

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 Change the Classification of Property Located at 800-814 San Antonio Road from Service Commercial (CS) to PC Planned Community Zone (PC-\_\_\_\_\_) for the Construction of Multifamily Residential Units.

The Council of the City of Palo Alto does ORDAIN as follows:

**SECTION 1.** Findings and Declarations.

(a) On January 19, 2023, Architect Mark Donahue, on behalf of TS 800 SA, LLC (“Applicant”) submitted an application for Rezoning to Planned Community/Planned Home Zoning (PHZ) and Major Architectural Review to redevelop the 800-814 San Antonio Road site with 75 condominium residential units and 1,078 sf of commercial space (the “800 San Antonio Project”).

(b) Following Staff Review, the Planning and Transportation Commission (Commission) reviewed the project on June 14, 2023 and recommended the project to the Architectural Review Board.

(c) The Architectural Review Board reviewed the project on August 17, 2023 and March 7, 2024; and recommended approval of the project to the City Council.

(d) The Planning and Transportation Commission reviewed the project on April 10, 2024; and recommended approval of the project to the City Council.

(e) 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”).

(f) 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.

(g) The City, in compliance with CEQA, prepared an Environmental Impact Report (EIR) Addendum to provide an assessment of the potential environmental consequences of approving and constructing the 800 San Antonio Project.

(h) The Council is the decision-making body for approval of the Planned Community Project.

**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 Subject Property from Service Commercial (CS) to “PC Planned Community Zone \_\_\_\_\_”.

**SECTION 3.** Project Description.

The Project as a whole is described in the Project Plans. With respect to the Subject Property, the project comprises the uses included in this Ordinance, depicted on the Project Plans, incorporated by reference, including the following components:

(a) Demolition of three existing commercial buildings, as described in more detail in the Project Plans, to facilitate the construction of a 5-story building with 1,078 square feet of retail space, and 75 residential condominium units, including 15 units to be sold at below market rates (BMR) in accordance with the City’s BMR guidelines (6 units affordable to Very-Low Income households, 5 units affordable to Low Income households, 4 units affordable to Moderate Income households).

**SECTION 4.** Land Uses.

(a) The following land uses shall be permitted:

- (1) Multiple family residential, subject to BMR requirements stated in the project description.
- (2) Accessory Facilities and uses customarily incidental to permitted uses
- (3) Home Occupations, when accessory to permitted residential uses.

(b) The following land uses shall be permitted on the ground floor, in an area neither greater nor lesser than approximately 1,078 square feet:

- (1) Eating and Drinking Services, excluding drive-in and take-out services
- (2) Retail Services, excluding liquor stores
- (3) Personal Services
- (4) Banks and Financial Services

**SECTION 5.** Site Development Regulations and Development Schedule.

(a) Development Standards:

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

(b) Parking and Loading Requirements:

The Owner shall provide parking and loading as set forth in the Project Plans.

(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:

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. All construction and development of the project shall be complete within 3 years of the start of construction.

**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 benefits provided by the Project include deed-restricted BMR units in excess of the minimum required, retail commercial space on the ground floor, and space for future expansion of bicycle and pedestrian infrastructure along San Antonio Road.

(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 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.

An Addendum to the EIR for the Housing Incentive Program (HIP) on San Antonio Road was prepared in accordance with the California Environmental Quality Act. The City Council adopted Resolution No. 9925 certifying the adequacy of the EIR and making findings, including a statement of overriding considerations.

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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: Subject Property Plat and Legal Description