

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Adopting Chapter 18.14
(Housing Incentives) and Amending Various Chapters of Title 18 (Zoning) of the
Palo Alto Municipal Code to Implement Programs 1.1A and 1.1B of the City of
Palo Alto 2023-2031 Housing Element

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

SECTION 1. Findings and Declarations.

- (a) On May 8, 2023, the City Council adopted the City of Palo Alto 2023-2031 Housing Element (“Housing Element”) pursuant to Government Code Section 65585.
- (b) Program 1.1A of the Housing Element provides for amendments to the zoning ordinance that are necessary to accommodate the City’s Regional Housing Needs Allocation (“RHNA”) on the inventory of housing opportunity sites provided in Appendix D to the Housing Element.
- (c) Program 1.1B of the Housing Element provides for additional amendments to the zoning ordinance for ROLM and GM zoned properties that exceed those required under Program 1.1A.
- (d) Government Code Sections 65583 and 65588 require that the City complete its rezoning of sites under Program 1.1A by January 31, 2024, which is one year from the statutory deadline for adoption of the Housing Element.
- (e) This ordinance implements Programs 1.1A and 1.1B of the Housing Element, resulting in an inventory of sites suitable and available for development that is sufficient to meet the City’s RHNA during the Housing Element planning period.

SECTION 2. Chapter 18.14 (Housing Incentives) of Title 18 (Zoning) of the Palo Alto Municipal Code is added to read as follows:

CHAPTER 18.14: HOUSING INCENTIVES

18.14.010 Purpose

This chapter implements the regional housing needs strategy (RHNA) of the City’s Comprehensive Plan Housing Element to rezone opportunity sites; facilitates housing production; affirmatively furthers fair housing; and provides incentives for housing development, especially below-market rate housing.

18.14.020 Housing Element Opportunity Sites

This subsection implements the rezoning required to meet the RHNA in the 2023-2031 Housing Element, pursuant to *Appendix D*. Regulations identified in Table 1 and Table 2 modify and replace development standards provided in base zoning district and applicable combining district regulations.

- a) Applicability: This subsection applies to Housing Development Projects, as defined in Government Code Section 65589.5, on Housing Element opportunity sites listed in Appendix D

and on sites within the GM/ROLM and El Camino Real Focus Areas depicted in Figure 1 and Figure 3.

- b) Permitted Uses: Refer to the base zoning district and applicable combining districts for allowed uses, except:
- (1) Exclusively residential uses are permitted on all Housing Element opportunity sites.
 - (2) Combining district use regulations shall not apply to exclusively residential projects on housing opportunity sites designated in Appendix D of the Housing Element to accommodate lower income households.
 - (3) Sites zoned to allow mixed use development and are identified in Appendix D of the Housing Element as suitable for lower income households, must be developed with a minimum of two-thirds residential floor area.
- c) Development Standards: Refer to base zoning district and applicable combining districts for development standards except:
- (1) Residential uses on R-1 zoned sites (faith-based institutions) shall be subject to the development standards for the RM-30 zoning district, pursuant to Chapter 18.13.040, except that Maximum FAR shall be 1.25 and minimum density shall be 20 units per acre.
 - (2) RM-20, RM-30, RM-40, CN, CS, CC, CC(2), CD-C, and CD-N zoned sites as modified by Table 1
 - (3) GM, ROLM, and RP zoned sites as modified by Table 2
 - (4) PF zoned sites shall meet the following development standards:
 - (A) Downtown sites: CD-C standards, pursuant to Table 1 below
 - (B) California Avenue sites: CC(2) standards, pursuant to Table 1 below
 - (5) Specific Stanford University-owned sites and El Camino Real Focus Area sites may, as an alternative to State Density Bonus Law, meet base district regulations as modified by Table 3. Housing Development Projects that utilize State Density Bonus Law shall be subject to base district standards or standards provided in Tables 1 and 2, as applicable. Additionally, El Camino Real Focus Area sites shall:
 - (A) Complete Major Architectural Review pursuant to Section 18.77.020
 - (B) Provide 20% of total units as on-site below-market rate housing affordable to households earning up to 80% of AMI. This requirement shall apply in place of the basic requirements set forth in Sections 16.65.030 and 16.65.040.
 - (6) Combining district design and development standards shall not apply to exclusively residential projects on housing opportunity sites designated in Appendix D of the Housing Element to accommodate lower income households.

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Table 1**Housing Element Opportunity Site Development Standards (Residential and Commercial Mixed Use Districts)**

Base Zoning District	Maximum FAR ⁽¹⁾		Minimum Landscape Coverage	Residential Density (du/ac) ⁽⁴⁾		Other Development Standards
	Residential	Total		Minimum	Maximum	
CC(2)	1.5	2.0	(3)	20	See base district regulations: 18.16.060	See base district regulations: 18.16.060
CC	1.25	1.25	(3)	20		
CS (El Camino Real)	1.25	1.25	(3)	20		
CS (Other)	1.25	1.25	(3)	20	See HE Appendix D	
CN (El Camino Real)	1.25	1.25	30% (3)	20	See base district regulations: 18.16.060	
CN (Other)	1.25	1.25	30% (3)	20	See HE Appendix D	
CD-C	2.0	2.0 ⁽²⁾	(3)	20	See base district regulations: 18.18.060	See base district regulations: 18.18.060
CD-N	1.5	1.5	(3)	20	See HE Appendix D	
RP	1.25	1.25	(3)	25	None; 40 du/ac anticipated	See base district regulations: 18.20.040
RM-40	1.5	1.5	(3)	31	See HE Appendix D	See base district regulations: 18.13.040
RM-30	1.25	1.25	(3)	20		
RM-20	1.25	1.25	See 18.13.040	20		

