

## Chapter 18.23

# PERFORMANCE CRITERIA FOR MULTIPLE FAMILY, COMMERCIAL, MANUFACTURING AND PLANNED COMMUNITY DISTRICTS

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### 18.23.010 Purpose and Applicability

#### (A) Purpose

These performance criteria are intended to provide additional standards to be used in the design and evaluation of developments in the multi-family, commercial, and industrial zones. The purpose is to balance the needs of the uses within these zones with the need to minimize impacts to surrounding neighborhoods and businesses. The criteria are intended to make new developments and major architectural review projects compatible with nearby residential and business areas, and to enhance the desirability of the proposed developments for the site residents and users, and for abutting neighbors and businesses.

#### (B) Applicability of Regulations

Except where otherwise noted, the criteria established in this chapter shall be applicable to all multiple family (RM-15, RM-30, and RM-40), commercial (CN, CS, CC, CC(2), and CD), and industrial (OR, MOR, ROLM, RP, and GM) zoning districts, and planned community (PC) districts that are located within one hundred fifty feet of any R-E, R-1, R-2, RM or PC district permitting single family or multi-family development within the city of Palo Alto, or of properties with existing residential uses within nonresidential zones. The determination of final approval of the architectural and design elements of any project remains with the director of planning and community environment, after recommendation by the architectural review board, pursuant to Chapter 18.76 of the Palo Alto Municipal Code. The director and the architectural review board retain the authority to interpret criteria on a project-by-project basis in order to most effectively fulfill the specific purposes listed in subsection (A); provided, that more restrictive regulations may be approved as part of architectural review pursuant to Chapter 18.76 (Permits and Approvals).

The requirements shall apply to new construction on such sites, or to modifications of existing buildings or site improvements at the time of approval or building permit issuance if

no architectural approval is necessary. The criteria shall also be applied for sites abutting nonresidential zones except where the architectural review board determines the provisions are not applicable or are adequately addressed through other means.

Design element regulations that are identified as requirements shall be included in the design of the project. The recommended guidelines should be included in the design of the project. At the submittal of the project to the architectural review board or for a building permit, if these guidelines are not included, it shall be necessary for the applicant to demonstrate how the project meets the design objectives set forth in this section.

(Ord. 4933 § 4 (part), 2007)

### **18.23.020 Trash Disposal and Recycling**

#### **(A) Purpose**

Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible.

#### **(B) Requirements**

- (i) Trash disposal and recyclable areas shall be accessible to all residents or users of the property.
- (ii) Recycling facilities shall be located, sized, and designed to encourage and facilitate convenient use.
- (iii) Trash disposal and recyclable areas shall be screened from public view by masonry or other opaque and durable material, and shall be enclosed and covered. Gates or other controlled access shall be provided where feasible. Chain link enclosures are strongly discouraged.
- (iv) Trash disposal and recycling structures shall be architecturally compatible with the design of the project.
- (v) The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

(Ord. 4933 § 4 (part), 2007)

### **18.23.030 Lighting**

#### **(A) Purpose**

To minimize the visual impacts of lighting on abutting or nearby residential sites and from adjacent roadways.

**(B) Requirements**

- (i) Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward.
- (ii) The use of high pressure sodium and metal halide are permitted light sources. Low pressure sodium is not allowed.
- (iii) Exterior lighting fixtures shall be mounted less than or equal to 15 feet from grade to top of fixture in low activity or residential parking lots and 20 feet in medium or high activity parking lots.
- (iv) Where the light source is visible from outside the property boundaries, such lighting shall not exceed 0.5 foot-candle as measured at the abutting residential property line.
- (v) Interior lighting shall be designed to minimize nighttime glow visible from and/or intruding into nearby properties and shall be shielded to eliminate glare and light spillover beyond the perimeter property line of the development.
- (vi) Light fixtures shall not be located next to driveways or intersections, which obstruct clear sight distance triangles.
- (vii) Lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture.
- (viii) Pedestrian and security lighting fixtures should be directed downward. Architectural lighting that projects upward from the ground as used in landscaping, courtyards, or building accent should be directed so as not to affect abutting land uses.

