

## **Chapter 18.10**

### **LOW-DENSITY RESIDENTIAL (RE, R-2 and RMD) DISTRICTS**

Sections:

18.10.010	Purposes
18.10.020	Applicable Regulations
18.10.030	Land Uses
18.10.040	Development Standards
18.10.050	Permitted Encroachments, Projections and Exceptions
18.10.060	Parking
18.10.070	Second Dwelling Units
18.10.080	Accessory Uses and Facilities
18.10.090	Basements
18.10.100	Standards for Agricultural Uses
18.10.110	Home Improvement Exceptions
18.10.120	Architectural Review
18.10.130	Historical Review
18.10.140	Neighborhood Preservation Combining District (NP) Standards
18.10.150	Grandfathered Uses

#### **18.10.010 Purposes**

Three low-density residential districts are defined in this chapter. Requirements for the single-family residential (R-1) district and related subdistricts and combining districts are included in Chapter 18.12. The specific purpose of each low-density residential district is stated below:

(a) Residential Estate District [RE]

The RE residential estate district is intended to create and maintain single-family living areas characterized by compatibility with the natural terrain and native vegetation. The RE district provides locations for residential, limited agricultural, and open space activities most suitably located in areas of very low density or rural qualities. Second dwelling units and accessory structures or buildings are appropriate

where consistent with the site and neighborhood character. Community uses and facilities should be limited unless no net loss of housing units would result.

(b) Two Family Residential District [R-2]

The R-2 two-family residence district is intended to allow a second dwelling unit under the same ownership as the initial dwelling unit on appropriate sites in areas designated for single-family use by the Palo Alto Comprehensive Plan, under regulations that preserve the essential character of single-family use. Community uses and facilities should be limited unless no net loss of housing would result.

(c) Two Unit Multiple-Family Residential District [RMD]

The RMD two-unit multiple-family residence district is intended to allow a second dwelling unit under the same ownership as the initial dwelling unit on appropriate sites in areas designated for multiple-family use by the Palo Alto Comprehensive Plan. The RMD district is intended to minimize incentives to replace existing single-family dwellings, maintain existing neighborhood character and increase the variety of housing opportunities available within the community. The maximum density in this zone shall not exceed seventeen dwelling units per acre.

(Ord. 4875 § 2 (part), 2005)

### 18.10.020 Applicable Regulations

The specific regulations of this chapter and the additional regulations and procedures established by Chapters 18.52 to 18.80 inclusive shall apply to all low-density residential districts.

(Ord. 4875 § 2 (part), 2005)

### 18.10.030 Land Uses

Table 1 shows the permitted and conditionally permitted uses for the low-density residential districts.

#### TABLE 1 PERMITTED AND CONDITIONALLY PERMITTED LOW-DENSITY RESIDENTIAL USES

[P = Permitted Use -- CUP = Conditional Use Permit Required]

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

(1) **Sale of Agricultural Products:** No permanent commercial structures for the sale or processing of agricultural products are permitted.

(2) **Second Units in R-2 and RMD Zones:** A second dwelling unit associated with a single-family residence on a lot in the R-2 or RMD zones is permitted, subject to the provisions of Section 18.10.070, and such that no more than two units result on the lot.

(3) **Bed and Breakfast Inns:** Bed and breakfast inns are limited to no more than 4 units (including the owner/resident's unit) in the RMD district.

(Ord. 4875 § 2 (part), 2005)

## 18.10.040 Development Standards

- (a) Site Specifications, Building Size, Height and Bulk, and Residential Density

The development standards for the low-density residential districts are shown in Table 2:

**TABLE 2  
LOW-DENSITY RESIDENTIAL DEVELOPMENT STANDARDS**

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

- (1) **Minimum Lot Size:** Any lot less than the minimum lot size may be used in accordance with the provisions of Chapter 18.40.
- (2) **R-2 Floodzone Heights:** Provided, in a special flood hazard area as defined in Chapter 16.52, the maximum heights are increased by one-half of the increase in elevation required to reach base flood elevation, up to a maximum building height of 33 feet.
- (3) **R-2 Floodzone Daylight Plane:** Provided, if the site is in a special flood hazard area and is entitled to an increase in the maximum height, the heights for the daylight planes shall be adjusted by the same amount.
- (4) **Exemption from Floor Area for Covered Parking Required for Two-Family Uses:** In the R-2 and RMD districts, for two-family uses, floor area limits may be exceeded by a maximum of two hundred square feet, for purposes of providing one required covered parking space.
- (5) **Maximum House Size:** The gross floor area of attached garages and attached second dwelling units are included in the calculation of maximum house size. If there is no garage attached to the house, then the square footage of one detached covered parking space shall be included in the calculation. This provision applies only to single-family residences, not to duplexes allowed in the R-2 and RMD districts.

- (b) Substandard and Flag Lots in R-2 Districts

The following site development regulations shall apply to all new construction on substandard and flag lots within the R-2 district in lieu of comparable provisions in subsection (a).

- (1) Substandard Lots

(A) For the purposes of this subsection (c), a substandard lot shall be a lot with a width of less than 50 feet or a depth of less than 83 feet and an area less than 83% of the minimum area required by the zoning of the parcel.

- (B) Development Standards

(i) The maximum height shall be 17 feet, as measured to the peak of the roof.

(ii) There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines, and similar area with interior heights of five feet (5) or more from the roof to the floor, but exclude basements and exclude attics that have no stairway or built-in access. The chief building official shall make the final determination as to whether a floor is habitable.

(iii) For lots less than 50 feet in width, the required street side setback shall be 10 feet.

(C) Nothing in this subsection (c) shall affect or otherwise redefine the provisions of Section 18.40.080 as to whether a substandard lot may be used as a lot under this title.

- (2) Flag Lots

(A) A flag lot shall be defined as set forth in Section 18.04.030(84)(B).