- (1) Nothing in this table increases the non-residential floor area permitted in any district.
- (2) FAR may be increased with transfer of development rights; see Chapter 18.18 for details.
- (3) Landscape coverage may be provided above the ground-floor. If standard is not specified, refer to base district regulations.
- (4) Where no maximum density is provided in terms of du/ac, maximum density shall be determined by estimating the realistic development capacity of the site based on the objective development standards applicable to the project. Where noted, refer to Housing Element Appendix D: Sites Inventory for specified densities.

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Table 2**GM/ROLM Focus Area Development Standards for Housing Development Projects Only**

Base Zoning District	Maximum FAR		Minimum Landscape Coverage	Maximum Lot Coverage	Residential Density (du/ac)(2)		Maximum Height	Minimum Residential Parking Ratios	Other Development Standards
	Residential	Total (3)			Minimum	Maximum			
GM (Focus Area, Figure 1)	2.5	2.5	20% (1)	70%	40	None; 90 du/ac anticipated	60	1 space per studio/1-bed; 1.5 spaces per 2-bed+	See base district regulations: 18.20.040
GM (Other Opportunity Sites)	1.5	1.5	30% (1)	70%	25	None; See HE Appendix D for anticipated densities	See 18.20.040	No change	
ROLM (Focus Area, Figure 1)	2.5	2.5	20% (1)	70%	40	None; 90 du/ac anticipated	60	1 space per studio/1-bed; 1.5 spaces per 2-bed+	
ROLM (Other Opportunity Sites)	1.5	1.5	(1)	70%	25	None; 50 du/ac anticipated	45	No change	

- (1) Landscape coverage may be provided above the ground-floor. If standard is not specified, refer to base district regulations.
- (2) These sites do not provide a maximum density in terms of du/ac; however, anticipated densities have been determined by estimating the realistic development capacity of the site based on the objective development standards applicable to the project. Where referenced, the densities specified in Housing Element Appendix D: Sites Inventory represent anticipated densities based on realistic development capacities.
- (3) Nothing in this table increases the non-residential floor area permitted in any district.

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Figure 1: GM/ROLM Housing Element Focus Area

