

From: [Ted O'Hanlon](#)
To: [Council, City](#)
Cc: [Lait, Jonathan](#); [Sar Peruri](#); [Amy Shyr](#)
Subject: 11/13/2023: Item #9 Letter on behalf of Creekside Inn property owner to City Council
Date: Monday, November 13, 2023 11:41:36 AM
Attachments: [Creekside Owner Rep CC letter 11-13-23.pdf](#)

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Councilmembers

Please review the attached letter highlighting potential limiting factors to housing projects at the Creekside Inn property at 3400 El Camino Real as part of the Area Focus Plan to be reviewed with Item #9 this evening.

I do plan to be present at tonight's session and available to respond to any questions regarding the letter or the property in general.

Thank You
Ted O'Hanlon

Ted O'Hanlon
tedohanlon@gmail.com
415.317.5070 mobile/text
CA DRE #01868277



Explore Real Estate
CA BRE # 01478789
2625 Middlefield Rd, #101
Palo Alto, CA 94306

November 12, 2023

City Council
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

**Subject: El Camino Real Focus Area Plan and
 3400 El Camino Real (Creekside Inn property)**

Dear Honorable Mayor and Members of the City Council:

On behalf of SF Creekside, LLC, an Oxford Capital Group-led joint venture that owns and operates the Creekside Inn (Creekside) property we are taking this opportunity to share observations regarding potential constraints to redevelopment and creating housing on the property.

Background

Presently the Creekside Inn property contains 11 buildings with 180 hotel rooms with ancillary event, operations and conference space with 2 retail dining venues on approximately 3.6-acres at 3400 El Camino Real.

In 2022, a “pre-application” to redevelop the property with 382 residential units was submitted and considered by Planning Staff and City Council. See Figure 2.

In June 2023, another preliminary application was submitted utilizing the “Builder’s Remedy” tool that proposed a mixed use that would continue the hotel presence as suggested by City Council in 2022, while retaining several existing buildings. The plan would create 185 new residential units in two new buildings, a cluster of 4 townhome units would replace an existing operations structure adjacent to Matadero Avenue. The renovation of 3 existing hotel buildings with 63 rooms and a new hotel building with another 137 guest rooms, would total 200 guest rooms on the property. See Figure 3.

Area Focus Plan

Recently the City of Palo Alto has studied an Area Focus Plan to promote housing projects on El Camino Real that included the Creekside property. The focus plan suggests significant increases in development standards, most notably in building heights of up to 85 feet and a Floor Area Ratio (FAR) of up to 4.0. However in comparison to other properties in the focus area, there are 2 characteristics that significantly limit Creekside: 1) Matadero Creek, and 2) the property relationship to R-1 zoning, that result in challenges in achieving an FAR of even 2.5 let alone 4.0.

Thus, while being included in the Focus Area with the intent to motivate a project that includes a significant number of housing units, by further curtailing the property area and/or heights where FAR can be placed, this can also yield no project at all. Recently the Planning and Transportation Commission (PTC) reviewed the Focus Area and recommended several items that would significantly constrain a potential project.

Riparian Setbacks

We understand and are mindful that Matadero Creek is a valuable and sensitive area. At the commencement of ownership's consideration to redevelop the site, WRA Environmental Consultants were retained to study the area to better understand its constraints and opportunities. In doing so, we have understood that a 20 foot setback from the top of the bank is reasonable and supportable given existing conditions and guidelines.

As it is today, there are existing buildings encroaching in this area and at the El Camino Real frontage of the property where Matadero Creek transitions to a culvert and is covered by a parking lot (see Figure 1 herein, areas highlighted in red). At the same time, WRA identified several opportunities to enhance Matadero Creek including native habitat restoration (currently dominated by non-native flora) and providing public recreation access. Further, a redevelopment would alleviate several of the existing encroachments as owner planning has been attentive to enhancing and respecting this setback area and as such would further enhance the area adjacent to the creek.

Property Setbacks

The property's existing zoning adjacent to the R-1 neighbors is multi-family with a required 10 foot setback. As Figure 1 illustrates, highlighted in blue, 2 existing buildings are already closer to the property line or at this setback measure. An increase in the rear setback to 20 feet, as suggested by PTC, would eliminate the opportunity for housing units in the rear of the site along Matadero Avenue that most recently proposed 4 attached townhomes. Also in the 2 previous owner proposals from 2022 and 2023, particularly the other corner of the property, a significant setback has been proposed that would be greater than the 20 feet that PTC recently recommended as part of the Focus Area.

As the Planning Staff and ordinance text note, Planning and Transportation Commissioner Hechtman dissented on the extension of 10 foot setbacks to 20 feet. This was based on the observation that the current setbacks of 10 feet are indicative of the existing zoning that has been in place and it would be reasonable to remain without the need for further setback extensions.

So for these 2 setback matters, any extensions of the rear property or to riparian setbacks beyond current standards greatly diminishes housing potential and would likely preclude the pursuit of a project in not meeting initial feasibility requirements.

Building Height Limits from R-1 Zone

Current zoning standards require a 35 foot height limit 150 feet from the adjacent property line. The Focus Area initially, and specifically for the Creekside property, suggested modifications to this setback area that might allow for greater heights starting 75 feet from the property line, such that the first 75 feet maintain the 35 foot height limit, but the next 75 feet provide a transition for greater building height, particularly for the proposed 85 foot height allowances on El Camino Real. As the Focus Area has progressed through review, PTC is recommending that the first 100 feet maintain the 35 foot height restriction.