(B) Flag Lot Development Standards:

(i) The maximum height shall be 17 feet, as measured to the peak of the roof.

(ii) There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines, and similar areas with interior heights of five feet (5') or more from the roof to the floor, but exclude basements and exclude attics that have no stairway or built-in access. The chief building official shall make the final determination as to whether a floor is habitable.

(iii) Front Setback: 10 feet. Flag lots are not subject to contextual front setback requirements.

(iv) Flag lots are not subject to contextual garage placement requirements.

(c) Maximum Lot Sizes in R-2 and RMD Districts

This provision limits the potential for lot combinations with a net loss of housing stock and resultant homes that would be out of scale with homes in the surrounding neighborhood. In the R-2 and RMD districts, no new lot shall be created equal to or exceeding two times the minimum lot size prescribed for the district, as prescribed in Table 2. Lots larger than the prescribed maximum size are permitted only under the following circumstances: (i) where a Village Residential land use is approved concurrent with the new lot, resulting in no net loss of housing on the site(s); (ii) where underlying lots must be merged to eliminate nonconformities and no net loss of housing units would result; and (iii) where an adjacent substandard lot of less than 25 feet in width is combined with another lot, resulting in no net loss of housing units on the site.

(d) Garage Doors in R-2 District

In the R-2 district, for garages located within 50 feet from a street frontage, on lots less than 75 feet in width, the total combined width of garage doors which are parallel to the street shall not exceed 20 feet.

(e) Special Setbacks

Where applicable, setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code shall be followed for the purpose of determining legal setback requirements.

(f) Certification of Daylight Plane Compliance

Upon request by the building official, any person building or making improvements to a structure in the low density residential districts shall provide a certification that the structure, as built, complies with the daylight plane provisions in subsection (a). Such certification shall be prepared by a licensed engineer, architect, or surveyor, and shall be provided prior to frame inspection.

(g) Lighting in R-2 District

In the R-2 district, recreational and security lighting shall be permitted only so long as the lighting is shielded so that the direct light does not extend beyond the property where it is located. Free-standing recreational and security lighting installed on or later than March 11, 1991, shall be restricted to twelve feet (12') in height.

(h) Location of Noise-Producing Equipment

All noise-producing equipment, such as air conditioners, pool equipment, generators, commercial kitchen fans, and similar service equipment, shall be located outside of the front, rear and side yard setbacks. Such

equipment may, however, be located up to 6 feet into the street sideyard setback. All such equipment shall be insulated and housed, except that the Planning Director may permit installation without housing and insulation, provided the equipment is located within the building envelope and where a combination of technical noise specifications, location of equipment, and/or other screening or buffering will assure compliance with the City's Noise Ordinance at the nearest property line. Any replacement of such equipment shall conform to this section where feasible. All service equipment must meet the City Noise Ordinance in Chapter 9.10 of this code.

(i) Individual Review

The Individual Review provisions of Section 18.12.110 of the Zoning Ordinance shall be applied to any single-family or two-family residence in the R-2 or RMD districts to those sides of a site that share an interior side lot line with the interior side or rear lot line of a property zoned for or used for single-family or two-family dwellings, except where architectural review board review is required for a second dwelling on an RMD-zoned site. The individual review criteria shall be applied only to the project's effects on adjacent single-family and two-family uses.

(Ord. 4964 § 9, 2007; Ord. 4875 § 2 (part), 2005)

### **18.10.050 Permitted Encroachments, Projections and Exceptions**

The following projections and encroachments into required yards, daylight plane and height are permitted, provided a projection shall not be permitted to encroach into a special setback, as established by the setback map pursuant to Chapter 20.08 of the Palo Alto Municipal Code, except as noted in (a)(1)(D) below.

(a) Setback/Yard Encroachments and Projections

(1) Horizontal Additions

In the R-2 district and the RMD district, where a single-family dwelling legally constructed according to existing yard and setback regulations at the time of construction encroaches upon present required yards, one encroaching side (first floor wall) of the existing structure at a height not to exceed 12 feet may be extended in accord with this section. Only one such extension shall be permitted for the life of such building. This subsection shall not be construed to allow the further extension of an encroachment by any building which is the result of the granting of a variance, either before or after such property became part of the city.

(A) Front Yard. In cases where the existing setback is less than 20 feet, but at least 14 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended; provided, that the total length of the existing encroaching wall and the additional wall shall together not exceed one-half the maximum existing width of such building.

(B) Interior Side Yard. In cases where the existing setback is less than 8 feet, but at least 5 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended, but not to exceed 20 additional feet.

(C) Street Side Yard. In cases where the existing setback is less than 16 feet, but at least 10 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended, but not to exceed 20 feet.

(D) Special Setbacks. In cases where a Special Setback is prescribed pursuant to Chapter 20.08 of the Municipal Code, and the existing setback is less than the Special Setback distance, but is at least 14 feet for

the front setback or at least 10 feet for the street side yard setback, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended, provided that the total length of the existing encroaching wall and the additional wall shall together not exceed one-half the maximum existing width of such building.

(2) Rear Yard Encroachments for Portions of Homes

A portion of a main building that is less than half the maximum width of the building may extend into the required rear yard no more than six feet and with a height of no more than one story, except that a corner lot having a common rear property line with an adjoining corner lot may extend into the required rear yard not more than ten feet with a height of no more than one story.

(3) Allowed Projections

(A) Cornices, Eaves, Fireplaces, and Similar Architectural Features

For cornices, eaves, fireplaces, and similar architectural features, excluding flat or continuous walls or enclosures of usable interior space, the following projections are permitted:

(i) A maximum of two feet into a required side yard. Fireplaces in a required side yard may not exceed five feet in width. Fireplaces not exceeding five feet in width may project into a required side yard no more than two feet.

