	35' ⁽⁴⁾	
Daylight Plane for lot lines abutting one or more residential zoning districts or a residential PC district	Daylight plane height and slope identical to those of the most restrictive residential zone abutting the lot line			
Residential Density (net)⁽²⁾	40 <u>No maximum</u>	30	30	
<u>Maximum Weighted Average Residential Unit Size⁽⁵⁾</u>	<u>1,500 sq ft per unit</u>	<u>No maximum</u>	<u>No maximum</u>	
Maximum Residential Floor Area Ratio (FAR)	1.0:1 ⁽³⁾	0.6:1 ⁽³⁾	0.5:1 ⁽³⁾	
Maximum Nonresidential Floor Area Ratio (FAR)	1.0:1 ⁽³⁾	0.4:1	0.4:1	
Total Floor Area Ratio (FAR)⁽³⁾	2.0:1 ⁽³⁾	1.0:1 ⁽³⁾	0.9:1 ⁽³⁾	18.18.070
Parking Requirement	See Chapters 18.52 and 18.54			Chs. 18.52, 18.54

- (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 CD-C 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 75% 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.

- (2) Residential density shall be computed based upon the total site area, irrespective of the percent of the site devoted to commercial use. There shall be no deduction for that portion of the site area in nonresidential use.

(3) FAR may be increased with transfers of development and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0:1 in the CD-C subdistrict or 2.0:1 in the CD-S or CD-N subdistrict.

(4) 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 $((10 \times 800) + (8 \times 1200) + (2 \times 1800)) \div (10 + 8 + 2) = 1,060$ square feet.

~~(1) Residential and nonresidential mixed use projects shall be subject to site and design review in accord with Chapter 18.30(G), except that mixed use projects with nine or fewer units shall only require review and approval by the architectural review board.~~

(12) 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.

(c) Exclusively Residential Uses

(1) Exclusively residential uses are allowed in the CD-C subdistrict, except in the ground floor (GF) combining district.

(2) Exclusively residential uses are generally prohibited in the ~~CD district and CD-N and CD-S~~ subdistricts. Such uses are allowed, however, where a site is designated as a ~~Housing Opportunity Site~~ housing inventory site in the Housing Element of the Comprehensive Plan. Such sites shall be developed pursuant to the regulations for the multi-family zone designation (RM-~~2015~~, RM-30, or RM-40) identified for the site in the Housing Element.

...

(l) Housing Incentive Program

(1) For an exclusively residential or residential mixed-use project in the CD-C zone, the Director may waive the residential floor area ratio (FAR) limit after the project with the proposed waiver is reviewed by the Architectural Review Board, if the Director finds that the project exceeding the FAR standard is consistent with the required architectural review findings. In no event shall the Director approve a commercial FAR in excess of 1.0 or a total FAR (including both

residential and commercial FAR) in excess of 3.0. Nor shall the use of transferable development rights under Section 18.18.080 be allowed to cause the site to exceed a FAR of 3.0.

(2) For a 100% affordable housing project in the CD-C zone, the Director may waive any development standard including parking after the project with the proposed waiver or waivers is reviewed by the Architectural Review Board, if the Director finds that a project with such waiver or waivers is consistent with the required architectural review findings. In no event shall the Director approve a FAR in excess of 3.0 or approve other development standards more permissive than the standards applicable to the Affordable Housing (AH) Combining District in Chapter 18.30(J). A "100% affordable housing project" as used herein means a multiple-family housing or mixed-use project in which the residential component consists 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, as defined in Section 16.65.020, and where the average household income does not exceed 60% of the area median income level, except for a building manager's unit.

(3) This program is a local alternative to the state density bonus law, and therefore, a project utilizing this program shall not be eligible for a density bonus under Chapter 18.15 (Residential Density Bonus).

(m) Parking and Vehicular Access on University Avenue Restricted

Vehicular access to CD-C zoned sites on University Avenue which requires vehicular movement across the sidewalk on University Avenue shall be prohibited, except where required by law and as applied to parcels owned, leased or controlled by the City.

