



Architectural Review Board

Staff Report

Agenda Date: October 2, 2014

To: Architectural Review Board

From: Amy French, Chief Planning Official

Department: Planning and Community Environment

Subject: Build-to-Line Ordinance: Review of Draft Modifications to the Build To Line Requirements in Palo Alto Municipal Code Chapter 18.16.

Recommendation

On September 4, 2014, the ARB received staff's presentation, listened to public testimony, discussed the issues, and continued the public hearing to September 18, 2014. Given the length of the meeting on September 18, 2014, the ARB continued the discussion to October 2, 2014. Staff recommends that the Architectural Review Board (ARB) discuss the attached draft "Build-To" Ordinance and provide feedback and recommendation.

Background

The minutes of September 4, 2014 were in the ARB packet for the September 18th meeting, and reflect public speakers' comments. The ARB's concerns expressed by individual members on September 4, 2014 were summarized in the September 18, 2014 report (attached). The September 18, 2014 minutes have not yet been prepared. On September 18, 2014, two members of the public spoke, and each ARB member gave a few comments.

- Boardmember Lew shared images from Kansas City, including views of 16' wide sidewalks, or 8' wide sidewalks where adjacent to landscaping and seating, and plazas that were ensured for public use by covenant; he also noted that 50 foot height next to residential use is of concern, particularly a stacked hotel design.
- Boardmember Malone Prichard noted her idea that the code revision allow applicants to request an adjustment from the Build-To requirement, rather than having to go through a Design Enhancement Exception process.
- Vice Chair Popp noted that the code needs to be achievable related to financial feasibility for projects, and that he believed this effort belongs with the Comprehensive Plan update process, where a long range vision can be discussed, and noted he was eager for the Planning and Transportation Commission to conduct the follow up discussion.
- Chair Lippert noted his ideas relating to Build-To adjustments based upon the width of a parcel, the mix of uses in a mixed use project, and suggested a potential ratio for additional building height in direct proportion to additional setback provided, noting that form code may be helpful.
- Board member Gooyer was unable to stay for the entire discussion.

On October 8, 2014, Council is tentatively scheduled to discuss various zoning ordinance work program efforts; this Build-To Zone Ordinance effort is among the work program items. Tentatively, next public hearings on this item are scheduled for November 12, 2014 (PTC public hearing) and December 8, 2014 (City Council public hearing).

Prepared by: Amy French, AICP, Chief Planning Official



Attachments: Ordinance and September 18, 2014 Staff Report



Architectural Review Board

Staff Report

Agenda Date: September 18, 2014

To: Architectural Review Board

From: Amy French, Chief Planning Official

Department: Planning and Community Environment

Subject: **Build-to-Line Ordinance:** Review of Draft Modifications to the Build To Line Requirements in Palo Alto Municipal Code Chapter 18.16. *This item was reviewed by the Planning and Transportation Commission on July 30, 2014 and continued to a date uncertain.*

Recommendation

On September 4, 2014, the ARB received staff's presentation, listened to public testimony, discussed the issues, and continued the public hearing to September 18, 2014, to allow each ARB member to bring forth one item to discuss on September 18, 2014. Staff recommends that the Architectural Review Board (ARB) review the items brought to the discussion by board members, discuss the attached draft "Build-To" Ordinance provided in the September 4, 2014 ARB packet, and provide feedback and recommendation, if possible.

Background

The minutes of September 4, 2014 are in the ARB packet for the September 18th meeting, and reflect public speakers' comments. The ARB's concerns on September 4, 2014 were as follows:

- Sometimes making code more flexible makes the code more "gray", and having a specific "minimum" and particular intent are helpful to applicants who want clarity;
- The code doesn't alleviate the issues that sparked the Council direction; better to address policy at the Comprehensive Plan level, but code is going in the right direction;
- Use of 3D illustrations or existing project drawings help people to process code intent;
- Removal of the build-to line on other thoroughfares is supported;
- Parking limitation tweak to Table 4 could be a concern as per staff report;
- Buildings need to have "ins and outs" and landscaping at the front;
- Applicants should be rewarded for setting building back to allow more walkable sidewalks, with height as an incentive; perhaps some percentage building height (such as one foot of additional height for every additional foot setback);
- Should build in incentives for mixed use, but it is tough to add incentives at this time;
- Should reward properties that consolidate lots to make a bigger building with more presence;
- There needs to be a clear, concise way to communicate so it is clear the build-to-line modification is not a "taking";
- El Camino Real is a place to "let it all hang out" (per Andres Duany during the last Comprehensive Plan process); an eclectic street, more forgiving, vibrancy and a soul – we don't want to lose the soul, the parts of the whole (Mayfield, Barron Park, etc);
- It would be good to have an ARB liaison to speak at the PTC (and then come back to the ARB after PTC) and CC meetings on this.