(ii) A maximum of four feet into a required front yard

(iii) A maximum of four feet into a required rear yard

(B) Window Surfaces

Window surfaces, such as bay windows or greenhouse windows, may extend into a required side or rear yard a distance not to exceed two feet, or into a required front yard a distance not exceeding three feet. The window surface may not extend into any yard above a first story.

(C) Detached Storage Structures

In addition to the provisions for location of accessory structures under Section 18.12.080(b), the following further projections are permitted. For structures not over six feet in height or twenty-five square feet in floor area, used exclusively for storage purposes, the following projections are permitted:

(i) A maximum of two feet into a required side yard.

(ii) A maximum of four feet into a required front yard.

(iii) A maximum of four feet into a required rear yard.

(D) Patios, Decks, Stairways, Landings, Balconies, or Fire Escapes

For uncovered porches (less than 30 inches above grade), patios, decks, stairways, landings, balconies, or fire escapes the following projections are permitted, provided these projections are not permitted above the first story:

(i) A maximum of three feet into a required side yard.

(ii) A maximum of six feet into a required front yard.

(iii) A maximum of six feet into a required rear yard.

(E) Canopy or Patio Cover

A canopy or patio cover may be located in the required rear yard or that portion of the interior side yard, which is more than 75 feet from the street lot line measured along the common lot line. Such canopies shall be subject to the following conditions:

(i) A canopy or patio cover shall not be more than 12 feet in height.

(ii) The canopy or patio cover shall be included in the computation of building coverage.

(iii) The canopy or patio cover and other structures shall not occupy more than 50 percent of the required rear yard.

(iv) The canopy or patio cover shall not be enclosed on more than two sides.

(F) Pools, Spas, and Hot Tubs

(i) Pools, spas, and hot tubs may extend into a required rear yard a distance not to exceed fourteen feet, provided that a minimum setback of six feet from the property line shall be maintained.

(ii) No swimming pool, hot tub, spa, or similar accessory facility shall be located in any portion of a required front or street side yard.

(iii) No swimming pool, hot tub, spa, or similar accessory facility shall be located closer than six feet from an interior side yard property line.

(b) Height Exceptions

The following features may exceed the height limit established by the specified districts:

(1) RE and R-2 Districts: In the RE and R-2 districts, flues, chimneys, and antennas may exceed the established height limit by not more than 15 feet.

(2) RMD District: In the RMD district, flues, chimneys, exhaust fans or air conditioning equipment, elevator equipment, cooling towers, antennas, and similar architectural, utility, or mechanical features may exceed the height limit established in any district by not more than 15 feet, provided that no such feature or structure in excess of the height limit shall be used for habitable space, or for any commercial or advertising purposes.

(c) Daylight Plane Exceptions

The following features may extend beyond the daylight plane established by the applicable district, provided that such features do not exceed the height limit for the district unless permitted to do so by subsection (b):

(1) RE and R-2 districts:

(A) Television and radio antennas;

(B) Chimneys and flues, provided that chimneys do not extend past the required daylight plane a distance exceeding the minimum allowed pursuant to Chapter 16.04 of this code;

- (C) Dormers, roof decks, gables, or similar architectural features, provided that
  - (i) the sum of the horizontal lengths of all such features shall not exceed 15 feet on each side; and
  - (ii) the height of such features does not exceed 24 feet.

(D) Cornices, eaves, and similar architectural features, excluding flat or continuous walls or enclosures of usable interior space, provided such features do not extend past the daylight plane more than 2 feet.

(2) RMD District:

- (A) Television and radio antennas; and
- (B) Chimneys and flues.

(Ord. 4875 § 2 (part), 2005)

### **18.10.060 Parking**

Off-street parking and loading facilities shall be required for all permitted and conditional uses in accord with Chapters 18.52 and 18.54 of this title. The following parking requirements apply in the R-E, R-2, and RMD districts. These requirements are included for reference purposes only, and in the event of a conflict between this Section 18.10.060 and any requirement of Chapters 18.52 and 18.54, Chapters 18.52 and 18.54 shall apply, except in the case of parcels created pursuant to section 18.10.130(c) (subdivision incentive for historic preservation).

#### (a) Parking Requirements for Specific Uses

Table 3 shows the minimum off-street automobile parking requirements for specific uses.

#### **TABLE 3 PARKING REQUIREMENTS FOR R-E, R-2 AND RMD USES**

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#### (b) Parking and Driveway Surfaces

Parking and driveway surfaces may have either permeable or impermeable paving. Materials shall be those acceptable to public works department standards. Gravel and similar loose materials shall not be used for driveway or parking surfaces within 10 feet of the public right of way.

#### (c) Parking in Yards

- (1) No required parking space shall be located in a required front yard.
- (2) No required parking space shall be located in the first ten feet adjoining the property line of a required street side yard.

#### (d) Tandem Parking



Tandem parking shall be permitted for single-family uses and for single-family uses with a permitted second dwelling unit. Tandem parking is permitted for two-family uses where both spaces in tandem (front space and tandem space) are designated for use by the same unit.

(e) Bicycle Parking

For two family uses, at least one Class I bicycle parking space shall be required.

(f) Design of Parking Areas

Parking facilities shall comply with all applicable regulations of Chapter 18.83 (Parking Facility Design Standards).

(g) Parking Facilities on Lots Created Pursuant to Section 18.10.130(c) (subdivision incentive for historic preservation)

Legal non-conforming parking facilities existing prior to the subdivision of a parcel having a historic residence(s) may be maintained as existing non-complying facilities or may be improved to greater compliance with parking requirements, as approved by the Director of Planning and Community Environment or his/her designee. Preservation covenants may allow non-historic residences to be remodeled; however, floor area expansions shall be subject to the Director's discretionary action regarding improvements to on-site parking conditions associated with such increased floor area and when floor area over 400 square feet is proposed to be added to a non-historic residence having legal non-complying parking facilities prior to subdivision, parking facilities shall be brought into greater compliance with Chapter 18.52, wherever feasible. A subdivided property having no existing on-site parking facilities prior to subdivision may be permitted to continue as such as long as preservation covenants allowing for this continuance and any associated access easements have been recorded.

