

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of
the Palo Alto Municipal Code (The Zoning Map) to Amend PC Planned
Community Zone (PC-5116) to Allow an Addition to an Existing Senior Assisted
Living Facility

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

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

- A. On March 21, 2011, the City Council adopted Ordinance No. 5116, creating PC Planned Community 5116.
- B. On August 9, 2023, Irwin Partner Architects on Behalf of Wellquest Living submitted an application for an Ordinance Amending Planned Community Zone District 5116 (PC-5116) to allow a 16-Unit addition and 172 square feet of support space to an existing 121-unit Assisted Living and Memory Care Facility (“The Project”) at 4041 and 4075 El Camino Way (the “Subject Property”).
- C. Following Staff Review, the Planning and Transportation Commission (Commission) reviewed the project on February 28, 2024 and June 12, 2024 and recommended the project to the Architectural Review Board.
- D. The Architectural Review Board reviewed the project on July 18, 2024 and October 17, 2024; and recommended approval of the project to the City Council.
- E. The Planning and Transportation Commission reviewed the project on December 11, 2024 and moved to advance the project to Council, recommending approval of only the seven units which do not face Wilkie Way and denial of the nine units and ground floor office space which faces towards the neighborhood. The motion also recommended returning the Transportation Demand Management plan to the Commission for approval, revising the Findings to reflect the Commission’s recommendation, and removing consideration of past public benefits from the PC Ordinance.
- F. Approval of the Planned Community Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines promulgated thereunder (“CEQA”).
- G. The City is the Lead Agency pursuant to Public Resources Code section 21067 as it has the principal responsibility to approve and regulate the Planned Community Project.

- H. The City, in compliance with CEQA, determined the project to be Categorically Exempt from CEQA per Section 15301 of the CEQA Guidelines (Existing Facilities).
- I. The Council is the decision-making body for approval of the Planned Community Project.
- J. The site is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development. Specifically, the project modifies an existing Planned Community Project (PC 5116) and includes 16 additional units, beyond the 121 units approved in ordinance 5116, and associated modifications to the development plan in accordance with this change.
- K. Development of the site under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts, as set forth in Section 6 of this ordinance.
- L. The use or uses permitted, and the site development regulations applicable within the district are consistent with the Palo Alto Comprehensive plan, and compatible with existing and potential uses on adjoining sites or within the general vicinity.

SECTION 2. Amendment of Zoning Map.

Section 18.08.040 of the Palo Alto Municipal Code, the “Zoning Map,” is hereby amended by changing the zoning of the property formerly zoned as PC Planned Community Zone 5116 from PC Planned Community Zone 5116 to “PC Planned Community Zone _____”.

SECTION 3. Project Description.

The Project as a whole is described in the Development Plan titled “PALO ALTO COMMONS Wellquest Living” and uploaded to the Palo Alto Online Permitting Services Citizen Portal on October 4, 2024. The Development Plan and approved supplemental materials and conditions included as part of Ordinance 5116 and Ordinance 3775 are incorporated into this ordinance by reference. With respect to the Subject Property, the project comprises the uses included in this Ordinance, depicted on the Development Plans, incorporated by reference, including the following components:

- (a) Modifications to an existing 121-unit assisted living and memory care facility, approved as part of PC Planned Community 5116. The additions would include construction of 16 additional assisted living units (approximately 6,720 square feet) and 172 square feet of additional support space.

SECTION 4. Land Uses.

- (a) The following land uses shall be permitted:

1. Senior Housing;
2. Eating and Drinking Services for use by residents, employees, and their guests;
3. Personal Services for use by residents, employees, and their guests;
4. Retail Services for use by residents, employees, and their guests;
5. Recreational Facilities for use by residents, employees, and their guests;
6. Administrative Offices for administration of Palo Alto Commons;
7. Medical care for residents as is customarily associated with senior assisted living facilities; and
8. Accessory Uses.

SECTION 5. Site Development Regulations and Development Schedule.

(a) Development Standards:

Development standards for the Subject Property shall be those conforming to the Development Plan.

(b) Parking and Loading Requirements:

The Owner shall provide parking and loading as set forth in the Development Plan and Transportation Demand Management Plan, entitled “Palo Alto Commons 4075 El Camino Way Transportation Demand Management Plan,” uploaded to Accela on October 4, 2024.

(c) Modifications to the Development Plan, Land Uses and Site Development Regulations:

Once the project has been constructed consistent with the approved Development Plan, any modifications to the exterior design of the Development Plan or any new construction not specifically permitted by the Development Plan or the site development regulations contained in Section 5 (a) – (b) above shall require an amendment to this Planned Community zone. Any use not specifically permitted by this ordinance shall require an amendment to the PC ordinance.

(d) Development Schedule:

The project is required to include a Development Schedule pursuant to PAMC §18.38.100. The approved Development Schedule is set forth in the Applicant

Project Description Letter, and anticipates commencing in April 2025 and concluding in October 2026.

Construction of the project shall commence within two years of the effective date of this ordinance. Prior to expiration of this timeline, the Owner may seek a one year extension from the Director of Planning and Development Services.

SECTION 6. Public Benefits.

(a) Public Benefits:

Development of the Project Site under the provisions of the PC Planned Community District will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts.

The public benefit provided by the Project is providing a safe place for Palo Alto residents and other seniors to age and making improvements to the existing facility to expand and improve these services.