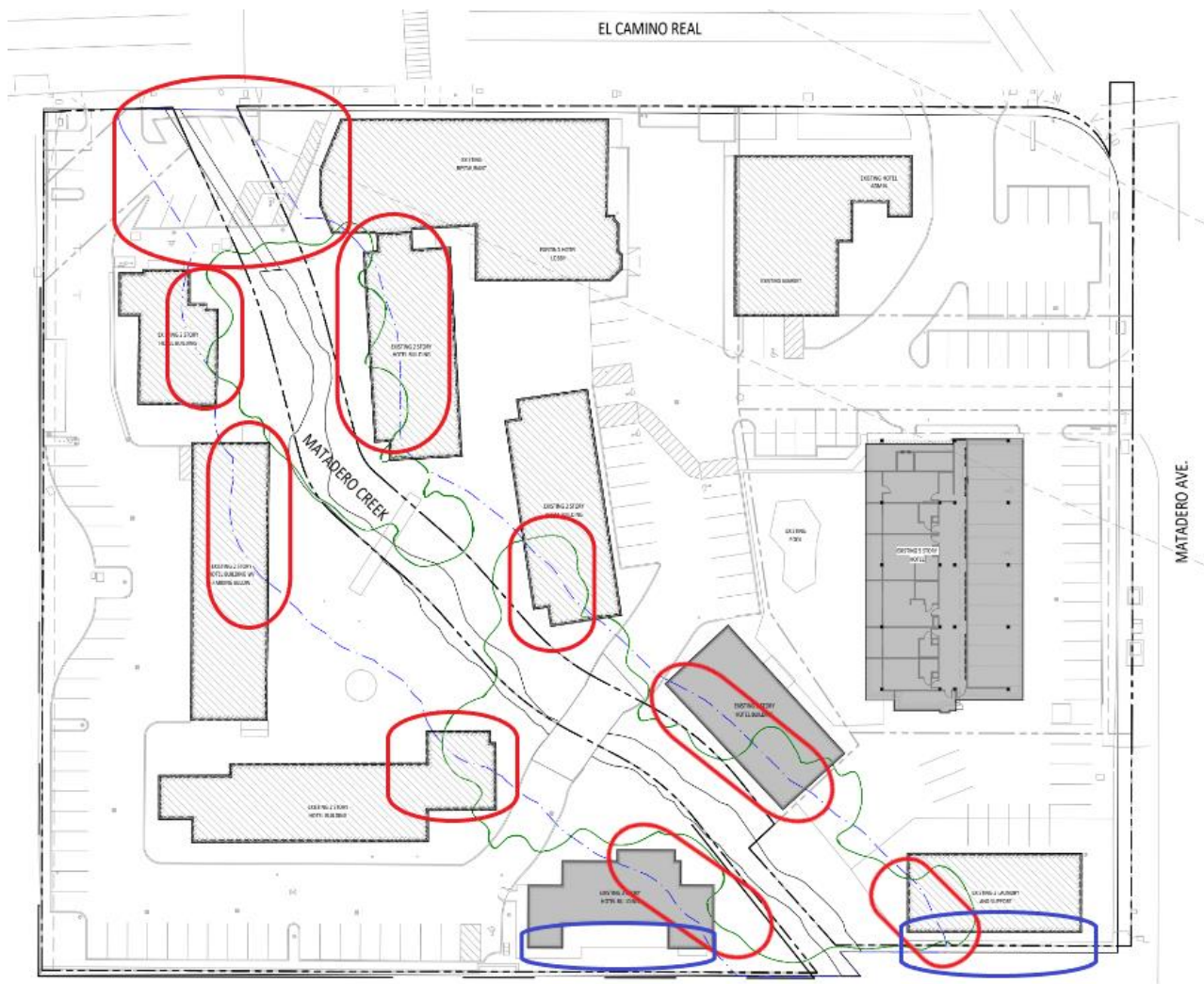
Similar to Matadero Creek's current and future environmental condition, there is understanding of the sensitivity to building height and the adjacent R-1 neighborhood. However when considering this criteria, and the opportunity for housing it might contain, we would caution to defining the area in advance of a collaborative effort to refine what is a feasible, actionable and supportable for this specific area.

Best Regards,



Ted O'Hanlon
Consulting Project Executive

cc: Jonathan Lait (jonathan.lait@cityofpaloalto.org)
Sar Peruri (SPeruri@oxford-capital.com)