(Ord. 5051 § 3, 2009; Ord. 4875 § 2 (part), 2005)

### **18.10.070 Second Dwelling Units**

The intent of this section is to provide regulations to accommodate second dwelling units, in order to provide for variety to the City's housing stock and additional affordable housing opportunities. Second dwelling units are intended as separate self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of second dwelling units on nearby residents and to assure that the size, location and design of such dwellings is compatible with the existing residence on the site and with other structures in the area.

(a) Second Units in the R-2 and RMD Districts

Second dwelling units are allowed on R-2 or RMD lots that meet lot size requirements in Table 2 to accommodate two units on a lot. For R-2 zoned lots of 6,000 square feet or greater, but less than 7,500 square feet, a second dwelling unit of 450 square feet or less is permitted, subject to all other regulations of the R-1 chapter outlined in Section 18.12.070. Any second dwelling unit, and any airspace rights thereto, under different ownership from the initial dwelling unit, shall be prohibited in the R-2 and RMD districts.

(b) Second Units in the R-E District

The following regulations apply to second dwelling units in the R-E district:

(1) Minimum Lot Sizes

In the RE district, the minimum lot size for a second dwelling unit is one acre. Provided, for flag lots, the minimum lot size shall be 35% greater than the minimum lot size established by Section 21.20.301 of the Subdivision Ordinance.

(2) Development Standards for Attached Second Dwelling Units

Attached second dwelling units are those attached to the main dwelling. Attached unit size counts toward the calculation of maximum house size. All attached second dwelling units shall be subject to the following development requirements:

(A) The minimum site area shall meet the requirements specified in subsection (1) above.

(B) Maximum size of living area: 450 square feet. The second dwelling unit and covered parking shall be included in the total floor area for the site. Any basement space used as a second dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the unit.

(C) Maximum size of covered parking area for the second dwelling unit: 200 square feet.

(D) Maximum height: 30 feet.

(E) Except on corner lots, the second dwelling unit may not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit, and exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

(3) Development Standards for Detached Second Dwelling Units

Detached second dwelling units are those detached from the main dwelling. All detached second dwelling units shall be subject to the following development requirements:

(A) The minimum site area shall meet the requirements specified in subsection (b) above.

(B) Minimum separation from the main dwelling: 12 feet.

(C) Maximum size of living area: 900 square feet. The second dwelling unit and covered parking shall be included in the total floor area for the site. Any basement space used as a second dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the unit.

(D) Maximum size of covered parking area for the second dwelling unit: 200 square feet.

(E) Maximum height: one story and 17 feet.

(F) The detached second dwelling shall be architecturally compatible with the main residence, with respect to style, roof pitch, color and materials.

(4) Street Access

The second dwelling unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees. Separate driveway access may be permitted by the Zoning Administrator upon a determination that separate access will result in fewer environmental impacts such as excessive paving, unnecessary grading or unnecessary tree removal, and that such separate access will not create the appearance, from the street, of a lot division or two-family use.

(5) Parking

The following parking criteria apply to both detached and attached second dwelling units:

(A) Two parking spaces shall be provided for each second dwelling unit, with at least one of the spaces being covered; provided, however, that if the floor area of the second dwelling unit is 450 square feet or less, only a single parking space is required, and it may be covered or uncovered.

(B) Such parking shall be located out of required front setbacks and not closer than 15 feet from the street in a street side setback. New parking areas created in the street side setback shall be of permeable materials if required by the Planning Director.

(Ord. 4939 § 3, 2007; Ord. 4875 § 2 (part), 2005)

### **18.10.080 Accessory Uses and Facilities**

Accessory uses and facilities, as referenced in Section 18.10.030, shall be permitted when incidental to and associated with a permitted use or facility in the R-E, R-2, or RMD districts, or when incidental to and associated with an allowable and authorized conditional use therein, subject to the provisions below and of Chapters 18.40 and 18.42.

(a) Types of Accessory Uses

Accessory uses and facilities include, but are not limited to, the following list of examples; provided that each accessory use or facility shall comply with the provisions of this title:

- (1) Residential garages, carports, and parking facilities, together with access and circulation elements necessary thereto;
- (2) Facilities for storage incidental to a permitted use; and
- (3) Recreational uses and facilities for the use and convenience of occupants or employees, or guests thereof, of a principal use or facility;

(b) Location and Development Standards

Except as otherwise provided in this section, accessory buildings shall at all times be located in conformance with requirements for principal buildings, and shall not be located in any required front, side, or rear yard. See Section 18.10.050(a)(3)(C) for allowed encroachments for small storage structures. Accessory buildings may be located in a required interior yard subject to the following limitations:

- (1) An accessory building shall not be used for living and/or sleeping purposes unless the building was legally constructed for or was legally converted to living and/or sleeping purposes prior to October 13, 1983.
- (2) An accessory building shall not be located in a required front yard, required street yard, or required rear yard of a through lot.
- (3) An accessory building shall not be located in a required interior side or rear yard unless the building is at least seventy-five feet from any property line adjacent to a street, measured along the respective lot line. Provided, on corner lots, accessory buildings including detached garages and carports may be located

in the rear yard if located at least 75 feet from the front street and at least 20 feet from the side street property lines.

(4) Accessory buildings located within a required interior yard as permitted by this section shall be subject to a maximum height established by a daylight plane beginning at a height of eight feet at the property line and increasing at a slope of one foot for every three feet of distance from the property line, to a maximum height of twelve feet.