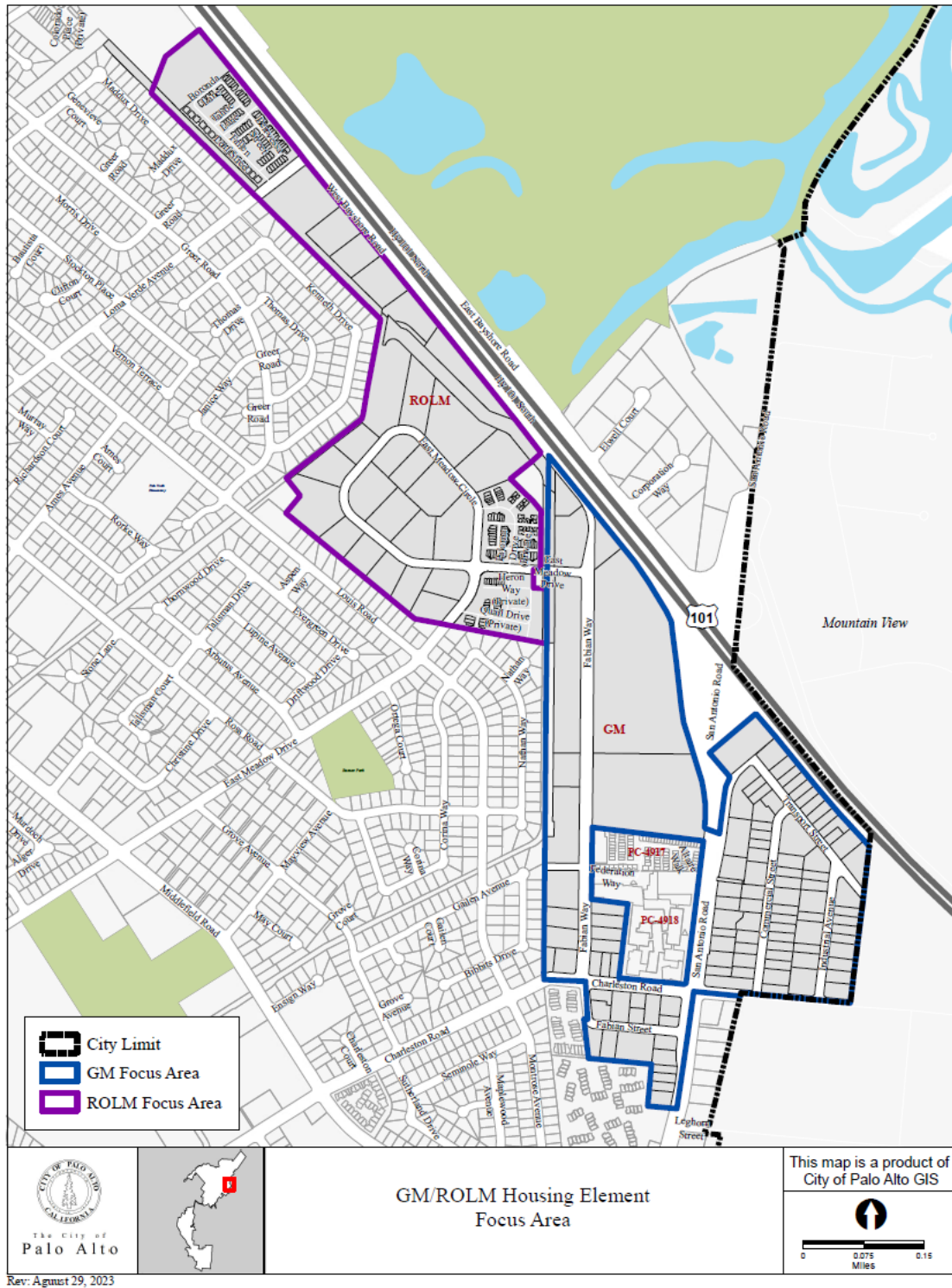


Table 3**Site-Specific Development Standards (Stanford-Owned Sites & El Camino Real Focus Area)**

Location	Pasteur Dr. & 1100 Welch Rd. ⁽¹⁾⁽³⁾ (Figure 2)	El Camino Real Focus Area ⁽¹⁾ (Figure 3)
Minimum Front Setback	15 feet	See base district regulations
Minimum Setback	See base district regulations: 18.13.040	See base district regulations, except: For sites with a property line abutting a low density residential (RE, R2, or RMD) or R1 single family residential district: 20 feet
Maximum FAR	3.5 (Total)	4.0 (Total)
Maximum Site/Landscape Coverage	(2)	(2)
Maximum Lot Coverage	60%	70%
Maximum Density (du/ac)	None	None
Maximum Height ⁽⁶⁾	85	85
Daylight Plane	Sand Hill Rd. frontage only: initial height 60 feet above grade at the Sand Hill Rd. setback line and a 45-degree angle	See base district regulations for standards for daylight planes
Height Transitions	n/a	Within 100 ft of low density residential (RE, R2, or RMD) or R1 single family zone district property line: 35 ft. Between 100 and 150 ft of low density or R1 zone district property line: 45 ft.
Upper Story Step Back	None	El Camino Real frontage above 55 feet in height: minimum 6 foot step-back from lower façade, for a minimum 70% of the façade length; and average setback from the property line for the entire façade shall be 20 feet ⁽⁷⁾ See Figure 4.
Open Space	100 sq. ft/unit (any combination of common and/or private)	100 sq. ft/unit (any combination of common and/or private)
Minimum Residential Parking (5)	0.5 spaces/unit	1 space/unit (Per AB2097: 0 space/unit within ½ mile of Caltrain)
Other Development Standards	See base district regulations: 18.13.040	See base district regulations

Design Criteria/Standards	Compliance with Objective Design Standards pursuant to Chapter 18.24 ⁽⁴⁾	Architectural Review and compliance with either Objective Design Standards pursuant to Chapter 18.24 or Context-Based Design Criteria pursuant to base district regulations. ⁽⁴⁾
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- (1) Site locations as defined in the 2023-2031 Housing Element
- (2) Permitted above the ground-floor. If standard is not specified, refer to base district regulations.
- (3) Housing may be developed in phases and individual phases may not meet all standards. However, upon completion the project as a whole must conform to these standards. Individual parcels shall be deed restricted to address standards that are met in aggregate, but not on a parcel-by-parcel basis. In addition, for each phase, the applicant shall demonstrate, to the satisfaction of the Director, that the overall site is capable of meeting all standards upon completion of the project as a whole.
- (4) Except, the following objective design standards shall be modified to meet the realistic capacity identified in the Housing Element:
 - (a.) 18.24.050(b)(5): Diversity of Housing Types shall not apply.
 - (b.) 18.24.060(b)(7): Parking/Loading/Utilities, shall be replaced with the following standard:
Above grade structured parking levels facing a public right-of-way or publicly accessible open space/path with the exception of vehicular alleys, shall compose no more than 50% of any public frontage. Garage façades fronting on public right-of-way shall be screened with decorative architectural screening (e.g. perforated metal panels, murals), lined with habitable uses, or screened with landscaping (e.g., green wall, climbing vines).
- (5) Projects providing fewer than 50% of the parking spaces that would be required under Section 18.52.040 shall develop and implement a transportation demand management plan containing, at a minimum: free transit passes for residents; and provision of outlets appropriately spaced for e-bike charging at 20% of bicycle parking spaces.
- (6) Railings and parapets shall be excluded from height calculations in this Table 3 only to the extent they are required for health and safety standards in Titles 15 and 16 of this code.
- (7) Average setback from the property line may be calculated by taking the area between the property line and the upper façade. This area, in square feet, shall be greater than or equal to the façade length multiplied by 20. Example: 200-foot façade length x 20-foot average setback = minimum 4,000 sq. ft. area of setback per floor. For purposes of this calculation, portions of the upper façade with a setback greater than 40 feet shall be treated as if the façade is located at 40 feet from the property line. For purposes of this calculation, roof projections and eaves up to four feet in depth shall be excluded.