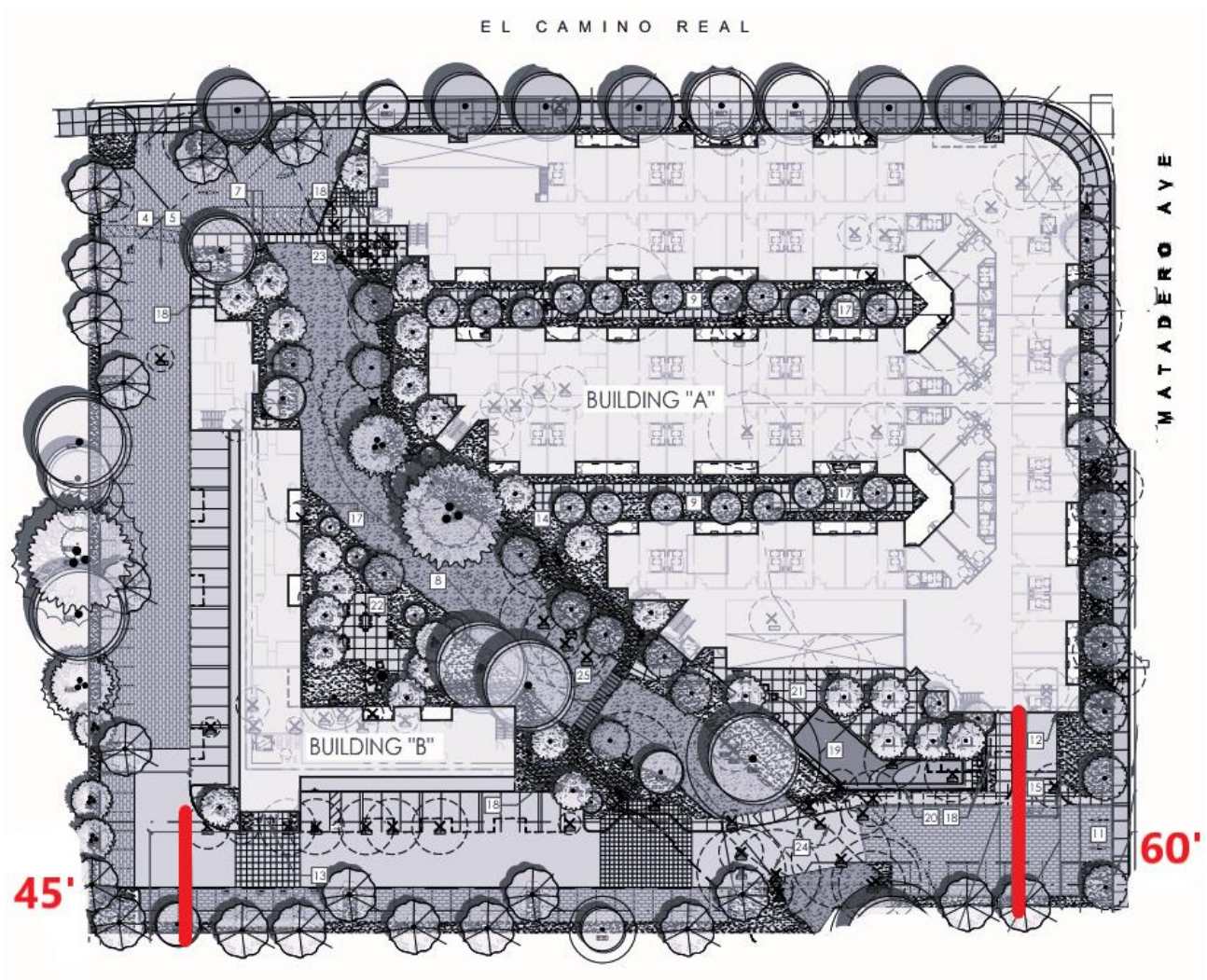


Figure 2 – July 2022 Proposed Site Plan, note rear building setbacks

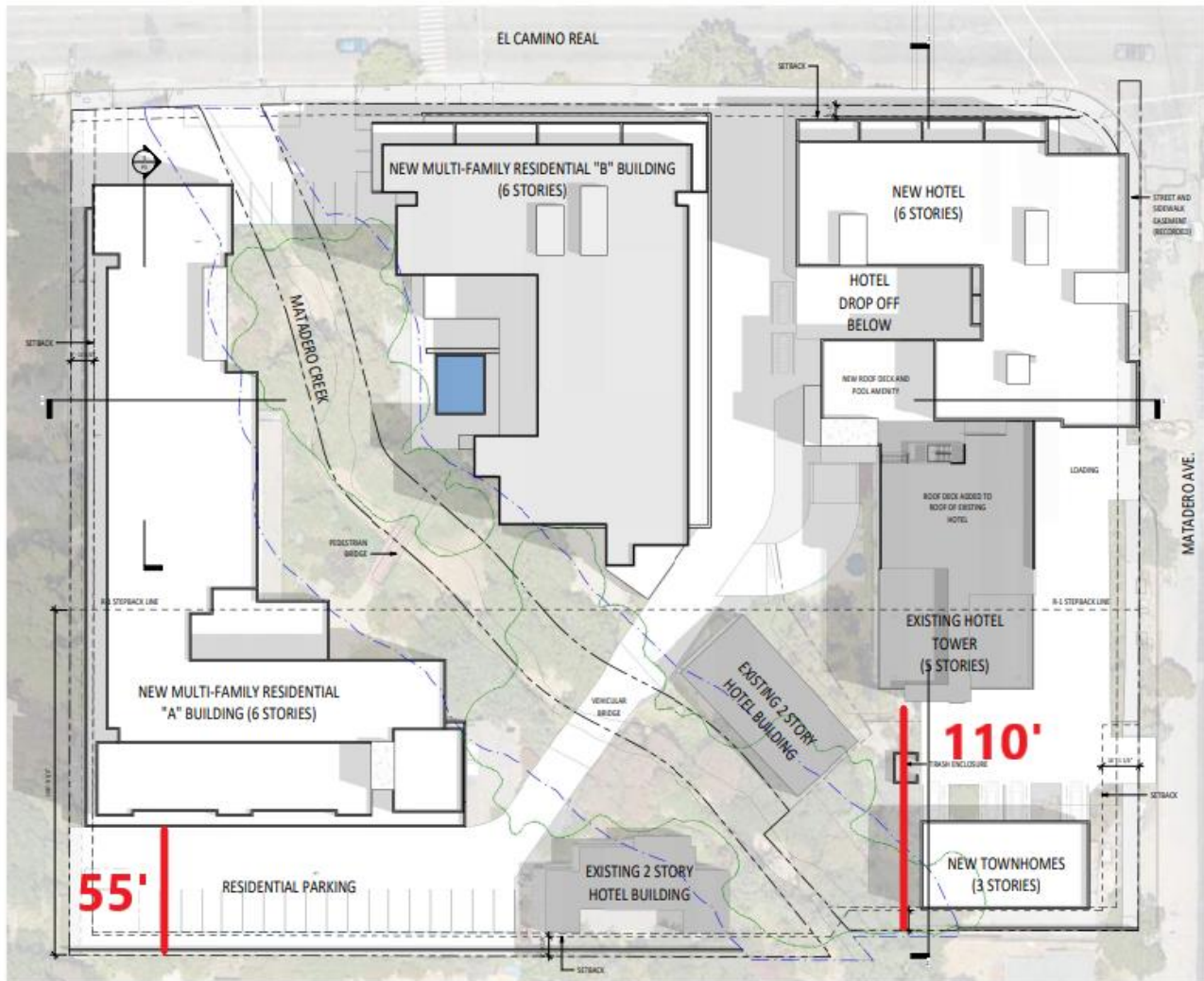


Figure 3 – June 2023 Proposed Site plan – note rear building setbacks and existing >50' hotel building within 150' of rear property line

From: [President LWVPaloAlto](#)
To: [Council, City](#)
Subject: LWVPA Communication item #9 at 11/13/23 meeting
Date: Monday, November 13, 2023 10:49:26 AM
Attachments: [LWVPA PACC 11.13.23 Agenda item 9.docx](#)

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November 13, 2023

RE: Agenda item 9

Dear Mayor Kou, Vice Mayor Stone and Council Members,

The League of Women Voters writes in support of the city increasing height and densities in zoning districts throughout Palo Alto, along El Camino Real, close to existing transit, parks, retail, and jobs.

The City's recent priorities, Climate Change and Housing for Social and Economic Balance, align with the League of Women Voters positions that local government should adopt policies that do not provide decent housing and a suitable living environment for people of all income levels; reduce greenhouse gas emissions from lengthy commutes; and does not result in the isolation of lower-income families.

More than half of our regional housing allocation requires the production or preservation of homes serving low-moderate-middle income households. More than half of our green-house gas emissions, according to the Air Resources Board, come from tail-pipe emissions from cars, a significant portion from lengthy commutes by people working here who cannot afford to live here.

Additional height and density changes along ECR and other districts close to existing public transit are a good first step which could result in more housing (both market rate and below market rate); reduction of greenhouse gas emissions; and walkable, car-free neighborhoods.

Increasing height and density city-wide also could help address the City's Duty to Affirmatively Further Fair Housing, as noted by the HCD in its letter rejecting the City's Housing Element. Increased height and density is currently concentrated in the southeast San Antonio Road corridor, potentially isolating low income housing in one neighborhood away from the City's major job centers, close to a polluting freeway which currently lacks public transit, parks, and retail. We urge the City to use the MTC grant money to study increasing height and density in the area east of University Ave CalTrain, which is a high opportunity area close to public transit, shopping, and jobs.

We believe, however, that changing zoning by itself will not be enough to produce the low and moderate income units needed to address displacement of low and moderate income households. The City should make it a priority to identify additional sources of financing for production and preservation of low and moderate income housing, such as tax-exempt bonds; adopt programs which lower the costs of building, renting or home ownership, including land banking and the use of public lands; and adopt even stronger tenant protections against

displacement than currently exists. We look forward to upcoming city discussions on these matters.

Sincerely,

Judy Kleinberg & Nancy Shepherd
Co-Presidents, League of Women Voters of Palo Alto



November 13, 2023

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We look forward to upcoming city discussions on these matters

Sincerely,

Judy Kleinberg & Nancy Shepherd



Co-Presidents

From: [Jessica Rose Agramonte](#)
To: [Council, City](#)
Subject: ECR Housing Nov 13, 2023 City Council Meeting Agenda Item 9
Date: Monday, November 13, 2023 8:47:54 AM

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Dear Council Members,

I am writing regarding the El Camino Real Housing Focus Area. We are commercial property owners of 2951 El Camino Real who have carefully investigated options for multifamily residential development on this ideally located site, that is included in the Housing Element. The site is located on the Eastside of El Camino Real, across from the current El Camino Real Housing Focus area. We have two requests, consistent with notes and recommendations in the Planning Staff Report:

- 1) Please DIRECT Planning Staff to further study the Eastside of El Camino Real to include it in the El Camino Real Housing Focus Area.
- 2) Please approve the original Planning Staff recommendations for the El Camino Real Housing Focus Area, as they were based on experienced consultants who recommended a 10' setback from R1, with a 75' transitional setback for 35' heights and 75'-100' transitional setback for 45' heights. Anything more, (such as the current 100' setback for 35' height) would make multifamily residential development unfeasible, in an otherwise ideal location on El Camino Real, located within the transit corridor.

