



Formal Zoning Interpretation

DATE: June 29, 2020
TO: Planning & Development Services Staff and Interested Community Members
FROM: Jonathan Lait, Director
SUBJECT: Director's Interpretation Related to Seismic Rehabilitation and Floor Area Bonuses

Authority

Palo Alto Municipal Code Section 18.01.025 conveys authority to the Director of Planning and Development Services to interpret planning and land use provisions of Title 16, 18, and 21. When warranted, a formal written determination may be prepared and shared with the public by posting on the City's website.¹ Written decisions shall be effective fourteen days following posting unless appealed to the City Council in accordance with PAMC 18.77.070.

Director's Interpretation

A floor area bonus in accordance with PAMC 18.18.070 (a)(2) shall be available to qualifying Seismic Category I, II or III buildings in instances where seismic rehabilitation is determined infeasible by the Chief Building Official. The Building Official may require an engineering analysis or other studies appropriate to validate any claims of infeasibility.

Applicable Code Sections

Chapter 16.42 (Seismic Hazards Identification Program)
Section 18.18.070(a)(2) Available Floor Area Bonuses / Seismic Rehabilitation Bonus
Section 18.18.070(d)(1) Procedure for Granting Floor Area Bonuses

Discussion

Palo Alto is vulnerable to strong or moderate earthquakes due to its proximity to the San Andreas and Hayward Faults and may experience loss of life or serious injury as a result from damage to or collapse of buildings (PAMC 16.42.010). City regulations encourage seismic upgrades to particularly vulnerable buildings, including unreinforced masonry buildings, which pose a significant localized risk. To incentivize safer buildings, the City offers a floor area bonus up to 25% of the building floor area or 2,500 square feet, whichever is greater, for qualifying seismically rehabilitated buildings.

¹ This determination is available online at: <https://www.cityofpaloalto.org/pdsinterpretations>

In the recent past, several buildings in Palo Alto were allowed to be completely demolished as a means to correct the seismically vulnerable building and received a seismic bonus.² A closer review of the municipal code, however, suggests that to qualify for the bonus floor area, the building must be seismically rehabilitated, or retained and strengthened to contemporary structural standards. This later interpretation has been the approach followed by staff for the past several years.

Recently, a project applicant demonstrated to the satisfaction of the City's Chief Building Official that structurally rehabilitating the building at 233 University Avenue (Mills Florist) was not practical. While technical rehabilitation compliance could be documented, the effort to do so was determined not feasible nor safe by an engineering analysis.

In this instance, the plain reading of the municipal code and floor area bonus does not provide sufficient incentive to encourage seismic strengthening of a building type known to be hazardous to building occupants and pedestrians. Allowing replacement of the building – new building construction – would remedy the seismic hazard. Moreover, the project as previously approved, retains the existing exterior masonry brick (restored and reapplied), which preserves the look and character of the building.

Based on the foregoing and to support overriding public health interests, this interpretation would allow qualifying buildings (Seismic Category I, II or III), the opportunity to rebuild as new construction upon a finding by the City's Chief Building Official that rehabilitation is not practical. All other municipal code requirements are unaffected or unchanged by this interpretation.

DocuSigned by:

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Jonathan Lait, Director
Planning and Development Services

Posted on Website: June 29, 2020
Appeal Deadline: July 13, 2020

² 657 Alma St. (101 Forest Ave.); 901 Alma St.; 431 Florence St.; 820 Ramona St.; 150 University Ave.; 171 University Ave.; 201 University Ave.; 270 University Ave.; 274 University Ave.; 380 University Ave.; and, 416/428 University Ave.

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