(5) When located within a required interior yard as permitted by this section, no such accessory building shall have more than two plumbing fixtures.

(6) Accessory buildings located within a required interior yard, as permitted by this section, shall not individually or cumulatively occupy an area exceeding fifty percent of the required rear yard.

(7) The minimum distance between separate buildings located on the same site shall be as required by Title 16; provided, accessory buildings in the Residential Estate (RE) district shall be separated from the principal building by at least three feet.

(8) A principal building and an accessory building, meeting the requirements of Title 16 and each located on a site as otherwise permitted for principal building and accessory buildings, may be connected by a structure meeting the definition of a breezeway. Such structure, or breezeway, shall be a part of the accessory building.

(Ord. 4875 § 2 (part), 2005)

### **18.10.090 Basements**

Basements shall be permitted in areas that are not designated as special flood hazard areas, as defined in Chapter 16.52, subject to the following regulations:

(a) Permitted Basement Area

Basements may not extend beyond the building footprint and basements are not allowed below any portion of a structure that extends into required setbacks, except to the extent that the main residence is permitted to extend into the rear yard setback by other provisions of this code.

(b) Inclusion as Gross Floor Area

Basements shall not be included in the calculation of gross floor area, provided that:

(1) basement area is not deemed to be habitable space, such as a crawlspace; or

(2) basement area is deemed to be habitable space but the finished level of the first floor is no more than three feet above the grade around the perimeter of the building foundation. Grade is measured at the lowest point of adjacent ground elevation prior to grading or fill, or finished grade, whichever is lower.

(c) Lightwells, Stairwells and Other Excavated Features

Excavated features shall not affect the measurement of the grade for the purposes of determining gross floor area, so long as such features meet the following provisions:

(1) Lightwells, stairwells and similar excavated features along the perimeter of the basement shall not affect the measurement of grade, provided that:

(A) such features are not located in the front of the building;

(B) such features shall not exceed 3 feet in width;

(C) the cumulative length of all such features does not exceed 30% of the perimeter of the basement;

(D) such features do not extend more than 3 feet into a required side yard nor more than 4 feet into a required rear yard, but where a side yard is less than 6 feet in width, the features shall not encroach closer than 3 feet from the adjacent side property line;

(E) the cumulative length of any features or portions of features that extend into a required side or rear yard does not exceed 15 feet in length;

(F) the owner provides satisfactory evidence to the planning division prior to issuance of a building permit that any features or portions of features that extend into a required side or rear yard will not be harmful to any mature trees on the subject property or on abutting properties; and

(G) such features have either a drainage system that meets the requirements of the public works department or are substantially sheltered from the rain by a roof overhang or canopy of a permanent nature.

(2) Below-grade patios, sunken gardens or similar excavated areas along the perimeter of the basement that exceed the dimensions set forth in subsection (1), are permitted and shall not affect the measurement of grade, provided that:

(A) such areas are not located in the front of the building;

(B) All such areas combined do not exceed 2% of the area of the lot or 200 square feet, whichever is greater; that each such area does not exceed 200 square feet, and that each such area is separated from another by a distance of at least 10 feet. Area devoted to required stairway access shall not be included in the 200 square foot limitation.

(C) the cumulative length of any excavated area or portion thereof that extends into a required side or rear yard does not exceed 15 feet;

(D) such features do not extend more than 2 feet into a required side yard nor more than 4 feet into a required rear yard;

(E) the owner provides satisfactory evidence to the planning director prior to issuance of a building permit that any features or portions of features that extend into a required side or rear yard will not be harmful to any mature trees on the subject property or on abutting properties;

(F) such features have either a drainage system that meets the requirements of the public works department or are substantially sheltered from the rain by a roof overhang or canopy of a permanent nature;

(G) any roof overhang or canopy installed pursuant to subsection (F) is within and is counted toward the site coverage requirements established in Section 18.10.040;

(H) such areas are architecturally compatible with the residence; and

(I) such areas are screened to off site views by means of landscaping and/or fencing as determined appropriate by the planning director.

(Ord. 4964 § 10, 2007: Ord. 4875 § 2 (part), 2005)

#### **18.10.100 Standards for Agricultural Uses**

In the RE district, agricultural use shall be allowed subject to the following regulations:

(a) Keeping and Raising of Livestock

Keeping and raising of livestock, poultry, or other animals may be conducted accessory to a residential use, and raising of animals for commercial purposes is prohibited.

(b) Required Site Area for Keeping of Livestock

(1) At least 21,528 square feet (0.5 acre) of site area shall be required for each horse, mule, donkey, cow, steer or similar livestock.

(2) At least 21,528 square feet (0.5 acre) of site area shall be required for each three goats, hogs, sheep, or similar livestock.

(c) Location of Livestock Facilities

Barns, stables, sheds, chicken houses, and other similar facilities for the shelter and feeding of animals, exclusive of domestic household pets, shall be located a minimum of 40 feet from any lot line (property line).

(Ord. 4875 § 2 (part), 2005)

#### **18.10.110 Home Improvement Exceptions**

Home improvement exceptions may be granted for existing single-family residences in the R-E, R-2, and RMD districts, pursuant to the provisions of Section 18.12.120 (R-1 Residential District, Home Improvement Exceptions).

(Ord. 4875 § 2 (part), 2005)

#### **18.10.120 Architectural Review**

Architectural review, as required in Section 18.76.020, is required in the R-E, R-2, and RMD districts whenever three or more adjacent residential units are intended to be developed concurrently, whether through subdivision or individual applications. Architectural review is also required for second dwelling units of more than 900 square feet, when located in the Neighborhood Preservation Combining District (NP).