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Figure 2: Pasteur Drive Focus Area

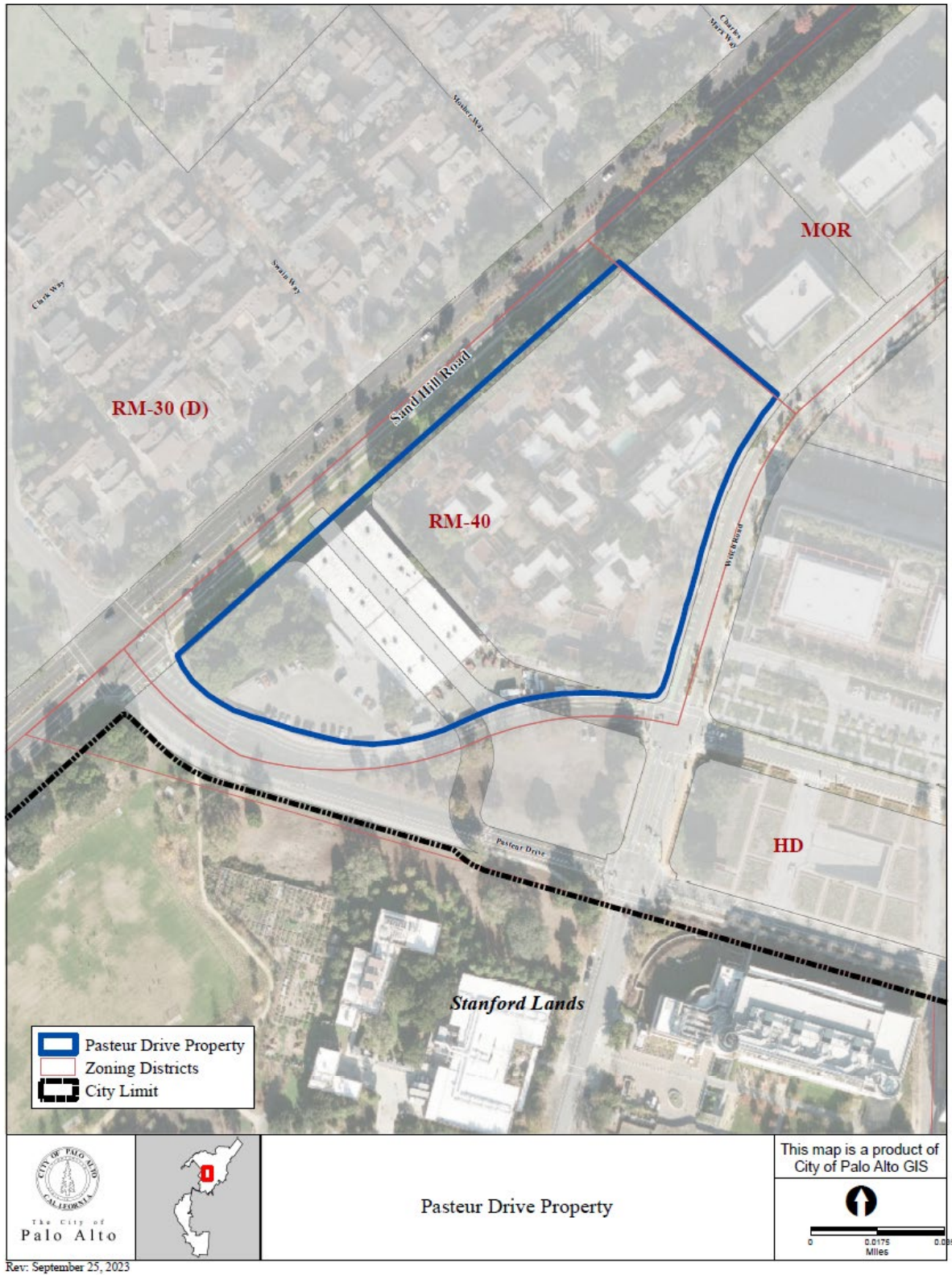


Figure 3: El Camino Real Focus Area



Figure 4: Upper Story Step Back (El Camino Real Focus Area)

Figure 4: Upper Story Step Back (El Camino Real Focus Area)