SECTION 8. Subsection (d) of Section 18.18.090 (Parking and Loading) of **Chapter 18.18 (Downtown Commercial (CD) District)** of Title 18 (Zoning) of the PAMC is amended as follows:

Section 18.18.090 Parking and Loading

...

(d) In-lieu Parking Provisions

In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in-lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by monetary contribution to the city to defray the cost of providing such parking. Contributions for

each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the administration of the program, all as determined pursuant to Chapter 16.57 of Title 16 of this code, by the director of planning and community environment, whose decision shall be final. Only sites satisfying one or more of the following criteria, as determined by the director of planning and community environment, shall be eligible to participate in the in-lieu parking program:

- (1) Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;
- (2) The site area is less than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (3) The site is greater than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (4) The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking; or
- (5) The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.

Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program for one year from the effective date of Ordinance No. 5460—, from May 2, 2019 through May 1, 2020.

...

SECTION 9. Section 18.40.180 (Retail Preservation) of **Chapter 18.40 (General Standards and Exceptions)** of Title 18 (Zoning) of the PAMC is amended as follows:

Section 18.40.180 Retail Preservation

- (a) Conversion of Retail and Retail-Like Uses Prohibited.
 - (1) Any ground floor Retail or Retail-Like use permitted or operating as of March 2, 2015 may be replaced only by another Retail or Retail-Like use, as permitted in the applicable district.
 - (A) A ground floor Retail or Retail-Like use in the RT-35 district on properties with frontage on Alma Street between Channing Avenue and Lincoln Avenue may additionally be replaced by a Private Educational Facility

use, provided that such use shall not be thereafter replaced by an Office use.

(2) The phrase 'use permitted or operating' as used in this section means:

- (A) A lawfully established use conducting business, including legal non-conforming uses.
- (B) An established use conducting business without required city approvals, but is a permitted or conditionally permitted use in district.
- (C) For parcels vacant on March 2, 2015, the last use that was lawfully established, or established without required permits, and permitted or conditionally permitted in the district.

(b) Non-conforming Uses.

- (1) The requirements imposed by subsection (a) shall not apply to Retail or Retail-like uses that are no longer permitted or conditionally permitted in the applicable district.
- (2) Nothing in this section shall modify the provisions of Chapter 18.70 regarding the expansion, change, discontinuance, or termination of a non-conforming use.

(c) Waivers and Adjustments; and Exemptions.

- (1) Grounds. The following shall be grounds for a request for waiver or adjustment of the requirements contained in this section:
 - (A) Economic Hardship. An applicant may request that the requirements of this section be adjusted or waived based on a showing that applying the requirements of this section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property; or
 - (B) Alternative Viable Active Use. Except in the GF or R combining districts, an applicant may request that the requirements of this Section 18.40.160 be adjusted or waived based on a showing that: the permitted retail or retail-like use is not viable; the proposed use will support the purposes of the zoning district and Comprehensive Plan land use designation; and the proposed use will encourage active pedestrian-oriented activity and connections.
- (2) Documentation. The applicant shall bear the burden of presenting substantial evidence to support a waiver or modification request under this Section and

shall set forth in detail the factual and legal basis for the claim, including all supporting technical documentation. Evidence in support of a waiver under subsection (c)(1)(B) must demonstrate the viability of existing and future uses on the site, based on both the site characteristics and the surrounding uses; specifically whether a substitute use could be designed and/or conditioned to contribute to the goals and purposes of the zoning district. Examples of such evidence include:

(A) A 10-year history of the site's occupancy and reasons for respective tenants vacating the site;

(B) A map that indicates all the existing surrounding uses, both residential and non-residential, within one City-block; include the corresponding zone district on the map;

(3) Any request under this section shall be submitted to the Director together with supporting documentation. The Director, in his or her sole discretion, may act on a request for waiver or refer the matter to the City Council.

(A) A decision by the Director shall be placed on the City Council's consent calendar within 45 days.

(B) Removal of the recommendation from the consent calendar shall require three votes, and shall result in a new public hearing before the City Council, following which the City Council shall take action on the waiver request.

(C) The decision of the Council is final.