Thank you for your consideration of these requests,

Jessica Rose Agramonte

From: [Deborah Goldeen](#)
To: [Council, City](#)
Subject: More Zoning For Housing
Date: Sunday, November 12, 2023 9:51:36 PM

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It's my understanding that item 9 on tonight's agenda (Nov.13) about changing zoning to allow for more housing? I just read through item 9 three times and can't make heads or tails of it. But I do know that I would like to tear down my single family stand alone house and replace it with a duplex or a triplex so that maybe one or two more families can buy into Palo Alto, but City of Palo Alto zoning won't allow it.

The emotional undercurrent of this city has gone from optimistic and progressive in the '70's to excited and ambitious in the '80s to overwhelming and distressed in the '90's to just plain mean in the 00's. In the past couple years, there is now a palpable anger.

Why it is such a hard concept to understand that other people matter and that those other people need housing too I don't know. Not only is ignoring that wrong and bad, but at some point it becomes perilous. I think it behooves the council to do whatever it can to modify zoning to allow as much housing as possible.

At the very least, if someone wants to use their property to increase housing stock, city zoning should allow for that.

Deborah Goldeen, 2130 Birch, (650)799-3652

From: [Greg Schmid](#)
To: [Council, City](#)
Subject: Agenda Item #9 on Nov 13: Land Use Element of Comp Plan
Date: Sunday, November 12, 2023 5:24:13 PM

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The 6,086 housing units required by HCD to be built in Palo Alto between 2023 and 2031 are based entirely on a Bay Area new jobs forecast made by HCD in 2019. The new jobs numbers were subsequently translated into jobs in each city with new housing concentrated near the new jobs by an internal technical committee directed by MTC that included the state agencies HCD and DOF.

California Code 65584.01 (current as of Jan 1, 2023) states clearly that the total population projected for the region by the Department of Finance shall be within 1.5 percentage points of that made by the Council of Governments. If it is not then "the population of the region shall be the population projection for the region prepared by the Department of Finance".

Note that in 2019, the Department of Finance forecast a population growth of 7% for the SF Bay Area in the period 2020-2030, consistent with the housing numbers. But, in April 2023, the Department updated their projection that showed a population decline of 1.7% for the Bay Area from 2020-2030. (Note that the 2023 projection showed a decline of 1.2% for Santa Clara County).

Before approving the Land Use Element of the Comp Plan, it would be appropriate to ask a representative of DOF to appear publicly before the Council to state clearly whether that state agency approves of the 2019 population and housing projections used in the current Bay Area Housing Element. Those numbers appear to be wildly out of range.

Gregory Schmid
Palo Alto
gregschmid@sbcglobal.net

From: [Camas J. Steinmetz](#)
To: [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); [Veenker, Vicki](#)
Cc: [Lait, Jonathan](#); [Stump, Molly](#); [Shikada, Ed](#)
Subject: JCC & Moldaw Ltr re Nov 13 Agenda Item No. 9- HE Rezoning Impacting Fabian Way
Date: Friday, November 10, 2023 4:10:18 PM
Attachments: [image001.png](#)
[JCC & Moldaw Ltr re Nov 13 Agenda Item No. 9- HE Rezoning Impacting Fabian Way.pdf](#)

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Dear Mayor Kou and Members of the City Council:

On behalf of my clients, the Oshman Family Jewish Community Center and the Moldaw Residences, please find and consider the attached letter prior to taking action Monday on the proposed Resolution Amending the Land Use Element of the Palo Alto Comprehensive Plan and an Ordinance Implementing Program 1.1A and 1.1B of the Housing Element.

Sincerely,

Camas J. Steinmetz



Camas J. Steinmetz, Partner

Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210 | Menlo Park, CA 94025
Phone: (650) 743-9700 | Email: cjs@jsmf.com

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OF COUNSEL
KENT MITCHELL

RETIRE
JOHN D. JORGENSEN
MARGARET A. SLOAN
DIANE S. GREENBERG

DECEASED
MARVIN S. SIEGEL
(1936 - 2012)
JOHN R. COSGROVE
(1932 - 2017)

November 10, 2023

Mayor Kou and Members of the City Council
City of Palo Alto
city.council@cityofpaloalto.org

Via Email

Re: November 13, 2023 Agenda Item No. 9- Resolution Amending the Land Use Element of the Palo Alto Comprehensive Plan and an Ordinance Implementing Program 1.1A and 1.1B of the Housing Element (the "Amendments")

Dear Honorable Mayor Kou and Members of the City Council:

This law firm represents the Oshman Family Jewish Community Center (the "JCC") and the Moldaw Residences, a senior living community ("Moldaw") with respect to the potential redevelopment of certain parcels of land on Fabian Way that abut the Taube Koret Campus for Jewish Life in Palo Alto (the "Campus"), where both organizations are situated. If the proposed Amendments are adopted, these adjacent parcels on Fabian Way will be eligible for substantial increases in maximum height and density. While the JCC and Moldaw support the City's goals to create more housing, we are concerned that if these increases are granted as a matter of right – without exercising the City's general police power to protect the public health, safety and welfare - the existing neighbors will be negatively impacted.

We understand that these Amendments serve the laudable goal of accommodating increased residential density to meet the City's RHNA (Regional Housing Needs Allocation) obligations. However, we are concerned that – as applied to the proposed 3997 Fabian Way project in particular - these Amendments, with their relaxed development and use restrictions, will have unintended negative consequences on the members, users and elderly residents of the Campus. The average age of the Moldaw resident is 87 years and many have limited mobility requiring the use of walkers and canes. They spend a significant amount of time in their homes,

so any adjacent development resulting in the deprivation of natural sunlight in their rooms will have a material impact on their mental and physical health.

We therefore ask that the City exercise vigilance in continuing to: (1) require and enforce compliance with the contextual design criteria and objective design standards set forth in Municipal Code Chapter 18.24; (2) exercise its discretion in requiring project modifications and conditions to satisfy the architectural review findings set forth in Municipal Code Sections 18.76.020; and (3) exercise its general police power to protect the public health, safety and welfare. Particularly in current circumstances, and given the age and composition of the residents and visitors to the Campus, a large new complex overlooking the Campus merits rigorous scrutiny from the City.

For example, the proposed Amendments allow multifamily residential use (which is currently prohibited) on the 3997 Fabian Way project site (zoned GM and designated as an opportunity site) and increase its maximum height to 60 feet. We remind the City that this 60-foot standard is a *maximum* and not a *by right entitlement*. In other words, the City will still retain its discretion to require a reduction in this maximum height to protect the public health, safety and welfare, bring the project into compliance with the contextual design criteria and objective design standards set forth in Municipal Code Chapter 18.24, and satisfy the architectural review findings set forth in Municipal Code Sections 18.76.020. including for example, to provide “harmonious transitions in scale, mass and character to adjacent land uses and land use designations” and to “enhance living conditions on the site (if it includes residential uses) and in adjacent residential areas”. See Municipal Code Section 18.76.020(d)(2)(D) and (E).