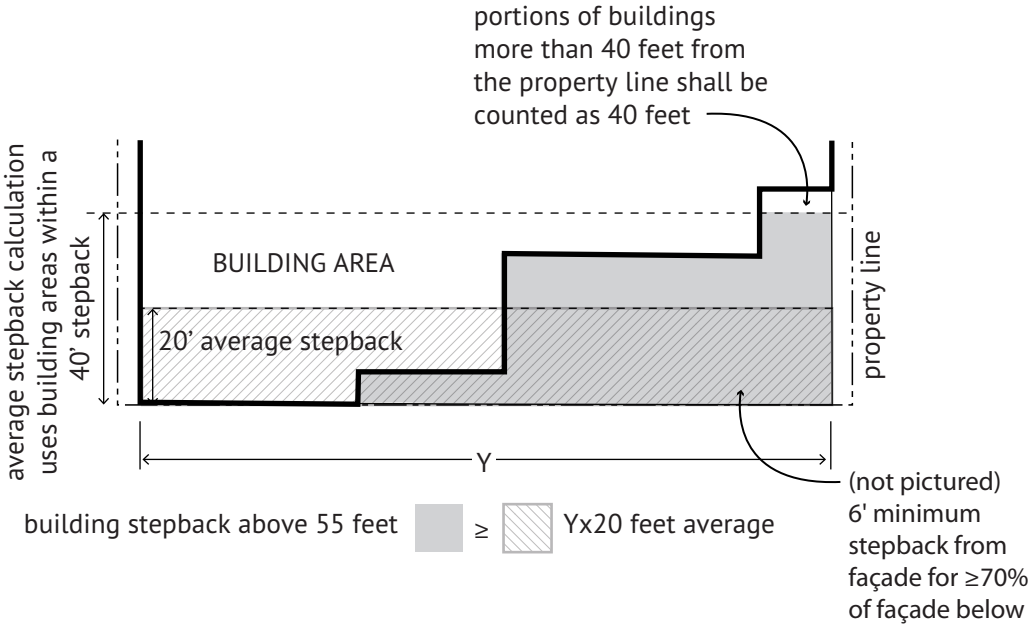
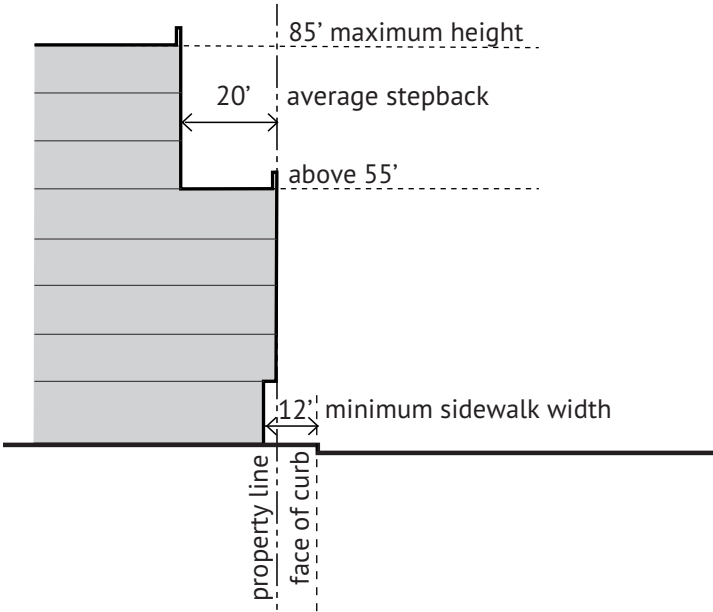


Figure 4b



18.14.030 Housing Incentive Program (Reserved)

18.14.040 Affordable Housing Incentive Program (Reserved)

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SECTION 3. Section 18.12.030 (Land Uses) of Chapter 18.12 (R-1 Single-Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows (**CHANGES SHOWN IN UNDERLINE STRIKEOUT**):

18.12.030 Land Uses

The permitted and conditionally permitted uses for the single family residential districts are shown in Table 1:

Table 1
PERMITTED AND CONDITIONAL R-1 RESIDENTIAL USES

	R-1 and all R-1 Subdistricts	Subject to Regulations in:
[. . .]		
RESIDENTIAL USES		
Single-Family	P	
Two-Family use, under one ownership	P	18.42.180
Mobile Homes	P	18.42.180
<u>Multiple-Family</u>	<u>P(2)</u>	<u>18.14.020</u>
Residential Care Homes	P	
[. . .]		

- (1) An Accessory Dwelling Unit or a Junior Accessory Dwelling Unit associated with a single-family residence on a lot is permitted, subject to the provisions of Chapter 18.09.
- (2) Housing Element opportunity sites (faith-based institutions) only.

SECTION 4. Section 18.12.040 (Development Standards) of Chapter 18.12 (R-1 Single-Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

18.12.040 Development Standards

- (a) Site Specifications, Building Size, Height and Bulk, and Residential Density

The development standards for the R-1 district and the R-1 subdistricts are shown in Table 2, except:

- (1) To the extent such standards may be modified by Section 18.42.180 for two-family uses pursuant to California Government Code Section 65852.21 (SB 9, 2021);
- (2) On Housing Element opportunity sites (faith-based institutions): development standards for Multiple-Family uses are identified in Section 18.14.020, which states that sites shall meet the development standards for the RM-30 zoning district, except that Maximum FAR shall be 1.25.

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SECTION 5. Chapter 18.13: MULTIPLE FAMILY RESIDENTIAL (RM-20, RM-30 AND RM-40) DISTRICTS

[. . .]

18.13.040 Development Standards**(a) Site Specifications, Building Size and Bulk, and Residential Density**

The site development regulations in Table 2 shall apply in the multiple-family residence districts, provided that more restrictive regulations may be recommended by the Architectural Review Board and approved by the Director of Planning and Development Services, pursuant to the regulations set forth in Chapter 18.76, and the objective design standards set forth in Chapter 18.24. Except that sites designated as Housing Element Opportunity Sites shall meet the development standards specified in Chapter 18.14.020.

Table 2
Multiple Family Residential Development Table

	RM-20	RM-30	RM-40	Subject to regulations in:
[. . .]				
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	
Residential Density (units)				
Maximum number of units per acre ⁽³⁾	20	30	40	18.13.040(g) <u>18.14.020</u>
Minimum number of units per acre ⁽⁸⁾	11	16	21	<u>18.14.020</u>
Minimum Site Open Space ⁽⁵⁾ (percent)	35	30	20	18.13.040(e) <u>18.14.020</u>
Minimum Usable Open Space (sf per unit) ⁽⁵⁾	150	150	150	
Minimum common open space (sf per unit)	75	75	75	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

[. . .]