**(C) Guidelines**

- (i) Unnecessary continued illumination, such as illuminated signs or back-lit awnings, should be avoided. Internal illumination of signs, where allowed, should be limited to letters and graphic elements, with the surrounding background opaque. Illumination should be by low intensity lamps.
- (ii) Timing devices should be considered for exterior and interior lights in order to minimize light glare at night without jeopardizing security of employees. At the time of project approval the project applicant must demonstrate how interior and exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.

(Ord. 4933 § 4 (part), 2007)

**18.23.040 Late Night Uses and Activities****(A) Purpose**

The purpose is to restrict retail or service commercial businesses abutting (either directly or across the street) or within 50 feet of residentially zoned properties or properties with existing residential uses located within nonresidential zones, with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. Operations subject to this code may include, but are not limited to, deliveries, parking lot and sidewalk cleaning, and/or clean up or set up operations, but does not include garbage pick up.

**(B) Requirements**

- (i) Retail (including restaurants) or service commercial businesses abutting or within 50 feet of residentially zoned properties or properties with existing residential uses located within nonresidential zones, that are open or with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. shall be operated in a manner to protect residential properties from excessive noise, odors, lighting or other nuisances from any sources during those hours.
- (ii) Where planning or building permits are required or for a change in use that results in any such commercial business in the CN or CS zone districts, operating or with activities between the hours of 10:00 p.m. and 6:00 a.m., a conditional use permit shall be obtained and conditions of approval shall be applied as deemed necessary to ensure the operation is compatible with the abutting (or within 50 feet of) residential property. Said use permit shall be limited to operations or activities occurring between 10:00 p.m. and 6:00 a.m.

(Ord. 4933 § 4 (part), 2007)

**18.23.050 Visual, Screening and Landscaping****(A) Purpose**

Privacy of abutting residential properties or properties with existing residential uses located within nonresidential zones (residential properties) should be protected by screening from public view all mechanical equipment and service areas. Landscaping should be used to integrate a project design into the surrounding neighborhood, and to provide privacy screening between properties where appropriate.

**(B) Requirements**

- (i) Walls facing residential properties shall incorporate architectural design features and landscaping in order to reduce apparent mass and bulk.
- (ii) Loading docks and exterior storage of materials or equipment shall be screened from view from residential properties by fencing, walls or landscape buffers.
- (iii) All required interior yards (setbacks) abutting residential properties shall be planted and maintained as a landscaped screen.

- (iv) Rooftop equipment or rooftop equipment enclosures shall not extend above a height of 15 feet above the roof, and any enclosed rooftop equipment nearest residential property shall be set back at least 20 feet from the building edge closest to the residential property or a minimum of 100 feet from the residential property line, whichever is closer. Roof vents, flues and other protrusions through the roof of any building or structure shall be obscured from public view by a roof screen or proper placement.
- (v) For sites abutting residential properties, a solid wall or fence between five and eight feet in height shall be constructed and maintained along the residential property line where privacy or visual impacts are an issue.
- (vi) A minimum 10-foot planting and screening strip shall be provided abutting a low density residential district (R-1, R-2, or RMD).
- (vii) All exterior mechanical and other types of equipment, whether installed on the ground or attached to a building roof or walls, shall be screened from public and, if visible and feasible, from overhead view.
- (viii) For landscape buffers to provide a visual screen, trees and shrubs in the buffer area shall be installed in a manner that provides maximum visual separation of residential uses from the commercial or industrial use, taking into consideration topography and sight lines from residences.
- (ix) Size and density of plant materials shall be in proportion to the size of planting areas and the mass of the structure.
- (x) Plant material selection shall take into consideration solar orientation, drought tolerance, maintenance requirements and privacy screening.
- (xi) Plant material species and container sizes shall allow for a mature appearance within five years.