In closing, the JCC and Moldaw support the City’s obligation to meet its assigned RHNA allocation by adopting the proposed Amendments, and we look forward to working with the City and their neighbors to make sure that any new developments subject to these Amendments do not negatively affect the Campus and the Campus community.

Sincerely,



Camas J. Steinmetz

Cc: Ed Shikada, City Manager
Molly Stump, City Attorney
Jonathan Lait, Planning and Development Director

From: [Yarkin, Genna \(SFO - X56990\)](#)
To: [Council, City](#)
Cc: [Plume, Tamsen \(SFO - X56941\)](#); [Gary Johnson \(gary@acclaimcompanies.com\)](mailto:gary@acclaimcompanies.com); [Mark Johnson](#)
Subject: Public Comment - Item 9 for 11-13-2023 Hearing - Stakeholder comments by Acclaim Companies
Date: Friday, November 10, 2023 12:37:17 PM
Attachments: [Acclaim Companies - Stakeholder Comments on Item 9 for 11-13-2023 Hearing.pdf](#)

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Good afternoon Councilmembers,

On behalf of our client Acclaim Companies, enclosed please find public comments that address Item 9 you will be hearing this coming Monday evening, November 13th.

Thank you for your attention to this matter,

Genna Yarkin | Holland & Knight PRIDE

She/Her/Hers

Associate

Holland & Knight LLP

560 Mission Street, Suite 1900 | San Francisco, California 94105

Phone 415.743.6990 | Fax 415.743.6910

genna.yarkin@hklaw.com | www.hklaw.com

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11/10/2023

City Council of the City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

RE: Stakeholder Comments on Item 9 – Public Hearing to Adopt Amendments to the Palo Alto Comprehensive Plan and Zoning Code to Implement Programs 1.1A and 1.1B of the Housing Element

Dear Councilmembers,

On November 13th, the Council will be considering important updates to the Zoning Code that implement Programs 1.1A and 1.1B of the City's Housing Element, which the Council adopted on May 8th, 2023. Acclaim Companies submitted an SB 330 preliminary application in January and a formal application in June of this year, for 380 multifamily residential units at 3128 and 3150-3160 El Camino Real (the "Project"). We have since received one round of City comments and responded in October. Our Project includes affordable housing and qualifies for certain important tools in the State Density Bonus Law the ("SDBL").

The entire project site is included in the Housing Element Site Inventory, in the area that the Zoning Code updates related to Program 1.1A, would designate the "El Camino Real Focus Area." We understand that the City has worked hard to prepare Zoning Code amendments that would accommodate our Project proposal, and that may allow us to achieve the same Project without use of the SDBL. This is consistent with the text of Housing Element Program 1.1A which includes a statement that the City will, "for the housing opportunity site located at 3128 El Camino Real (McDonald's), as an alternative to the State Density Bonus law, amend zoning regulations to allow at least 144 housing units with a maximum height of 50 feet nearest El Camino Real and transitioning taller away from the street to minimize a wall effect; allow a minimum of 315 housing units if combined with an adjacent property."

Because we have a vested right to proceed with the Project as proposed pursuant to SB 330, it is not necessary for us to proceed under the City's proposed alternative to the SDBL. But we do have a desire to work with the City to achieve a mutually desirable Project and process, to the greatest extent feasible. However as currently drafted, the Zoning Code amendments that pose an alternative to the SDBL in the El Camino Real Focus Area, *would make our Project infeasible*. Each of the below requirements, if not modified, would reduce the Project's square footage and therefore either require the Project to reduce its total number of units or change its unit mix, skewing more heavily toward smaller units. Both the overall unit count and the unit mix are important features of the Project's feasibility.

Accordingly, we are unable to consider abandoning our vested right to proceed under the SDBL, unless further updates are made to the amendments before they are adopted. These proposed changes (and the reasons for them) are as follows:

- 1. Increase the Height Allowed for the Upper Story Step Back Along the El Camino Real Frontage**

In the draft of Chapter 18.14.020, Table 3 currently requires that along the El Camino Real frontage, the maximum height is 55 feet for upper stories within 20 feet of the El Camino Real property line. We request that one of the following changes be made:

- Increase the setback height to 59 feet; or
- Clarify that the 55-foot measurement does not include a parapet

The reason for this change is that the 55-foot height, if measured to include all building features including the needed parapet, would not allow us to maintain 10-foot plate heights for each floor when taking the project site's slope into account.

2. Make Upper Story Step Back Depth Along the El Camino Real Frontage Consistent With the Objective Design Standards

In the draft of Chapter 18.14.020, Table 3 currently requires that along the El Camino Real frontage, the maximum height is 55 feet for upper stories within 20 feet of the El Camino Real property line. We request that with regard to depth, the step back "shall be a minimum depth of six feet along the El Camino Real frontage, and the step shall occur for a minimum of 70% of the façade length." This is consistent with the existing requirement in the City's Objective Design Standards, Section 18.24.050(b)(1)(A).

A deeper step back requirement would conflict with the City's Fire Truck Aerial Access requirements. Fire trucks must be able to access the Project from within 30 feet of the curb.

3. Decrease the Objective Design Standards' Residential Landscape Requirement in the Setback Area

Zoning Code Section 18.24.040(b)(5), which is not currently modified by the Zoning Code Amendments, requires that for projects with ground-floor residential use, that 60% of required setback areas be landscaped. In order to comply with this requirement, the Project would need to remove a portion of the building, reducing its unit count. Compliance with the requirement would also create an unusual street frontage for an urban environment fronting El Camino Real. The requirement also does not allow for any public gathering spaces or adequate space for entry paths to the Project building.

We hereby request that the requirement be modified in Chapter 18.14.020, Table 3, to allow 10% landscape coverage in the setback area (which is what is allowed for retail and retail-like use).

We appreciate your consideration of these important changes, and we look forward to bringing much-needed housing to Palo Alto.

Sincerely,



Mark Johnson

#232617547_v2

From: [Palo Alto Forward](#)
To: [Council, City](#)
Subject: Comment Ltr, Agenda Item #9
Date: Friday, November 10, 2023 9:51:38 AM
Attachments: [CC Zoning Cmnt Ltr \(Agenda Item 9\).pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Honorable Mayor and City Council,

At Palo Alto Forward, our aim is to bring people and organizations together to build the foundation of support you need to ensure more housing is constructed in our city. Please see our attached letter that includes our partners in housing, the environment, and commitment to equity:

- Mothers Out Front
- 350SV Palo Alto Climate Action
- Palo Alto Student Climate Coalition
- SV@Home
- Action Council of the Unitarian Universalist Church of Palo Alto

Thank you,

--

Amie Ashton
Executive Director, Palo Alto Forward
650-793-1585



November 10, 2023

SUBJECT: Agenda Item #9 - Housing Element Programs Implementation

Mayor Kou and Honorable City Council Members,

We applaud the work of the Planning Department in keeping the Housing Element moving forward. We also extend our congratulations to the Housing Element Working Group and the City Council for taking additional actions related to zoning changes on a portion of El Camino Real (described below) that will facilitate economically viable housing development.