(4) Exemptions. The provisions of this Section 18.40.180 shall not apply to:

(A) A 100% affordable housing project not within the Ground Floor (GF) and/or Retail (R) combining districts or on a site abutting El Camino Real . 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, as defined in Chapter 16.65, except for a building manager's unit.

— A 100% affordable housing project on a site abutting El Camino Real in the CN and CS zone districts outside the Retail (R) combining district. 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, 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.
(B)

...

SECTION 10. Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) of the PAMC is amended to add a new Section 18.40.230 (Rooftop Gardens) as follows:

Section 18.40.230 Rooftop Gardens

Where allowed under this Title, in order to qualify as usable open space, a rooftop garden shall meet the following standards:

- (a) Permanent fixtures on the rooftop shall be placed so as not to exceed height limit for the applicable zoning district, except:
 - (i) Elevators, stairs and guardrails may exceed the height limit to allow for access to the rooftop useable open space. These fixtures shall be designed to the lowest height and size feasible in order to comply with applicable building codes.
 - (ii) Permanent fixtures associated with the useable open space, such as trellises, shade structures, furniture, and furnishings such as planters, lighting and heaters, may exceed the height limit by up to 12 feet.
 - (iii) For the height limit exceptions in (i) and (ii) above, all fixtures shall not intersect a plane measured at a forty-five degree angle from the edge of the building starting at the rooftop garden surface sloping upward and inward toward the center of the property.
- (b) The rooftop garden shall be located on the third or higher story.
- (c) The rooftop garden shall be accessible to all residents of dwelling units on the parcel, but not to commercial tenants of a residential mixed-use development.
- (d) Structures or fixtures providing a means of access or egress (i.e., stairway, elevator) shall be located away from the building edge to the extent feasible to minimize visibility from the public right-of-way and adjacent buildings and privacy impacts. These access structures or fixtures, when exceeding the height limit, shall be subject to the provisions of subsection (a)(iii) above.
- (e) Any lighting shall be shielded from public views and have full cutoff fixtures that cast downward-facing light, or consist of low-level string lights; no up-lighting is permitted. Lights shall be dimmable to control glare and placed on timers to turn off after 10:00 PM. Photometric diagrams must be submitted by the applicant to ensure there are no spillover impacts into windows or openings of adjacent properties.

- (f) At least 15% but no more than 25% of the rooftop shall be landscaped with raised beds for gardening, C.3 stormwater planters, or other landscaping. All required landscaped areas shall be equipped with automatic irrigation systems and be properly drained.
- (g) Rooftop equipment that emit noise and/or exhaust, including but not limited to vents, flues, generators, pumps, air conditioning compressors, and other protrusions through the roof, shall be directed away and screened from the useable open space areas.
- (h) Rooftop open space noise levels shall not exceed exterior residential noise level as defined by Section 9.10.030(a) of this code.
- (i) The use of sound amplifying equipment shall be prohibited. Signs shall be affixed adjacent to access elevators and stairs within the rooftop garden providing notice of this prohibition.

SECTION 11. Table 1 (Minimum Off-Street Parking Requirements) and Table 2 (Minimum Off-Street Parking Requirements for Parking Assessment Districts) of subsection (c) 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) of the PAMC are amended as follows:

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

...

- (c) Tables 1, 2 and 3: Parking, Bicycle, and Loading Requirements

Tables 1 and 2 below outline vehicle and bicycle parking requirements in general and for Parking Assessment Districts, respectively. Table 3 outlines loading requirements for each land use. For mixed-use projects, the requirements for each land use shall be applied and required for the overall project.