Timeline:

November 12, 2014: PTC public hearing

December 8, 2014: City Council public hearing

Prepared by: Amy French, AICP, Chief Planning Official

ITEM #2

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Sections 18.16.060 (Development Standards for CN, CC, and CS Districts) and 18.16.090 (Context Based Design Criteria) of Title 18 (Zoning) of the Palo Alto Municipal Code To Allow Variable Placement of Building Facades on El Camino Real and Eliminate the Build-to-Line requirements for other frontages within the CS, CN and CC zones

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

SECTION 1. Section 18.16.060 (Development Standards for CN, CC, and CS Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows:

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 community environment, 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 Site Area (ft ²) Site Width (ft) Site Depth (ft)	None Required				
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)	<i>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code</i>

	CN	CC	CC(2)	CS	Subject to regulations in Section
Rear Yard (ft)	None required				
Interior Side Yard (ft)	None required				
Street Side Yard (ft)	20' ⁽²⁾	None required			
Minimum Yard (ft) for lot lines abutting or opposite residential districts or residential PC districts	10' ⁽²⁾	10' ⁽²⁾	10' ⁽²⁾	10' ⁽²⁾	
<u>Build-To-Lines (applicable to properties facing El Camino Real only)</u> ^{(7), (8)}	<ul style="list-style-type: none"> • Goal that minimum of 50% of frontage built within setback range of 0'-10' from property line (8' – 18' from curb) ⁽⁷⁾ • 33% of side street built to setback ⁽⁷⁾ • Wall % can be via upper floors where the ground floor is set back farther; • Wall % may be reduced based on Context Based Design Criteria set forth in Chapter 18.16 of this code and site context including land use, adjacent building context, lot size and building design 				
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)					
Standard		50'	37' ⁽⁴⁾	50'	
Within 150 ft. of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site	25' and 2 stories	35'	35'	35'	
Maximum Floor Area	0.4:1		2.0:1	0.4:1	18.18.060(e)

	CN	CC	CC(2)	CS	Subject to regulations in Section
Ratio (FAR)					
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					
Initial Height at side or rear lot line (ft)	- (6)	- (6)	- (6)	- (6)	
Slope	- (6)	- (6)	- (6)	- (6)	
<p>(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.</p> <p>(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.</p> <p>(3) No setback from an alley is required for a public parking garage.</p> <p>(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.</p> <p>(5) See additional regulations in subsection (e) of this Section 18.16.050.</p> <p>(6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.</p> <p>(7) Twenty-five-foot wide driveway access permitted regardless of building frontage. <u>The Build-to-Line requirement does not apply to Stanford Shopping Center and Town and Country Shopping Center properties.</u></p> <p>(8) A 12 foot sidewalk width is required along El Camino Real frontage.</p>					

(b) Mixed Uses

Table 4 specifies the development standards for new residential mixed use developments. 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 community environment, pursuant to Section 18.76.020.

**TABLE 4
MIXED USE DEVELOPMENT STANDARDS**

	CN	CC	C C(2)	CS	Subject to regulations in:
Minimum Site Specifications					
Site Area (ft ²)	None required				
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					<i>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply</i>
Front Yard (ft)	0' – 10' to create an 8' – 12' effective sidewalk width ⁽⁸⁾⁽¹⁰⁾	None Required ⁽⁸⁾⁽¹⁰⁾	0' – 10' to create an 8' – 12' effective sidewalk width ⁽⁸⁾⁽¹⁰⁾	0' – 10' to create an 8' – 12' effective sidewalk width ⁽⁸⁾⁽¹⁰⁾	
Rear Yard (ft)	10' for residential portion; no requirement for commercial portion				
Rear Yard abutting residential zone district (ft)	10'				
Interior Side Yard if abutting residential zone district (ft)	10'				
Street Side Yard (ft)	5'				
<u>Build-To-Lines (applicable to El Camino Real properties only)^{(1),(8)}</u>	<ul style="list-style-type: none"> • Goal that minimum of 50% of frontage built within setback range of <u>0'-10' from property line (8' – 18' from curb)</u> ⁽¹⁾ • <u>Wall % can be via upper floors where the ground floor is set back farther;</u> • Wall % may be reduced based on <u>Context Based Design Criteria set forth in Chapter 18.16 of this code and site context including land use, adjacent building context, lot size and building design</u> 				
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)				