The innovative zoning regulations being explored for El Camino Real between Page Mill Road and Matadero Avenue are a step toward a compliant Housing Element and ultimately actual construction of much-needed housing. The higher floor area ratio (FAR), height, and density allowed, as well as reduced parking mandates, are what is needed to make housing economically feasible in our city.

These changes are - very simply - not enough. This sentiment is shared by the coalition of citizens and organizations who are signatories to this letter for the reasons outlined below.

For the Environment: If we do not build housing near our existing jobs, we put further pressure on the far suburbs, agricultural land, and natural habitats. Our decisions locally drive sprawling developments in distant suburbs on a regional level. Constructing housing here in our city near jobs, shopping, services and transit also shows our commitment to the environment and climate and demonstrates our compliance with the goals in the city's Sustainability/Climate Action Plan.

For our Schools: Declining enrollment is a continued threat to our outstanding local schools. These schools underpin our sense of community and neighborhood identity. We need planned housing growth near schools in coordination with the school district officials to keep our education system strong and children thriving, and prevent neighborhood school closures/program reductions caused by insufficient enrollment.

For our Businesses: Local businesses experience difficulties in hiring and retaining employees, higher worker costs, more traffic congestion, more air pollution, less time with family, and less time participating in community recreational activities and events. Additional

housing construction would provide high-quality jobs to local skilled workers, which drives our local economy. In addition, more housing would provide more customers for our local businesses hard hit by the customer decline from work from home.

For our Commitment to Principles of Equity: We have much work to do to address Department of Housing and Community Development (HCD) concerns raised regarding Affirmatively Furthering Fair Housing. For example, we need to spread the units more evenly across the city. Decreasing reliance on the City's discretionary Housing Incentive Program (HIP), and fixing constraints and processing timeline issues can result in lower development costs and decreased rents for rent-burdened households (which tend to be BIPOC households).

We understand that the agenda before you tonight relates to very specific area rezonings.

However, we urge you to include in your motion direction to Planning Department staff to expand the reach and scope of the El Camino upzoning to other areas, specifically to parcels near transit and job centers. This direction could be included in the third draft of the Housing Element, which would show HCD we are serious about compliance.

Recent public comments on the Housing Element have been overwhelmingly supportive of increased development standards. We can and should be a leader in creating innovative housing solutions, beautiful environments, community spaces, and exciting architecture. We fully support your efforts to achieve great things for our city.

Linda Hutchins-Knowles
Co-Founder & Team Coordinator



Palo Alto
Student Climate Coalition



Regina Celestin Williams
Executive Director



Amie Ashton, Executive Director
on Behalf of the Board of Directors

Action Council of the Unitarian
Universalist Church of Palo Alto



From: slevy@ccsce.com
To: [Council, City](#)
Cc: [Lait, Jonathan](#); [Shikada, Ed](#); [Nose, Kiely](#); [Guagliardo, Steven](#)
Subject: Nov 13 item 9
Date: Wednesday, November 8, 2023 4:55:11 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mayor Kou and council members,

I want to thank the staff and support the proposed zoning and development standards revisions for the ECR focus area and Stanford properties.

Here are my takeaways from that effort:

- 1) Direct engagement with property owners and their team produced a substantial upward change in density and FAR and other changes that can hopefully produce economically feasible housing projects that also include a 20% BMR commitment.
- 2) There is a strong inference that similar efforts DTN, around Cal Ave and in the GM/ROLM areas will produce similar results that can strongly increase our ability to meet our housing goals. The ECR effort is a great start and calls for replication.

I applaud the council for their decisive action Monday to maintain Cal Ave and Ramona areas car free, based in part from their recognition that a loss of customers from work from home and online shopping are the major forces restricting retail growth in DTN and Cal Ave.

Here are my takeaways from that positive discussion:

- 1) More housing DTN and near Cal Ave will add customers and customers with minimal need for cars to access these shopping and dining areas.
- 2) Though it has not been a past council preference, limited office growth (if there are proposals) can offset some of the loss of customers from WFH.
- 3) More housing in these areas (I live DTN) will more evenly distribute new housing between north and south PA and in areas close to shopping, services, jobs and transit.

I hope the council will acknowledge and pursue the strong connections between housing, retail and making it easier to access areas without using a car.

Not related to the housing discussion, i do support better signage and the other improvements discussed for making the streets attractive but also call attention to the Cal Ave study findings that zoning and permitting complexity were identified by owners as barriers to new development.

Stephen Levy

From: [Kristi Bascom](#)
To: [Kou, Lydia](#); [Stone, Greer](#); [Burt, Patrick](#); [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Tanaka, Greg](#); [Vicki.Veemker@cityofpaloalto.org](#); [Clerk, City](#)
Cc: [Sharlene Carlson](#); [a_m_mason@yahoo.com](#); [Julie Baskind](#); [Laura D. Beaton](#)
Subject: Request for action on 11/13/2023 City Council Meeting Agenda Item 9
Date: Tuesday, November 7, 2023 12:56:44 PM
Attachments: [image001.png](#)
[PAR letter to PACC re Agenda Item 9 for 11.13.2023.pdf](#)

You don't often get email from kbascom@smwlaw.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Honorable Mayor and Councilmembers,

Please accept the attached request for Council action on Item #9 on the 11/13/2023 City Council agenda (Ordinance Implementing Program 1.1A and 1.1B of the Housing Element, Including: 1) New Chapter 18.14: Housing Incentives, and 2) Modifications to Base Zoning Districts Throughout Title 18).

We represent the Palo Alto Redwoods Homeowner's Association (PAR), a community of 117 market rate and affordable condominiums located at 4250 El Camino Real. For some time, PAR has been exploring ways to ensure that their wholly-residential community receives protection from the impacts of neighboring commercial uses such as late night noise, impacts to privacy, and protection of the daylight plane. To achieve this goal for PAR, and to also benefit other existing and future residential communities in the City facing similar issues, we have identified a few minor zoning text amendments. The details are explained in the attached letter, but in short, PAR is requesting Council's support to supplement the zoning text amendments proposed by Staff in Agenda Item #9 with the additional language we're proposing. We believe our amendments can be added to the Ordinance that the Council is considering for adoption which is already amending relevant sections of Title 18.

We believe these additional amendments can help demonstrate Palo Alto's commitment to supporting residential neighborhoods. Thank you in advance for your consideration.