SECTION 6. Chapter 18.20: OFFICE, RESEARCH, AND MANUFACTURING (MOR, ROLM, RP, AND GM)

[. . .]

18.20.030 Land Uses**(a) Permitted and Conditionally Permitted Land Uses**

Table 1 lists the land uses permitted or conditionally permitted in the industrial and manufacturing districts.

Table 1**Industrial/Manufacturing District Land Uses**

[P = Permitted Use CUP = Conditional Use Permit Required]

	MOR	ROLM ROLM(E)	RP RP(5)	GM	Subject to Regulations in Chapter:
[. . .]					
RESIDENTIAL USES					
Single-Family	Not permitted				18.20.040(b)
Two-Family	Not permitted				
Multiple-Family (Housing Element Opportunity Site)		<u>P</u>	<u>P</u>	<u>P</u>	<u>18.14.020</u>
Multiple-Family (Other Sites)	CUP	CUP(1)	CUP	<u>CUP(1)</u>	<u>18.14.020</u>
Residential Care Homes	P	CUP	CUP	CUP	18.23.100(B)
[. . .]					

(1) Adjacent to Bayshore Freeway and generally bounded by East Charleston Road and Loma Verde Avenue (see Figure 1), subject to CUP

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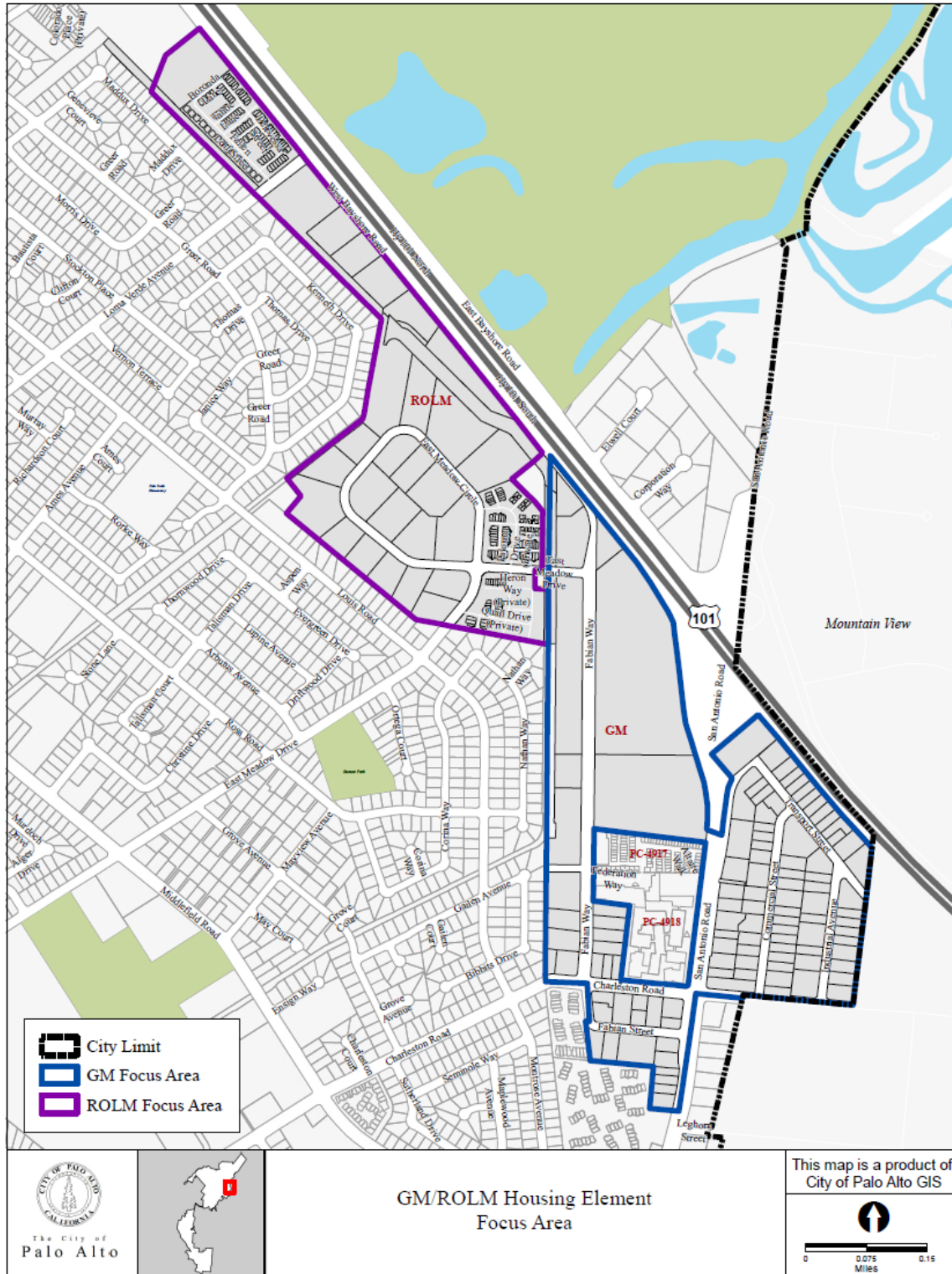
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Figure 1: GM/ROLM Housing Element Focus Area



Rev: August 29, 2023

18.20.040 Site Development Standards

[. . .]