	CN	CC	C C(2)	CS	Subject to regulations in:
	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%	
Landscape/Open Space Coverage	35%	30%	20%	30%	
Usable Open Space	200 sq ft per unit for 5 or fewer units ⁽²⁾ , 150 sq ft per unit for 6 units or more ⁽²⁾				
Maximum Height (ft)					
Standard	35' ⁽⁴⁾	50'	37'	50'	
Within 150 ft. of a residential zone district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site	35'	35' ⁽⁵⁾	35' ⁽⁵⁾	35' ⁽⁵⁾	
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	30	30	
Maximum Residential Floor Area Ratio (FAR)	0.5:1 ⁽⁴⁾		0.6:1	0.6:1	
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	
Minimum Mixed Use Ground Floor Commercial FAR ⁽⁶⁾	0.15:1		0.15:1 0.25:1 ⁽⁷⁾	0.15:1	
Parking	See Chapters 18.52 and 18.54 (Parking)				18.52, 18.54

(1) Twenty-five-foot wide driveway access permitted regardless of building frontage. ~~build to~~ requirement does not apply to CC district. The Build-to-Line requirement does not apply to Stanford Shopping Center and Town and Country Shopping Center properties.

(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); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.

(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) For sites abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.

	CN	CC	C C(2)	CS	Subject to regulations in:
(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 only on Housing Inventory Sites identified in the 2007-2014 Housing Element.
(10)					<u>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.</u>

(1) Residential and nonresidential mixed use projects shall be subject to site and design review in accord with Chapter 18.30(G), except that mixed use projects with four or fewer residential units shall only require review and approval by the architectural review board.

(2) Nonresidential uses that involve the use or storage of hazardous materials in excess of the exempt quantities prescribed in Title 15 of the Municipal Code, including but not limited to dry cleaning plants and auto repair, are prohibited in a mixed use development with residential uses.

(3) Residential mixed use development is prohibited on any site designated with an Automobile Dealership (AD) Combining District overlay.

SECTION 3. Section PAMC Sections 18.16.090 (b) (2) (H), and (b) (3) (F) (Context Based Design Criteria) of Title 18 (Zoning) of the Palo Alto Municipal Code are hereby amended to read as follows:

(2) Street Building Facades

Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements such as:

. . .

H. Upper floors set back to fit in with the context of the neighborhood. The ground floor may be set back farther than the upper floors when a greater first floor setback is established to provide more vibrant retail use.

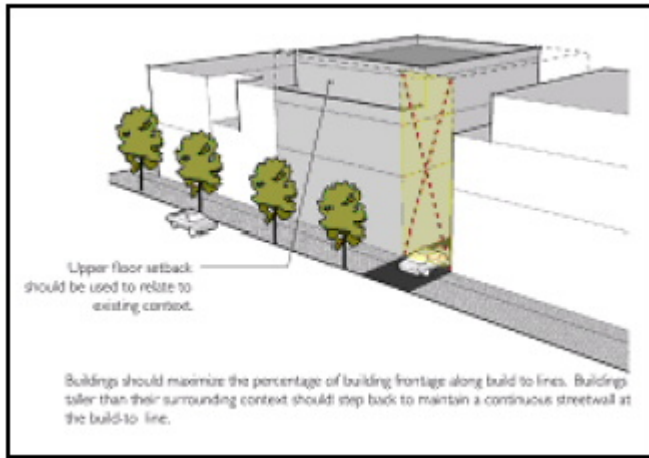
. . .

(3) Massing and Setbacks

Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:

. . .

 **Figure 3-3**



F. A majority of the building frontage located within 0 to 10' of the street property line at the setback line (Figure 3-3) along El Camino Real. Properties subject to a special setback shall follow that setback. On El Camino Real, placement of building frontage shall be based on context including land use, adjacent and nearby properties' existing building setbacks, proposed or adjacent building design, lot size and similar consideration.

SECTION 4. CEQA. This action is categorically exempt (per Section 15305 (Class 5) of the CEQA Guidelines) from the provisions of CEQA as they comprise minor alterations to land use limitations and can be seen to have no significant environmental impacts.

SECTION 5. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. Effective Date. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Assistant City Attorney

City Manager

Director of Planning & Community
Environment