Sincerely,
Kristi Bascom



Kristi Bascom
Urban Planner
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KRISTI T. BASCOM, AICP
Urban Planner
kbascom@smwlaw.com

November 7, 2023

Via Electronic Mail Only

Honorable Mayor Lydia Kou and Members of the City Council
City of Palo Alto

E-Mail: Lydia.Kou@cityofpaloalto.org, Greer.Stone@cityofpaloalto.org,
Pat.Burt@cityofpaloalto.org, Ed.Lauing@cityofpaloalto.org,
Julie.LythcottHaims@cityofpaloalto.org, Greg.Tanaka@cityofpaloalto.org,
Vicki.Veemker@cityofpaloalto.org, City.Clerk@cityofpaloalto.org,

Re: 11/13/2023 City Council Meeting Agenda Item 9: Ordinance
Implementing Program 1.1A and 1.1B of the Housing Element, Including:
1) New Chapter 18.14: Housing Incentives, and 2) Modifications to Base
Zoning Districts Throughout Title 18

Dear Honorable Mayor and Members of the Palo Alto City Council:

I am writing on behalf of the Palo Alto Redwoods Homeowners Association (“PAR”) to propose a few minor but important revisions to the Title 18 Zoning Ordinance Amendment you are considering at the Council meeting on November 13, 2023. These revisions will help ensure that higher density housing constructed on properties zoned for commercial uses will be treated like the residential uses they are. These proposed revisions will apply to new housing development as well as existing residential properties that have been built in commercial zones. The revisions will demonstrate Palo Alto’s commitment to ensuring that new neighborhoods – often created in non-traditional areas – are buffered from impacts created by commercial neighbors such as noise, reduction in access to daylight, and impacts to privacy.

The specific zoning ordinance revisions proposed by PAR are shown in redline in Attachments 1 and 2 to this letter. Generally speaking, the text revisions extend protections that currently apply to “residentially zoned property” and apply them to “exclusively residential uses” as well. This means that whether a property is zoned residential, commercial, or mixed use, if the property is developed with a wholly residential use, it will be provided the same protection from inadvertent impacts. The proposed amendments are to PAMC Section 18.16.040(b), which protects residential uses from the impacts of late night activities, and to PAMC Section 18.16.060, which includes development standards for mixed-use and non-residential uses including requirements for setbacks, building height, and daylight plane.

The proposed changes would not only provide these basic protections to the Palo Alto Redwoods community, but it would also apply other existing residential communities. Likewise, it would apply to the thousands of future residential units that the City is incentivizing through implementation of the Housing Element, many of which are likely to be sited on commercially-zoned land. Simply put, it is most fair and efficient to treat all exclusively residential properties similarly. Further, *not* adopting the changes could easily result in an increased burden on the City when future residents on commercially-zoned properties appeal or otherwise contest adjacent commercial development to try to get the same protections that residentially-zoned properties enjoy.

In light of the City's current efforts to update its zoning code, PAR believes this is an ideal opportunity for the City to consider these minor changes. We submitted a letter to the Planning and Transportation Commission when they reviewed the Ordinance Amending the Palo Alto Municipal Code Title 18 (Zoning) to Implement Housing Element Programs 1.1A and 1.1B at their meeting on October 11, 2023 and asked for their consideration, but they were not able to act on the request (see Attachment 3). The City Council, however, can choose to do so. PAMC Section 18.80.100 (Action by City Council) states: "After consideration of the recommendation of the planning commission, and the completion of a public hearing, if any, the council may approve, modify, or disapprove the proposed change of district boundaries or change of any other provisions of this title. Should the council determine that a change of district boundaries or change of any other provisions of this title shall be appropriate, such change shall be accomplished by ordinance." Therefore, PAR respectfully requests that the City Council incorporates these additional zoning text amendments into the Title 18 ordinance being considered in Item 9 at the November 13, 2023 public hearing.

We believe that PAR's proposed amendments are covered under the public noticing completed for Item 9, as it broadly described the project as an "Ordinance Implementing Program 1.1A and 1.1B of the Housing Element, Including: 1) New Chapter 18.14: Housing Incentives, and 2) Modifications to Base Zoning Districts Throughout Title 18." The amendments proposed by PAR fit within this description. Furthermore, PAR's proposed text amendments will not result in an increase in housing production or other impacts beyond the text amendments already identified by City Staff. We believe that the CEQA documentation identified in the staff report that covers the proposed Amendments to Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) will cover these additional text amendments as well and no additional CEQA documentation should be required.

We believe that these requested amendments are aligned with the Housing Element efforts the City is currently implementing and are not incongruous with the zoning ordinance amendments the City Council is considering in Item 9. If PAR had to apply for this zoning text

amendment in a separate process, the cost would be at least \$30,000¹, and would involve additional City Staff time and effort to process the application. Because these amendments will benefit all exclusively residential uses that have been, or will be, developed on commercially-zoned land and are adjacent to commercial properties, it seems reasonable to think that the City Council would prefer to incorporate these minor changes now.

If the City Council decides to not incorporate the proposed revisions at this time, PAR requests that the Council direct staff to study and initiate amendments to Sections 18.16.040(b) and 18.16.060 to incorporate the changes shown in Attachments 1 and 2. PAMC Sections 18.80.080 (a) and (b) allows the Council to make a motion to initiate changes to the provisions of Title 18 of their own accord.

On behalf of PAR, we truly appreciate the City Council's consideration of this request to incorporate the text amendments shown in Attachments 1 and 2 into the Title 18 Zoning Ordinance Amendment being considered at the November 13, 2023 public hearing. Please do not hesitate to contact me if you have any questions regarding this request or if we can provide any further information that will help with the City Council's decision. We look forward to the Council's discussion and deliberations at the meeting on the 13th.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Kristi T. Bascom, AICP
Urban Planner

Attachments:

- 1: Proposed revisions to PAMC Section 18.16.040(b)
- 2: Proposed revisions to PAMC Section 18.16.060
- 3: Letter submitted by PAR to the Planning and Transportation Commission dated October 10, 2023

1710592.2

¹ According to the City's Fee Schedule: \$4,484.53 deposit for the prescreening, \$1,345.00 public noticing fee, \$9,144.54 deposit for Zone Change (Regular and Text Amendments), and \$14,957.00 for the legal review of legislative/zone change. The schedule also notes that "all fees will be recovered", so those that are a deposit are likely to increase with no cap to the potential costs incurred by the Applicant.

18.16.040 Land Uses

(b) Late Night Use and Activities

The following regulations restrict businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m., where such site abuts or is located within 50 feet of residentially zoned properties [or properties with exclusively residential uses](#).

- (1) Such businesses shall be operated in a manner to protect residential properties from excessive noise, odors, lighting or other nuisances from any sources during those hours.
- (2) For properties located in the CN or CS zone districts, businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m. shall be required to obtain a conditional use permit. The director may apply conditions of approval as are deemed necessary to assure that the operations or activities are compatible with the nearby residentially zoned property [or property developed with exclusively residential uses](#).