(b) Development Standards for Exclusively Residential Uses

Residential uses shall be permitted in the MOR, RP, RP(5), ROLM, ROLM(E), and GM zoning districts, subject to the following criteria.

(1) It is the intent of these provisions that a compatible transition be provided from lower density residential zones to higher density residential or non-residential zones. The Village Residential development type should be evaluated for use in transition areas and will provide the greatest flexibility to provide a mix of residence types compatible with adjacent neighborhoods.

(2) No new single-family or two-family residential development is permitted in any of the office, research and manufacturing districts, and no new residential development is permitted within 300 feet of an existing Hazardous Materials Tier 2 use. Existing single-family and two-family uses and existing residential development within 300 feet of an existing Hazardous Materials Tier 2 use shall be permitted to remain, consistent with the provisions of Chapter 18.70 (Nonconforming Uses and Noncomplying Facilities).

(3) MOR District. All multi-family development in the MOR zoning district shall be permitted subject to approval of a conditional use permit and compliance with the development standards prescribed for the RM-30 zoning district.

(4) RP and RP(5) Districts. All multi-family development in the RP, and RP(5) zoning districts that is located within 150 feet of an R-E, R-1, R-2, RMD, or similar density residential PC zone shall be permitted subject to the provisions above in 18.20.040(b)(2), approval of a conditional use permit, and compliance with the development standards prescribed for the RM-20 zoning district, including Village Residential development types. Multi-family development in the MOR, RP, and RP(5) zoning districts that is located greater than 150 feet from an R-E, R-1, R-2, RMD, or low density residential PC shall be permitted subject to the provisions above in 18.20.040(b)(2), approval of a conditional use permit, and compliance with the development standards prescribed for the RM-30 zoning district, except for sites designated as Housing Element Opportunity Sites or Focus Areas, which are regulated by Chapter 18.14.020.

(5) ROLM (E) District. All multi-family development in the ROLM(E) zoning district shall be permitted subject to the provisions above in 18.20.040(b)(2), approval of a conditional use permit, and compliance with the development standards prescribed for the RM-20 zoning district.

(6) ROLM District. All multi-family development in the ROLM zoning district shall be permitted subject to the provisions above in 18.20.040(b)(2), approval of a conditional use permit, and compliance with the development standards prescribed for the RM-30 zoning district, except for sites designated as Housing Element Opportunity Sites or Focus Areas, which are regulated by Chapter 18.14.020.

(7) GM District. All residential development is prohibited in the GM zoning district, except for sites designated as Housing Element Opportunity Sites or Focus Areas, which are regulated by Chapter 18.14.020.

(8) Combining Districts. Combining district use regulations and design and development standards shall not apply to exclusively residential projects on Housing Element opportunity sites designated to accommodate lower income households. See Section 18.14.020 for details.

(c) Development Standards for Mixed (Residential and Nonresidential) Uses in the MOR, ROLM, ROLM(E), RP, and RP(5) zoning Districts

Mixed (residential and nonresidential) uses shall be permitted in the MOR, ROLM, ROLM(E), RP, and RP(5) zoning districts, subject to the following criteria:

(1) It is the intent of these provisions that a compatible transition be provided from lower density residential zones to higher density residential, non-residential, or mixed use zones. The Village Residential development type should be evaluated for use in transition areas and will provide the greatest flexibility to provide a mix of residence types compatible with adjacent neighborhoods.

(2) New sensitive receptor land uses shall not be permitted within 300 feet of a Hazardous Materials Tier 2 or Tier 3 use. Existing sensitive receptors shall be permitted to remain, consistent with the provisions of Chapter 18.70 (Nonconforming Uses and Noncomplying Facilities).

(3) ROLM(E) District. Mixed (residential and nonresidential) development in the ROLM(E) zoning district shall be permitted, subject to the provisions above in 18.20.040(c)(2), approval of a conditional use permit, determination that the nonresidential use is allowable in the district and that the residential component of the development complies with the development standards prescribed for the RM-20 zoning district. The maximum floor area ratio (FAR) for mixed use development is 0.3 to 1.

(4) ROLM District. Mixed (residential and nonresidential) development in the ROLM zoning district shall be permitted, subject to the provisions above in 18.20.040(c)(2), approval of a conditional use permit, determination that the nonresidential use is allowable in the district and that the residential component of the development complies with the development standards prescribed for the RM-30 zoning district. The maximum floor area ratio (FAR) for mixed use development is 0.4 to 1. Except that sites designated as Housing Element Opportunity Sites or Focus Areas shall meet the development standards specified in Chapter 18.14.020.

(5) GM District. Mixed use (residential and nonresidential) development is prohibited in the GM zoning district, except for sites designated as Housing Element Opportunity Sites or Focus Areas, which are regulated by Chapter 18.14.020.

In computing residential densities for mixed (residential and nonresidential) uses, the density calculation for the residential use shall be based on the entire site, including the nonresidential portion of the site.

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SECTION 7. Chapter 18.16: NEIGHBORHOOD, COMMUNITY, AND SERVICE COMMERCIAL (CN, CC AND CS) DISTRICTS

[. . .]

18.16.060 Development Standards

[. . .]