**Table 1
Minimum Off-Street Parking Requirements**

Use	Vehicle Parking Requirement (# of spaces)	Bicycle Parking Requirement	
		Spaces	Class ¹ Long Term (LT) and Short Term (ST)
RESIDENTIAL USES			
Multiple-Family Residential	<u>1 per micro unit</u> ⁽²⁾	1 per unit	100% - LT
	1.25 per studio unit		
	1.5 per 1-bedroom unit		
	2 per 2-bedroom or larger unit		

	<p>At least one space per unit must be covered</p> <p>Tandem parking allowed for any unit requiring two spaces (one tandem space per unit, associated directly with another parking space for the same unit, up to a maximum of 25% of total required spaces for any project with more than four (4) units)</p>		
(a) Guest Parking	<p><u>No additional guest parking required</u> For projects exceeding 3 units; 1 space plus 10% of total number of units, provided that if more than one space per unit is assigned or secured parking, then guest spaces equal to 33% of all units is required.</p>	1 space for each 10 units	100%-ST
Senior Housing ^{(3) (5)}	<u>0.75 per unit</u>		
...			
RETAIL USES ⁽⁴⁾			
Retail:			
(a) Intensive (retail not defined as extensive)	1 per 200 sq. ft. of gross floor area	1 per 2,000 sf	20% - LT 80%-ST
(b) Extensive (retail with more than 75% of gross floor area used for display, sales and related storage, with demonstrably low parking demand generation per square foot of gross floor area)	1 per 350 sq. ft. of gross floor area	1 per 3,500 sf	20% - LT 4080% - ST

(c) Open lot	1 space for each 500 square feet of sales, display, or storage site area	1 per 5,000 sf	100%-ST
Drive-up windows providing services to occupants in vehicles	Queue line for 5 cars, not blocking any parking spaces, in addition to other applicable requirements	None additional	
Eating and Drinking Services:			
(a) With drive-in or take-out facilities	3 per 100 sq. ft. of gross floor area	3 per 400 sf	40% - LT 60% - ST
(b) All others	1 space for each 60 gross sq. ft. of public service area, plus 1 space for each 200 gross sq. ft. for all other areas.	1 per 600 sf of public service area, plus 1 per 2,000 sf for other areas	
...			

(1) Long Term (LT) and Short Term (ST) bicycle spaces as described in Section 18.54.060.

(2) A “micro-unit” as used herein means a residential unit of 450 square feet or less.

(3) Senior housing for purposes of this provision means an independent living facility, not a convalescent or residential care facility.

(4) For residential mixed-use developments in the CD-C zone, CC(2) zone, and on CN and CS zoned sites abutting El Camino Real, the first 1,500 square feet of ground-floor retail uses shall not be counted toward the vehicle parking requirement.

(5) Because these parking standards are reduced from the standards otherwise applicable to multiple-family residential development, projects that utilize these reduced parking standards shall not be eligible for further parking reductions through adjustments under Section 18.52.050, Table 4.

Table 2
Minimum Off-Street Parking Requirements for Parking Assessment Districts
(IF USE IS NOT LISTED, REFER TO TABLE 1 FOR REQUIREMENTS)

Use	Vehicle Parking Requirement (# of spaces)	Bicycle Parking Requirement	
		Class ¹	Spaces
For Downtown University Avenue Parking Assessment District:			
All uses (except residential) ²	1 per 250 square feet	1 per 2,500 square feet	40% - LT 60% - ST
For California Avenue Parking Assessment District:			
...			
Retail:²			
(a) Intensive	1 per 240 sf of gross floor area	1 per 2,400 sf	20% - LT 80% - ST
(b) Extensive	1 per 350 sf of gross floor area	1 per 3,500 sf	
(c) Open Lot	1 for each 500 square feet of sales, display, or storage site area.	1 per 5,000 sf	100% - LT
...			

(1) Long Term (LT) and Short Term (ST) bicycle spaces as described in Section 18.54.060.

(2) For residential mixed-use developments in the CD-C zone, CC(2) zone, and on CN and CS zoned sites abutting El Camino Real, the first 1,500 square feet of ground-floor retail uses shall not be counted toward the vehicle parking requirement.

SECTION 12. Table 4 (Allowable Parking Adjustments) of Section 18.52.050 (Adjustments by the Director) of **Chapter 18.52 (Parking and Loading Requirements)** of Title 18 (Zoning) of the PAMC is amended as follows:

Section 18.52.050 Adjustments by the Director

Automobile parking requirements prescribed by this chapter may be adjusted by the director in the following instances and in accord with the prescribed limitations in Table 4, when in his/her opinion such adjustment will be consistent with the purposes of this chapter, will not create undue impact on existing or potential uses adjoining the site or in the general vicinity, and will be commensurate with the reduced parking demand created by the development, including for visitors and accessory facilities where appropriate. No reductions may be granted that would result in provision of less than ten (10) spaces on a site. The following are adjustments that

apply to developments not located within a parking assessment district. Adjustments within the parking assessment districts are contained in Section 18.52.080. The decision of the regarding parking adjustments may be appealed as set forth in Chapter 18.78 (Appeals).