(Ord. 4875 § 2 (part), 2005)

## 18.10.130 Historical Review and Incentives

(a) Historic home review, as required in Chapter 16.49 of Title 16 of the Municipal Code, is required in the R-E, R-2, and RMD low density residential districts for alterations or modifications to any residence designated on the City's Historic Inventory as a Category 1 or Category 2 historic structure as defined in Section 16.49.020 of this code or any contributing structure located within a locally designated historic district.

(b) Exemptions to gross floor area requirements are available for historic residences pursuant to the definition of gross floor area in Section 18.04.030(65)(D)(vii). Home improvement exceptions provide for additional square footage and certain other exceptions for historic homes pursuant to Section 18.12.120 (R-1 Chapter).

(c) Notwithstanding other provisions of this chapter, existing parcels in the R-2 or RMD districts containing two residences may be subdivided into **two** ownerships, where all of the following circumstances exist:

(1) At least one residence is designated on the City's Historic Inventory as a Category 1, Category 2, Category 3, or Category 4 historic structure as defined in Section 16.49.020 of this code or are contributing structures located within a locally designated historic district or are eligible for listing on the California or National Registers; and

(2) No increase in the total number of residences on the site is proposed; and

(3) Separate lots are proposed to be created, each with a minimum lot size not less than 4,000 square feet if only one residence is historic; if both residences are historic and subject to a covenant, the allowable minimum lot size is 2,000 square feet; and

(4) The resultant parcel lines may create less than minimum lot size (no less than the area stated in item (3) of this section), site width and depth, setback and daylight plane encroachments, floor area and site coverage exceeding the maximum allowable for existing development with respect to each new parcel, without the need for approval of a Variance or Home Improvement Exception, but would not generally increase any existing non-complying building features; however, minor additions for functional improvements may be allowed at the discretion of the Director of Planning and Community Environment; and

(5) The Historic Resources Board has determined that at least one existing residence on the property has historic integrity and qualifies for listing on the City's Historic Inventory.

(6) A covenant is recorded to run with the land in perpetuity, assuring that the historic residence(s) will be preserved and maintained consistent with the Secretary of the Interior's Standards for Historic Rehabilitation through compliance with Historic Resources Board review and recommendations. The covenant will stipulate that HRB review is required for all major projects on the site including significant changes to any non-historic residence. Any modifications to a non-historic residence must be compatible with the historic residence and satisfy the Secretary of Interior's Standards for Historic Compatibility.

(7) The two residences on the property were in existence as of January 28, 2009.

(8) Application of the state Historic Building Code is available for use on any eligible building.

(9) Residences subject to a covenant must meet all government health, life and safety codes.

(Ord. 5051 § 2, 2009; Ord. 4875 § 2 (part), 2005)

## **18.10.140 Neighborhood Preservation Combining District (NP)**

### **(a) Purpose and Applicability**

The neighborhood preservation combining district is intended to modify the regulations of the RMD two unit multiple-family residential district areas where it is deemed essential to maintain the visual and historic character of existing neighborhoods. The combining district is intended to foster retention of existing single-family structures, to foster additions to existing properties without demolition of sound residential structures, and to assure compatibility of design of new residential units with existing structures on the same or surrounding properties.

Properties in the (NP) combining district are subject to the following regulations:

### **(b) Design Review**

#### **(1) Purposes**

The purpose of design review of properties in an (NP) combining district is to achieve compatibility of scale, silhouette, façade articulation, and materials of new construction with existing structure on the same property or on surrounding properties within a combining district.

#### **(2) Design Review Required**

For properties on which two or more residential units are developed or modified, design review and approval shall be required by the architectural review board in compliance with procedures established in Section 18.76.020 for any new development or modification to any structure on the property and for site amenities. No design review is required for construction of or modifications to single-family structures that constitute the only principal structure on a parcel of land. No design review is required for construction of second dwelling units on a parcel except when the second unit exceeds 900 square feet in size.

#### **(3) Design Review Guidelines**

The architectural review board shall, at its discretion, develop specific design review guidelines for each specific area to which this combining district is applied.

### **(c) Exceptions to Development Standards**

#### **(1) Applicability**

Subject to the provisions of Section 18.76.040 and the general purposes of this title to foster retention of existing single-family structures and to maintain the existing historic and general character of the neighborhood, the planning director may grant exceptions to site development regulations (except limitations on residential density), parking regulations, and from the special setback requirements of Title 20 applicable to the underlying zone district where combined with the neighborhood preservation (NP) combining district. This exception procedure is the exclusive procedure for procuring an exception to development standards in the NP combining district. It is not necessary for the property owner to obtain a variance.

#### **(2) Findings**

The director may only grant an (NP) District Exception if, from the application or the facts presented at the public hearing, he finds:

#### **(A) The granting of the exception will facilitate the preservation of an existing residential**



structure on the same property and will be of benefit in maintaining the existing historic and general character of the surrounding neighborhood, and

(B) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.

(3) Conditions

In granting NP District Exceptions, reasonable conditions or restrictions may be imposed as deemed appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(4) Procedures

Please refer to Chapters 18.76 and 18.77 for further information regarding the procedures applicable to requests for exceptions.

(Ord. 4875 § 2 (part), 2005)

### **18.10.150 Grandfathered Uses**

(a) Applicability

The uses specified in subsection (b) may remain as grandfathered uses provided that those uses:

- (1) are located in the specified district;
- (2) existed on the specified date;
- (3) on that date, were lawful permitted uses or conditional uses operating subject to a conditional use permit; and
- (4) on that date, were conforming uses.

(b) Grandfathered Uses

(1) R-2 district:

(A) Professional and medical office uses (except product testing and analysis, and prototype development), existing on July 20, 1978 or such uses which were, prior to July 20, 1978, located in an R-2 district which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

(B) Two-family uses, except where one of the units is a legal nonconforming detached single-family dwelling on a substandard lot size, and multiple-family uses existing on July 20, 1978 or such uses which were, prior to July 20, 1978, located in an R-2 district which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

(2) RMD district:

(A) Professional and medical office uses (except product testing and analysis, and prototype development), existing on July 20, 1978.