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
Minimum Site Specifications	None required				
Site Area (ft ²)					
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					
Front Yard (ft)	0 - 10' to create an 8' - 12' effective sidewalk width (1), (2), (8)	None Required (8)	0 - 10' to create an 8' - 12' effective sidewalk width (1), (2), (8)	0 - 10' to create an 8' - 12' effective sidewalk width (1), (2), (8)	Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code
Rear Yard (ft)	None required				
Interior Side Yard (ft)					
Street Side Yard (ft)	20' (2)	None required			
Minimum Yard (ft) for lot lines abutting or opposite residential districts or residential PC districts or properties developed with exclusively residential uses	10' (2)	10' (2)	10' (2)	10' (2)	

	CN	CC	CC(2)	CS	Subject to regulations in Section
Build-To-Lines	50% of frontage built to setback (7) 33% of side street built to setback (7)				
Minimum setbacks from alleys for structures other than public parking garages (ft) (3)					
Corner lots, from rear lot line on the alley	Not applicable		8'	Not applicable	
Corner lots, from side lot line on the alley			None		
All lots other than corner lots			20'		
Maximum Site Coverage	50%	None required			
Maximum Height (ft)					18.08.030
Standard	25' and 2 stories	50'	37' (4)	50'	
Portions of a site within 150 ft. of an abutting residential district (other than a PC zone) or within 150 ft. of an abutting property developed with exclusively residential uses. (9)		35'	35'	35'	
Maximum Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	18.18.060(e)
Maximum Floor Area Ratio (FAR) for Hotels	N/A	- (5)	2.0:1	2.0:1	18.18.060(d)
Daylight Plane for lot lines abutting one or more residential zone districts other than an RM-40 or PC zone or for lot lines abutting a property developed with					

	CN	CC	CC(2)	CS	Subject to regulations in Section
<u>exclusively residential uses.</u>					
Initial Height at side or rear lot line (ft)	- (6)	- (6)	- (6)	- (6)	
Slope	- (6)	- (6)	- (6)	- (6)	

- (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.
- (2) Any minimum front, street side, or interior yard shall be planted and maintained as a landscaped screen excluding areas required for access to the site. A solid wall or fence between 5 and 8 feet in height shall be constructed along any common interior lot line.
- (3) No setback from an alley is required for a public parking garage.
- (4) As measured to the peak of the roof or the top of a parapet; penthouses and equipment enclosures may exceed this height limit by a maximum of five feet, but shall be limited to an area equal to no more than ten percent of the site area and shall not intrude into the daylight plane.
- (5) See additional regulations in subsection (e) of this Section 18.16.050.
- (6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.
- (7) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.
- (8) A 12-foot sidewalk width is required along El Camino Real frontage.
- (9) 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.

(b) Mixed Use and Residential

Table 4 specifies the development standards for new residential mixed use developments and residential developments. These developments shall be designed and constructed in compliance with the following requirements and the objective design standards in Chapter 18.24. Non-Housing Development Projects and Housing Development Projects that elect to deviate from one or more objective standards in Chapter 18.24 shall meet the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and 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:
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 or a property developed with exclusively residential uses (ft)	10'				
Interior Side Yard if abutting residential zone district or a property developed with exclusively residential uses (ft)	10'				
Street Side Yard (ft)	5'				
Built-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%	
Minimum Landscape/Open Space Coverage	35%	30%	20%	30%	

	CN	CC	CC(2)	CS	Subject to regulations in:
Usable Open Space (Private and/or Common)	150 sq ft per unit (2)				18.16.090
Maximum Height (ft)					
Standard	35' (4)	50'	37'	50'	
Portions of a site within 150 ft. of an abutting residential district (other than an RM-40 or PC zone) or within 150 ft of an abutting property developed with exclusively residential uses.	35'	35'	35'	35'	18.08.030
Daylight Plane for lot lines abutting one or more residential zoning districts or abutting a property developed with exclusively residential uses.	Daylight plane height and slope shall be identical to those of the most restrictive residential zoning district abutting the lot line. If no residential zoning district abuts the lot line, the daylight plane and slope shall be identical to that of any exclusively residential use abutting the lot line.				
Residential Density (net)(3)	15 or 20 (9)	See sub-section (e) below	No maximum	30	18.16.060(i)
Sites on El Camino Real	No maximum			No maximum	
Sites on San Antonia Rd between Middlefield Rd and E. Charleston Rd.	15 or 20 (9)		No maximum		
Maximum Residential Floor Area Ratio (FAR)	0.5:1(4)		0.6:1	0.6:1	18.16.065
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	18.16.065
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) 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.
- (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 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.

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KRISTI T. BASCOM
Urban Planner
kbascom@smwlaw.com

October 10, 2023

Via Electronic Mail Only

Jonathan Lait, Planning Director
City of Palo Alto
E-Mail: jonathan.lait@cityofpaloalto.org

City of Palo Alto Planning & Transportation Commission
E-Mail: Planning.Commission@CityofPaloAlto.org

Re: Proposed Changes to the Palo Alto Zoning Code to Incorporate
Residential Protections for the Palo Alto Redwoods Community

Dear Mr. Lait and Planning and Transportation Commissioners:

I am writing on behalf of the Palo Alto Redwoods Homeowners Association (“PAR”) to suggest a few minor but important updates to the City’s zoning code. The 117-unit Palo Alto Redwoods condominium complex located at 4250 El Camino Real, includes a diverse group of residents, with both market-rate and deed-restricted below-market-rate homes.

As you may be aware, the land where Palo Alto Redwoods is located is currently zoned as commercial. The land surrounding Palo Alto Redwoods is also zoned as commercial. Consequently, Palo Alto Redwoods – despite being a property with only residential uses – does not enjoy some of the protections that other residentially zoned properties in Palo Alto receive with respect to buffering of incompatible land uses.

PAR has explored rezoning the land where Palo Alto Redwoods is located to a high-density residential district, which would allow the community to benefit from the zoning code’s buffering protections. But City staff informed PAR in February of this year that the rezoning process could potentially cost thousands of dollars with no guarantee of success.

In light of the City’s current efforts to review its zoning code, however, PAR believes there is an opportunity for the City to consider some minor changes that could

benefit Palo Alto Redwoods and similarly situated communities. These changes would afford our residents many of the protections that the City's other residentially zoned properties currently enjoy.

I have reviewed the City's zoning code and identified two sections of the Municipal Code that could be revised to achieve PAR's goals with minimal changes. These sections currently set standards for hours of operation, minimum setbacks, building height, and daylight plane for commercially zoned properties located close to residentially zoned land. By changing the references in these code sections from "residential zoning" to "residential uses," the zoning code would provide Palo Alto Redwoods residents similar protections as other residential zones, even though Palo Alto Redwoods is located on commercially zoned land.

This proposed change would not only provide basic protections to the Palo Alto Redwoods community. It would likewise benefit other existing and the 6,000 to 20,000 future residential properties that the City will be approving through implementation of the housing element, which are likely to be sited on commercially-zoned land. By including PAR's proposed change in the City's upcoming zoning changes, it would support residential uses in commercial zones by ensuring that such residential developments enjoy the same protections as residential uses on residentially zoned land. Further, *not* adopting the changes could easily result in an increased burden on the City when future residents on commercially zoned properties appeal or otherwise contest adjacent commercial development to try to get the same protections that residentially zoned properties enjoy. Simply put, it is most fair and efficient to treat all residential properties similarly.

I have attached redlined versions containing proposed changes to the two referenced code sections—section 18.16.040, governing hours of operation, and section 18.16.060, governing building setbacks, building height, and daylight plane. We appreciate the Planning Commission's consideration of these changes and hope the Commission will include these minor amendments with other the other zoning changes it is currently considering.

Please do not hesitate to contact me if you have any questions or if I can provide any further information.

Jonathan Lait
October 10, 2023
Page 3

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in blue ink that reads "Kristi Bascom". The signature is written in a cursive, flowing style.

Kristi T. Bascom, Urban Planner