**(C) Guidelines**

- (i) Roof vents, flues and other protrusions through the roof of any building or structure should be clustered where feasible and where visual impacts would thereby be minimized.
- (ii) Windows, balconies or similar openings above the first story should be offset so as not to have a direct line-of-sight into the interior living areas of adjacent units within the project or into units on abutting residential property.
- (iii) Building elevations facing residential property should not have highly reflective surfaces, such as reflective metal skin and highly reflective glazing. The paint colors should be in subdued hues.
- (iv) Increased setbacks or more restrictive daylight planes may be proposed by the applicant, or recommended by the architectural review board, as mitigation for the visual impacts of massive buildings.
- (v) Appropriate landscaping should be used to aid in privacy screening.
- (vi) Planting strips and street trees should be included in the project.

- (vii) Textured and permeable paving materials should be used, where feasible, in pedestrian, driveway and parking areas in order to visually reduce paved areas and to allow for retention and/or infiltration of storm water to reduce pollutants in site runoff.
- (viii) Landscaping material associated with screening should have adequate room to grow and be protected from damage by cars and pedestrian traffic.
- (ix) Where rooftops are visible from offsite, they should be treated to minimize aesthetic impacts, including the use of rooftop gardens or other green spaces, where feasible.

(Ord. 4933 § 4 (part), 2007)

## 18.23.060 Noise and Vibration

### (A) Purpose

The requirements and guidelines regarding noise and vibration impacts are intended to protect residentially zoned properties or properties with existing residential uses located within nonresidential zones (residential properties) from excessive and unnecessary noises and/or vibrations from any sources in abutting industrial or commercially zoned properties. Design of new projects should reduce noise from parking, loading, and refuse storage areas and from heating, ventilation, air conditioning apparatus, and other machinery on nearby residential properties. New equipment, whether mounted on the exterior of the building or located interior to a building, which requires only a building permit, shall also be subject to these requirements.

### (B) Requirements

- (i) All projects shall comply with Chapter 9.10 of the Palo Alto Municipal Code (the Noise Ordinance).
- (ii) Noise-producing equipment, including but not limited to generators, pumps, and air conditioning compressors, shall be located out of setbacks where abutting or within 50 feet of residential properties, and shall be screened from view from the residential property.
- (iii) At the time of building permit issuance for new construction or for installation of any such interior or exterior mechanical equipment, the applicant shall submit an acoustical analysis by an acoustical engineer demonstrating projected compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.
- (iv) Upon completion of construction or installation, the city shall, where the acoustical analysis projected noise levels at or within 5 dB less than the Noise Ordinance limits, require demonstration of the installed equipment and certification that it complies with the anticipated noise levels and the Noise Ordinance prior to final building inspection approval.

**(C) Guidelines**

- (i) Projects adjacent to major arterials, railroad tracks and more intensive land uses should include, but not be limited to, the following: sound walls, solid board fencing, and additional landscaping where appropriate to reduce noise impacts on usable open space.
- (ii) Parking areas, driveways, loading docks, mechanical equipment, trash enclosures, on-site recreation areas and similar noise generating elements should be sited as far away from residential property as is reasonably possible. When conditions require noise generating elements to be sited within close proximity to residential property, noise mitigation measures should be implemented as deemed suitable by staff or the architectural review board. These measures may include the following:
  - (a) Placement of building mass, and/or concrete or masonry walls at the residential property line or around the noise generating element;
  - (b) Elimination of site access close to residential sites where other access is available;
  - (c) Installation of an earth berm and landscape buffers where appropriate;
  - (d) Discouragement of the use of open air loudspeakers and compliance with the city's loudspeakers ordinance (Chapter 9.12 of the Palo Alto Municipal Code).
- (iii) Auxiliary power sources should be included and used at loading docks so that there is no needless engine idling of delivery trucks with refrigerator or other engine-powered equipment. These sources should be shown on drawings submitted for building permits.
- (iv) All uses within 150 feet of a residential property should be operated as not to generate vibration discernible without instruments at or beyond the lot line upon which the source is located or within adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard.

(Ord. 4933 § 4 (part), 2007)

**18.23.070 Parking****(A) Purpose**

The visual impact of parking shall be minimized on adjacent residentially zoned properties or properties with existing residential uses located within nonresidential zones.