(b) Monitoring of Conditions and Public Benefits:

Not later than three (3) years following issuance of a certificate of occupancy and at least every three (3) years thereafter, the Owner shall request that the City review the Project for compliance with the PC district regulations and the conditions of approval for the associated development. The applicant shall provide adequate funding to reimburse the City for these costs. If conditions or benefits are found deficient by staff, the applicant shall correct such conditions in not more than 90 days from notice by the City. If correction is not made within the prescribed timeframe, the Director of Planning and Development Services will schedule review of the project before the Planning and Transportation Commission and Council to determine appropriate remedies, fines or other actions.

SECTION 7. Environmental Review.

The project would not result in a substantial expansion of the current use and is therefore eligible for a categorical exemption from CEQA under Section 15301 of the CEQA Guidelines (Existing Facilities).

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SECTION 8. Effective Date.

This ordinance shall be effective on the thirty-first day after the date of its adoption (second reading).

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

EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of Palo Alto, State of California, and is described as follows:

PARCEL ONE:

A portion of Lots 4, 5, 6 and 10, as shown upon that certain map entitled, "The J.J. Morris Real Estate Co. Subdivision of the Cogan Tract", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on November 5, 1907 in Book "M" of Maps, Page 3, and all of Parcel 1, as shown on Parcel Map filed February 24, 1989 in Book 596 of Maps, at Page(s) 36, Santa Clara County Records and more particularly described as follows:

Beginning at a point on the Northerly line of West Meadow Drive (70' wide) (formerly Diss Rd.), said point also being the Southeasterly corner of Parcel 1, as shown on Parcel Map filed February 24, 1989 in Book 596 of Maps, at Page(s) 36;

Thence along the Northerly line of West Meadow Drive North 33° 31' 45" East, 91.03 feet to the Easterly corner of said Parcel 1;

Thence leaving Northerly line of West Meadow Drive along the Northerly line of said Parcel 1, North 56° 30' 25" West, 449.00 feet to the Northerly corner of said Parcel 1, said point also lying on the dividing line between said Lots 10 and 11 of said J.J. Morris Subdivision;

Thence along said dividing line between said Lots 10 and 11, North 33° 31' 45" East, 20.22 feet to the most Southerly corner of that certain parcel of land conveyed from Ida Catherine Miller, also known as Ida C. Miller to Tom L. Jones et ux, by Deed dated January 22, 1968 and recorded February 8, 1968 in Book 8019 of Official Records, Page 539, Santa Clara County Records;

Thence along the Southwesterly line of said parcel of land conveyed to Tom L. Jones et ux, North 56° 31' 00" West, 120.00 feet to the most Westerly corner thereof, said point also lying on the dividing line between Lots 9 and 10 of said J.J. Morris Subdivision;

Thence along said dividing line between Lots 9 and 10 of said J.J. Morris Subdivision South 33° 31' 45" West, 78.00 feet to the common corner for Lots 5, 6, 9 and 10 of said J.J. Morris Subdivision;

Thence along the dividing line between said Lots 6 and 9 North 56° 25' 15" West, 16.00 feet;

Thence leaving said last named dividing line and parallel with the dividing line between said Lots 5 and 6, South 33° 31' 45" West, 150.91 feet to the Northerly line of that certain parcel as acquired by the City of Palo Alto, a municipal corporation, by Final Judgment of Condemnation Action No. P13260 Issued Out of Line, Superior Court of the State of California in and for the County of Santa Clara, a certified copy of which was recorded June 26, 1968 in Book 8170 of Official Records, Page 298, Santa Clara County Records;

Thence, along the Northerly boundary of said parcel as acquired by the City of Palo Alto, along a non-tangent curve to the left having a radius of 112.00 feet, a central angle of 30° 29' 56", a tangent length of 30.53 feet, the long chord of which bears South 24° 32' 12" East for a distance of 58.92 feet with a radial line in of North 80° 42' 46" East and a radial line out of South 50° 12' 50" West for an arc length of 59.62 feet to a point;

Thence South 33° 31' 45" West, 0.77 feet to the Northeasterly line of El Camino Way, formerly

San Francisco-San Jose Road;

Thence along said Northeasterly line of El Camino Way South $56^{\circ} 25' 15''$ East, 326.10 feet to the corner of said Parcel 1, as shown on Parcel Map filed February 24, 1989 in Book 596 of Maps, at Page(s) 36, said corner is also the Southernmost corner of Parcel A, as shown on Parcel Map filed September 26, 1986 in Book 565 of Maps, Page 19, Santa Clara County Records;

Thence along the lines of said Parcel 1, as shown on Parcel Map filed February 24, 1989 in Book 596 of Maps, at Page(s) 36 North $33^{\circ} 33' 21''$ East, 150.42 feet and South $56^{\circ} 25' 15''$ East, 208.83 feet to the point of beginning.

This legal description is pursuant to "Certificate of Compliance (Lot Line Adjustment - Merger)" recorded July 26, 2012 as Instrument No. 21764853 of Official Records.

PARCEL TWO:

A non-exclusive easement for ingress and egress and the installation and maintenance of public utilities over the Northwest 9 feet of Parcel A, as reserved in the Deed from Rufus A. Tracy Jr., et al to Rick's Swiss Chalet, a California corporation, recorded August 18, 1970 in Book 9023 at Page 592, Santa Clara County Official Records.

APN: 132-43-177