(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, except that sites designated as Housing Element Opportunity Sites shall meet the development standards as modified in Chapter 18.14.020. 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:
[. . .]					
Maximum Site Coverage	50%	50%	100%	50%	
Minimum Landscape/Open Space Coverage	35%	30%	20%	30%	<u>18.14.020</u>
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) ⁽⁵⁾	35'	35'	35'	35'	18.08.030
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	No maximum	30	18.16.060(i) <u>18.14.020</u>
Sites on El Camino Real	No maximum			No maximum	
Maximum Residential Floor Area Ratio (FAR)	0.5:1 ⁽⁴⁾		0.6:1	0.6:1	18.16.065 <u>18.14.020</u>

	CN	CC	CC(2)	CS	Subject to regulations in:
[...]					
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 <u>18.14.020</u>
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

[. . .]

(c) Exclusively Residential Uses

Exclusively residential uses are generally prohibited in the CN, CS, CC(2) and CC 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.

(C) Combining district use regulations and design and development standards shall not apply to exclusively residential projects on Housing Element opportunity sites designated to accommodate lower income households. See Section 18.14.020 for details.

SECTION 8. Chapter 18.18: DOWNTOWN COMMERCIAL (CD) DISTRICT**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. Housing Development Projects shall be designed and constructed in compliance with the following requirements and the objective design standards in Chapter 18.24. Non-

Housing Development Projects and Housing Development Projects that elect to deviate from one or more objective standards in Chapter 18.24 shall meet context-based design criteria outlines in Section 18.18.110, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and development services, 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:
[. . .]				
Maximum Site Coverage	No requirement	50%	50%	
Minimum Landscape Open Space Coverage	20%	30%	35%	<u>18.14.020</u>
Usable Open Space (Private and/or Common)	150 sq ft per unit ⁽¹⁾			18.18.110
Maximum Height (ft)				
Standard	50'	50'	35'	18.08.030
Portions of a site within 150 ft. of an abutting residential district (other than an RM-40 or PC zone) ⁽⁴⁾	40'	40'	35'	18.08.030
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⁾	No maximum	30	30	<u>18.14.020</u>
Maximum Weighted Average Residential Unit Size ⁽⁵⁾	1,500 sq ft per unit	No maximum	No maximum	
Maximum Residential Floor Area Ratio (FAR)	1.0:1 ⁽³⁾	0.6:1 ⁽³⁾	0.5:1 ⁽³⁾	<u>18.14.020</u> , 18.18.065, 18.18.070
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⁾	<u>18.14.020</u> , 18.18.065, 18.18.070
Parking Requirement	See Chapters 18.52 and 18.54			Chs. 18.52, 18.54

[. . .]

(c) Exclusively Residential Uses

(1) Exclusively residential uses are allowed in the CD-C subdistrict, except in the ground floor (GF) combining district. However, GF combining district use regulations and design and development

standards shall not apply to exclusively residential projects on Housing Element opportunity sites designated to accommodate lower income households. See Section 18.14.020 for details.

(2) Exclusively residential uses are generally prohibited in the CD-N and CD-S subdistricts. Such uses are allowed, however, where a site is designated as a 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-20, RM-30, or RM-40) identified for the site in the Housing Element.~~

SECTION 9. Chapter 18.28 SPECIAL PURPOSE (PF, OS and AC) DISTRICTS

[. . .]

18.28.040 Land Uses

Table 1 shows the permitted (P) and conditionally permitted (CUP) land uses for the Special Purpose Districts.

Table 1
Land Uses

	PF	OS	AC	Subject to Regulations in Chapter:
[. . .]				
Single-family dwellings		P		
Manufactured housing (including mobile homes on permanent foundations)		P		18.40.
<u>Multiple-Family (Housing Element Opportunity Site)</u>	<u>P</u>			<u>18.14.020</u>
Guest ranches		CUP		
Residential care facilities, when utilizing existing structures on the site	CUP ⁽¹⁾			
Residential Care Homes		P		
Residential use, and accessory buildings and uses customarily incidental to permitted dwellings; provided, however, that such permitted dwellings shall be for the exclusive use of the owner or owners, or lessee or lessor of land upon which the permitted agricultural use is conducted, and the residence of other members of the same family and bona fide employees of the aforementioned			P	
[. . .]				

[. . .]

18.28.050 Site Development Standards

(a) Development Standards. On Housing Element opportunity sites (City-owned parking lots): development standards are identified in Section 18.14.020

Table 2

Special Purpose District Site Development Standards

[. . .]

(b) Open Space Impervious Coverage and Floor Area

(1) Residential Use

The impervious coverage and floor area ratios shall be determined based on a sliding scale calculation. Table 3 provides the range of allowable percentages for the calculation. Allowable development for other site sizes between 1 and 10 acres shall be calculated on a prorated basis between the acreages shown in Table 3. Except that on Housing Element opportunity sites (City-owned parking lots), development standards are identified in Section 18.14.020.

Table 3

Open Space Residential Impervious Coverage and Floor Area Ratio Scale

[. . .]

SECTION 10. 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 11. In accordance with the California Environmental Quality Act (CEQA), the City prepared an Addendum to the 2017 Comprehensive Plan Environmental Impact Report (EIR), analyzing the potential environmental impacts of the 2023-2031 Housing Element. On May 8, 2023, the City Council adopted Resolution No. 10107, finding that the Addendum and the 2017 EIR adequately analyzed the environmental impacts of the Housing Element, including Program 1.1A and 1.1B of the Housing Element, which this ordinance implements.

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SECTION 12. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and Development Services