**(B) Requirements**

- (i) Surface parking areas shall be located so that garages or carports are not predominantly facing the street, and parking locations behind the building(s) are preferable.
- (ii) Carport structures shall be architecturally compatible with the main structures in the project and should utilize substantial support posts. Landscaping material associated with the carport shall have adequate room to grow and be protected from damage by cars and pedestrian traffic.

- (iii) Required residential parking spaces in the RM-40 zoning district shall be underground, semi-depressed, enclosed or concealed for projects of six units or more, and encouraged for projects of fewer than six units.

**(C) Guidelines**

- (i) Where feasible, parking shall be broken into smaller groupings of spaces to avoid large expanses of parking and to provide for more opportunities to intercept and filter drainage from the parking areas.
- (ii) Proximity of underground parking garages to residentially zoned properties should take into consideration the need for landscaping along the perimeter of the site. In instances where substantial planting is necessary, the placement of parking garages should be adequately setback from the property line to provide for the landscaping.

(Ord. 4933 § 4 (part), 2007)

### **18.23.080 Vehicular, Pedestrian and Bicycle Site Access**

**(A) Purpose**

The guidelines regarding site access impacts are intended to minimize conflicts between residential vehicular, pedestrian, and bicycle uses and more intensive traffic associated with commercial and industrial districts, and to facilitate pedestrian and bicycle connections through and adjacent to the project site.

**(B) Requirements**

- (i) Truck deliveries shall not occur before 6:00 a.m. or after 10:00 p.m., except pursuant to the provisions of a conditional use permit.
- (ii) Site design shall assure that connections to adjacent existing or planned bicycle or pedestrian facilities (sidewalks, bike paths or lanes, etc.) allow for ready access for residents and other users of the site.

**(C) Guidelines**

- (i) The location of driveways, shipping and receiving areas, and loading docks should be sited as far away from residentially zoned properties or properties with existing residential uses located within nonresidential zones as is reasonably feasible while recognizing site constraints and traffic safety issues.
- (ii) Employee ingress and egress to a site should be located to avoid the use of residential streets wherever feasible.
- (iii) Late hour and early morning truck traffic to a site located in or near a residential area should be discouraged.
- (iv) Vehicular access points should not conflict with pedestrian and bicycle walkways and facilities.

- (v) Pedestrian and bicycle facilities (sidewalks, bike paths, etc.) should, where feasible, be provided through sites to provide connections to other pedestrian and bicycle routes and to allow for safe access to schools, recreation facilities and services.

(Ord. 4933 § 4 (part), 2007)

### **18.23.090 Air Quality**

#### **(A) Purpose**

The requirements for air quality are intended to buffer residential uses from potential sources of odor and/or toxic air contaminants.

#### **(B) Requirements**

- (i) Cooking odors, smoke and other similar air contaminants shall be controlled and prevented from leaving the property or becoming a nuisance to neighboring properties.
- (ii) For all commercial and industrial uses that may be objectionable by reason of the production of emissions of odor, smoke, dust, or other similar air contaminants, the applicant shall provide information showing proposed methods to minimize those contaminants. Such provisions may include such means as regular watering to minimize dust or air scrubbers to minimize smoke.

(Ord. 4933 § 4 (part), 2007)

### **18.23.100 Hazardous Materials**

#### **(A) Purpose**

In accordance with Titles 15 and 17 of the Palo Alto Municipal Code, minimize the potential hazards of any use on a development site that will entail the storage, use or handling of hazardous materials (including hazardous wastes) on-site in excess of the exempt quantities prescribed in Health and Safety Code Division 20, Chapter 6.95, and Title 15 of this code.