**Table 4
Allowable Parking Adjustments**

Purpose of Adjustment	Amount of Adjustment	Maximum Reduction ^{2a2}
On-Site Employee Amenities	Square footage of commercial or industrial uses to be used for an on-site cafeteria, recreational facility, and/or day care facility, to be provided to employees or their children and not open to the general public, may be exempted from the parking requirements	100% of requirement for on-site employee amenities
Joint Use (Shared) Parking Facilities	For any site or sites with multiple uses where the application of this chapter requires a total of or more than ten (10) spaces, the total number of spaces otherwise required by application of Table 1 may be reduced when the joint facility will serve all existing, proposed, and potential uses as effectively and conveniently as would separate parking facilities for each use or site. In making such a determination, the director shall consider a parking analysis using criteria developed by the Urban Land Institute (ULI) or similar methodology to estimate the shared parking characteristics of the proposed land uses. The analysis shall employ the city's parking ratios as the basis for the calculation of the base parking requirement and for the determination of parking requirements for individual land uses. The director may also require submittal and approval of a TDM program ¹ to further assure parking reductions are achieved.	20% of total spaces required for the site
<u>100% Affordable Housing ⁽⁴⁾</u>	<u>Based on maximum anticipated demand; applicant may request up to a 100% reduction in parking.</u>	

Purpose of Adjustment	Amount of Adjustment	Maximum Reduction ^{2a2}
Housing for Seniors	The total number of spaces required may be reduced for housing facilities for seniors, commensurate with the reduced parking demand created by the housing facility, including for visitors and accessory facilities, and subject to submittal and approval of a parking analysis justifying the reduction proposed.	50% of the total spaces required for the site
Affordable Housing Units and Single Room Occupancy (SRO) Units ⁽³⁾	The total number of spaces required may be reduced for affordable housing and single room occupancy (SRO) units, commensurate with the reduced parking demand created by the housing facility, including for visitors and accessory facilities. The reduction shall consider proximity to transit and support services and the director may require traffic demand management measures ¹ in conjunction with any approval.	<ul style="list-style-type: none"> a. 40% for Extremely Low Income and SRO Units b. 30% for Very Low Income Units c. 20% for Low Income Units
Housing Near Transit Facilities	The total number of spaces required may be reduced for housing located within a designated Pedestrian/Transit Oriented area or elsewhere in immediate proximity to public transportation facilities serving a significant portion of residents, employees, or customers, when such reduction will be commensurate with the reduced parking demand created by the housing facility, including for visitors and accessory facilities, and subject to submittal and approval of a TDM program. ¹	20% of the total spaces required for the site.
Transportation and Parking Alternatives	Where effective alternatives to automobile access are provided, other than those listed above, parking requirements may be reduced to an extent commensurate with the permanence, effectiveness, and the demonstrated reduction of off-street	20% of the total spaces required for the site

Purpose of Adjustment	Amount of Adjustment	Maximum Reduction ^{2a2}
	parking demand effectuated by such alternative programs. Examples of such programs may include, but are not limited to, transportation demand management (TDM) programs or innovative parking pricing or design solutions. ¹ (note: landscape reserve requirement is deleted).	
Combined Parking Adjustments	Parking reductions may be granted for any combination of the above circumstances as prescribed by this chapter, subject to limitations on the combined total reduction allowed.	a. 30% reduction of the total parking demand otherwise required b. 40% reduction for affordable housing projects c. 50% reduction for senior housing projects
Modification to Off-Street Loading Requirements	The director may modify the quantity or dimensions of off-street loading requirements for non-residential development based on existing or proposed site conditions; availability of alternative means to address loading and unloading activity; and, upon finding that: 1) the off-street loading requirement may conflict with Comprehensive Plan goals and policies related to site design planning, circulation and access, or urban design principles; and 2) the use of shared on-street loading would not conflict with Comprehensive Plan goals and policies related to site design planning, circulation and access or urban design principles; maximum reduction in one loading space.	One loading space may be waived

(1) See Section 18.52.050(d) below regarding requirements for TDM programs.