(B) Multiple-family uses existing on July 20, 1978.

(c) Permitted Changes

The following regulations shall apply to the grandfathered uses specified in subsection (b):

(1) Such uses shall be permitted to remodel, improve, or replace site improvements on the same site, for continual use and occupancy by the same use, provided that

(A) such remodeling, improvement or replacement shall not:

(i) result in increased floor area;

(ii) result in an increase in the number of offices, in the case of professional or medical office uses, or dwellings, in the case of residential uses;

(iii) result in shifting of building footprint;

(iv) increase the height, length, building envelope, or size of the improvement,

(v) increase the existing degree of noncompliance, except through the granting of a design enhancement exception pursuant to Chapter 18.76.

(2) If a grandfathered use ceases and thereafter remains discontinued for twelve consecutive months, it shall be considered abandoned and may be replaced only by a conforming use.

(3) A grandfathered use which is changed to or replaced by a conforming use shall not be reestablished, and any portion of a site or any portion of a building, the use of which changes from a grandfathered use to a conforming use, shall not thereafter be used except to accommodate a conforming use.

(4) The following additional regulations shall apply to grandfathered professional or medical office uses:

(A) Any remodeling, improvement, or replacement of any building designed and constructed for residential use shall be subject to the issuance of a conditional use permit in accord with Chapter 18.76.

(B) In the event of redevelopment of all or a portion of the site for permitted residential uses, professional and medical office uses may not be incorporated in the redevelopment, except that this provision shall not apply to permanent conversion to residential use of space within an existing structure now used for professional and medical office uses.

(d) Existing Accessory Dwellings and Guest Cottages

In the RE district, accessory dwellings and guest cottages existing on April 28, 1986, and which prior to that date were lawful, conforming permitted uses may remain as legal nonconforming uses. Such uses shall be permitted to remodel, improve or replace site improvements on the same site, without necessity to comply with site development regulations for continual use and occupancy by the same use; provided that any such remodeling, improvement or replacement shall not add a kitchen nor result in increased floor area, number of dwelling units, height, length or any other increase in the size of the improvement without complying with

the standards set forth in this subsection and applying for and receiving a conditional use permit pursuant to Chapter 18.76

(e) Existing Second Dwelling Units on Substandard Size Lots

In the R-2 district, notwithstanding any provisions of Chapters 18.40 and 18.42 and/or 18.70, in the case of a legal and nonconforming second detached single-family dwelling existing prior to July 20, 1978 on a substandard size lot, such nonconforming use shall be permitted to remodel, improve, or replace site improvements on the same site without necessity to comply with site development regulations; provided, that any such remodeling, improvement or replacement shall not result in increased floor area, number of dwelling units, height, length, or any other increase in the size of the improvement.

(f) Existing Homes on Substandard Lots

In the R-2 district, single-family and two-family homes on substandard lots, as defined in Section 18.10.040(b), and flag lots existing on August 1, 1991 and which prior to that date were lawful, complying structures, may remain and be remodeled, improved, or replaced without complying with the height and habitable floor limitations for substandard lots specified in Section 18.10.040, provided that:

(1) any such remodeling, improvement, or replacement does not result in a height above seventeen feet or any additional habitable floor area above a first habitable floor, except that any structure damaged or destroyed by a natural disaster (such as fire, flood or earthquake) may be replaced to its previous size without regard to the height and habitable floor limitations imposed by this section; and

(2) in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control.

(Ord. 4875 § 2 (part), 2005)

## **Chapter 18.12**

### **R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT\***

Sections:

- 18.12.010 Purposes
- 18.12.020 Applicable Regulations
- 18.12.030 Land Uses
- 18.12.040 Development Standards
- 18.12.050 Permitted Encroachments, Projections and Exceptions
- 18.12.060 Parking
- 18.12.070 Second Dwelling Units
- 18.12.080 Accessory Uses and Facilities
- 18.12.090 Basements
- 18.12.100 Regulations for the Single Story Overlay (S) Combining District
- 18.12.110 Single Family Individual Review
- 18.12.120 Home Improvement Exceptions
- 18.12.130 Architectural Review
- 18.12.140 Historical Review
- 18.12.150 Grandfathered Uses

\* Editor's Note: This chapter was revised in its entirety by Ordinance 4869. Ordinances formerly codified in this chapter, and not specifically repealed by adoption of Ordinance 4869, include Ords. 3048, 3064, 3070, 3130, 3255, 3291, 3345, 3378, 3465, 3475, 3489, 3536, 3577, 3583, 3662, 3683, 3735, 3741, 3850, 3861, 3905, 4016, 4043, 4081, 4140, 4642, 4643, 4716, 4794 and 4826.

#### **18.12.010 Purposes**

Provisions related to the single-family residential (R-1) district, four residential R-1 subdistricts, and the single-story (S) combining district are outlined in this chapter. Requirements for the R-E, R-2 and RMD are included in Chapter 18.10. The specific purposes of each residential district are stated below:

- (a) Single Family Residential District [R-1]

The R-1 single family residential district is intended to create, preserve, and enhance areas suitable for detached dwellings with a strong presence of nature and with open area affording maximum privacy and opportunities for outdoor living and children's play. Minimum site area requirements are established to create and preserve variety among neighborhoods, to provide adequate open area, and to encourage quality design. Second dwelling units and accessory structures or buildings are appropriate where consistent with the site and neighborhood character. Community uses and facilities, such as churches and schools, should be limited unless no net loss of housing would result.

(b) Special Residential Building Site R-1 Subdistricts (7,000), (8,000), (10,000), (20,000)1

The special residential building site R-1 subdistricts are intended to modify the site development regulations of the R-1 single family residence district, where applied in combination with the R-1 district, to create and maintain single-family living areas of varying site size and development characteristics, to reflect and preserve the character of existing neighborhoods.