#### **(B) Requirements**

- (i) The project shall be designed to comply with all safety, fire and building codes for the storage, use and handling of the hazardous materials involved.
- (ii) Any new structure that is designated an “H” occupancy (storage, use and handling of specified types and quantities of hazardous materials), or any existing structure that is converted to an “H” occupancy, as specified by the California Building Code, shall be designed in accordance with the currently adopted California Building Code and Fire Code.
- (iii) Where a building or area used for such storage, use and/or handling is located within 150 feet of a residential zoning district or of properties with existing residential uses located within nonresidential zones (residential properties), the business owner shall provide a report to the fire department addressing the adequacy of the emergency contingency plan, which addresses safety of the nearby residential area, including but not limited to, procedures for accidental releases or other emergencies, and other

protective measures as required by Health and Safety Code Division 20, Chapter 6.95, upon:

- (a) A change in the types of hazardous materials stored, used or handled on the site in quantities above the reporting threshold established in California Health and Safety Code Division 20, Chapter 6.95; and/or
  - (b) A 100% or greater increase in the quantities of a previously disclosed hazardous material stored, used or handled on the site above the reporting threshold established in California Health and Safety Code Division 20, Chapter 6.95; and/or
  - (c) Release/threatened release incidents.
- (iv) For any such facility outlined in (iii) above, upon application for any building permit for improvements that would result in a change in the types of hazardous materials stored, used or handled on the site or an increase in the quantities of hazardous materials stored, used or handled on the site, the city shall provide written notice to the owners and residents of all residential property within 150 feet from the property line, not later than ten days after issuance of the building permit. The notice shall inform the property owners that an application has been received, the nature of the request (such as the type of materials), that the fire department and building department have determined the project to be in compliance with relevant hazardous materials regulations, and that the application and details are on file with the fire department and/or building department.
- (v) If an applicant proposes a new structure or a modification of an existing structure on a development site that will entail hazardous materials stored, used or handled in excess of the threshold limits of regulated substances listed in Tables 1 – 3 of Section 2770.5 of Title 19 of the California Code of Regulations – Chapter 4.5 Public Safety, or proposes to increase the amounts of hazardous materials on-site above Title 19 threshold limits (including hazardous wastes), notification shall be provided to “affected residents” (and property owners) advising them that the proposed risk management plan (RMP) is available for public review with the Santa Clara County department of environmental health. Notification from the city shall be mailed not later than 10 days after receipt of the information by the fire department (the county allows for a comment period of at least 45 days). Comments may be submitted to the SCCDEH, which shall review the RMP and any comments received.

Any user or operator of hazardous materials above Title 19 threshold limits in Palo Alto shall submit a copy to the Palo Alto fire department of the RMP they are required to prepare under Title 19 and file with the Santa Clara County department of environmental health (SCCDEH). No building or fire department permit shall be issued prior to the submittal of the RMP to the SCCDEH and the fire department and the completion of the required public review period. The applicant is required to identify in the RMP the zone where potential serious offsite consequences would occur from an accidental release of the largest quantity of a regulated substance. This zone extends from the proposed place of usage or storage to a distance where a toxic vapor cloud, heat from a fire, or blast waves from an explosion resulting from an accident at the usage or storage point would travel before dissipating to the level at

which serious injuries from short-term exposures will no longer occur. “Affected residents” are those who reside or own residential property within this zone.

- (vi) Notwithstanding the provisions above, no new “H” Occupancy portion of a facility (building or area) designated for storage, use or handling of hazardous materials above Title 19 threshold limits, and no conversion or reconstruction of an existing facility designated for storage, use or handling of hazardous materials above Title 19 threshold limits shall be allowed except upon approval by the city council of a conditional use permit, and in no event shall such facility be located closer than 300 feet to a residentially zoned property or a property with existing residential uses in a nonresidential zone. These provisions shall also apply to facilities that propose (a) to increase the quantity of allowable hazardous materials that previously were below Title 19 threshold limits to levels that exceed Title 19 threshold limits, or (b) to increase the quantity of hazardous materials that already exceed Title 19 threshold limits to a quantity in excess of ten percent (10%) above amounts allowed by an RMP in effect as of November 1, 2006.
- (vii) Any facility that is no longer subject to the applicability requirements of Title 19 as described above and for which de-registration of the RMP is submitted by the owner or operator shall not re-establish the use, storage, or handling of hazardous materials in excess of Title 19 threshold limits, except in compliance with the notice and setback requirements outlined above.
- (viii) No facility proposing the use of BioSafety Level 4 etiological agents shall be permitted in the city of Palo Alto.

(Ord. 4933 § 4 (part), 2007)