(2) No parking reductions may be granted that would result in provision of less than ten (10) parking spaces on site, except for 100% affordable housing projects.

(3) No parking reductions may be granted for projects that are entitled to the reduced parking standards in Table 1 of Section 18.52.040 for senior housing.

~~(3)~~(4) Applies to 100% affordable housing projects and the residential component of 100% affordable housing mixed-use projects. "100% affordable housing" 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, as defined in Chapter 16.65, except for a building manager's unit.

(a) Combining Parking Adjustments

Parking reductions may be granted for any combination of circumstances, prescribed by this chapter, so long as in total no more than a 30% reduction of the total parking demand otherwise required occurs, or no less than a 40% reduction for affordable housing projects (including Single Room Occupancy (SRO) units), ~~or no less than 50% reduction for senior housing projects.~~

...

SECTION 13. Subsection (c) of Section 18.52.070 (Parking Regulations for CD Assessment District) of **Chapter 18.52 (Parking and Loading Requirements)** of Title 18 (Zoning) of the PAMC is amended as follows:

Section 18.52.070 Parking Regulations for CD Assessment District

...

(c) In-lieu Parking Provisions

In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in-lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by monetary contribution to the city to defray the cost of providing such parking. Contributions for each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the administration of the program, all as determined pursuant to [Chapter 16.57](#) of Title 16 of this code, by the director of planning and community environment, whose decision shall be final. Only sites satisfying one or more of the following criteria, as determined by the director of planning and community environment, shall be eligible to participate in the in-lieu parking program:

- (1) Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;

- (2) The site area is less than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (3) The site is greater than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (4) The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking; or
 - (5) The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.

Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program for one year from the effective date of Ordinance No. 5460—, from May 2, 2019 through May 1, 2020.

...

SECTION 14. Section 18.52.080 (Adjustments to Parking Assessment Area Requirements by the Director) of **Chapter 18.52 (Parking and Loading Requirements)** of Title 18 (Zoning) of the PAMC is amended to add a new subsection (f) as follows:

Section 18.52.080 Adjustments to Parking Assessment Area Requirements by the Director

...

(f) Affordable Housing

For 100% affordable housing projects, the director may waive up to 100% of the parking requirement based on maximum anticipated demand. “100% affordable housing” 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, as defined in Chapter 16.65, except for a building manager’s unit.

SECTION 15. Any and all references to “RM-15” in the Palo Alto Municipal Code or appendices thereto shall mean “RM-20”.

SECTION 16. 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 17. This Ordinance shall not apply to any project for which the application has been deemed complete as of the effective date of the Ordinance, for the last required discretionary approval for the project. However, the project applicant may elect to be subject to this Ordinance in which case the Ordinance in its entirety shall apply to the project.

SECTION 18. 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 19. The Council finds that the potential environmental impacts related to this Ordinance were analyzed in the Final EIR for the Comprehensive Plan Update, which was certified and adopted by the Council by Resolution No. 9720 on November 13, 2017. The Ordinance is consistent with and implements the program evaluated in the EIR.

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SECTION 20. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED: January 28, 2019

PASSED: April 1, 2019

AYES: CORMACK, DUBOIS, FILSETH, FINE, KNISS

NOES: KOU, TANAKA

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

DocuSigned by:
Beth Minor
27523117DA804D7...
City Clerk

DocuSigned by:
Eric Filseth
84244717205F422...
Mayor

APPROVED AS TO FORM:

DocuSigned by:
Sandra Lee
38C6B9D667AF4E3...
Assistant City Attorney

APPROVED:

DocuSigned by:
Ed Swkoda
F2DCA19CCC8D4E9...
City Manager
DocuSigned by:
[Signature]
293CF322E1294F6...
Director of Planning & Community Environment