1. Subdistricts may be reflected on the Zoning Map as R-1(650), R-1(743), R-1(929) and R-1(1,858), respectively, reflecting the minimum lot size in square meters rather than in square feet.

(c) Single-Story Combining District (S)

The single-story height combining district is intended to modify the site development regulations of the R-1 single-family residence district, to preserve and maintain single-family living areas of predominantly single-story character. An area proposed for a single story combining district should be of a prevailing single story character, thus limiting the number of structures rendered noncomplying by the (S) combining district. It is intended that neighborhoods currently subject to single story deed restrictions be developed in a manner consistent with those deed restrictions. Furthermore, it is desirable that homes be similar in age, design and character, ensuring that residents of an area proposed for rezoning possess like desires for neighborhood preservation and face common home remodeling constraints.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.020 Applicable Regulations**

The specific regulations of this chapter and the additional regulations and procedures established by Chapters 18.52 to 18.80 inclusive shall apply to the R-1 district including the R-1 subdistricts.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.030 Land Uses**

The permitted and conditionally permitted uses for the single family residential districts are shown in Table 1:

**Table 1**  
**PERMITTED AND CONDITIONAL R-1 RESIDENTIAL USES**

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

(Ord. 4869 § 14 (Exh. A [part]), 2005)

## 18.12.040 Site Development Standards

### (a) Site Specifications, Building Size, Height and Bulk, and Residential Density

The development standards for the R-1 district and the R-1 subdistricts are shown in Table 2:

**TABLE 2  
R-1 RESIDENTIAL DEVELOPMENT STANDARDS**

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

\* Subdistricts may be reflected on the Zoning Map as R-1(650), R-1(743), R-1(929) and R-1(1,858), respectively, reflecting the minimum lot size in square meters rather than in square feet.

Notes to Table 2:

(1) **Minimum Lot Size:** Any lot less than the minimum lot size may be used in accordance with the provisions of Section 18.40.080.

(2) **Contextual Front Setbacks:** See Section 18.12.040(e) for application of contextual front setbacks.

(3) **R-1 Floodzone Heights:** Provided, in a special flood hazard area as defined in Chapter 16.52, the maximum heights are increased by one-half of the increase in elevation required to reach base flood elevation, up to a maximum building height of 33 feet.

(4) **R-1 (S) Height Limitations:** Habitable floors include lofts, mezzanines, and similar areas with interior heights of five feet (5') or more from the roof to the floor, but shall exclude finished basements and shall exclude attics that have no stairway or built-in access.

(5) **R-1 (S) Floodzone Heights:** Provided, in a special flood hazard area as defined in Chapter 16.52, the maximum height is increased by one-half of the increase in elevation required to reach base flood elevations, up to a maximum building height of 20 feet.

(6) **R-1 Floodzone Daylight Plane:** Provided, if the site is in a special flood hazard area and is entitled to an increase in the maximum height, the heights for the daylight planes shall be adjusted by the same amount.

(7) **Site Coverage:** The covering of a court is exempt from the calculation of site coverage provided that the court existed prior to July 20, 1978.

(8) **Maximum House Size:** The gross floor area of attached garages and attached second dwelling units are included in the calculation of maximum house size. If there is no garage attached to the house, then the square footage of one detached covered parking space shall be included in the calculation.

### (b) Gross Floor Area Summary

The following table summarizes how "gross floor area" is counted, for the purpose of compliance with floor area ratio limits outlined in Table 2. "Gross floor area" means the total covered area of all floors of a main structure and accessory structures greater than one hundred twenty square feet in area, including covered parking and stairways, measured to the outside surface of stud walls, subject to the following inclusions, conditions, and exclusions. For exact language, refer to Section 18.04.030(a)(65), *Gross Floor Area* definition.

**TABLE 3  
SUMMARY OF GROSS FLOOR AREA FOR LOW DENSITY RESIDENTIAL DISTRICTS**

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

(c) Substandard and Flag Lots

The following site development regulations shall apply to all new construction on substandard and flag lots in lieu of comparable provisions in subsection (a).

(1) Substandard Lots

(A) For the purposes of this subsection (c), a substandard lot shall be a lot with a width of less than 50 feet or a depth of less than 83 feet and an area less than 83% of the minimum area required by the zoning of the parcel.

(B) Development standards:

(i) The maximum height shall be 17 feet, as measured to the peak of the roof.

(ii) There shall be a limit of one habitable floor. Habitable floors include loft, mezzanines, and similar areas with interior heights of five feet (5') or more from the roof to the floor, but exclude basements and exclude attics that have no stairway or built-in access. The chief building official shall make the final determination as to whether a floor is habitable.

(iii) For lots less than 50 feet in width, the required street side setback shall be 10 feet.

(iv) Substandard lots shall not be subject to the R-1 contextual garage placement requirement.

(C) Nothing in this subsection (c) shall affect or otherwise redefine the provisions of Section 18.40.080(a) as to whether a substandard lot may be used as a lot under this title.

(2) Flag Lots

(A) A flag lot shall be defined as set forth in Section 18.04.030(a)(84)(B).

(B) Flag Lot Development Standards:

(i) The maximum height shall be 17 feet, as measured to the peak of the roof.

(ii) There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines, and similar areas with interior heights of five feet (5') or more from the roof to the floor, but exclude basements and exclude attics that have no stairway or built-in access. The chief building official shall make the final determination as to whether a floor is habitable.

(iii) Front Setback: 10 feet. Flag lots are not subject to contextual front setback requirements.

(iv) Flag lots are not subject to contextual front setback requirements.

(d) Maximum Lot Sizes in R-1 District and R-1 Subdistricts

This provision limits the potential for lot combinations with a net loss of housing stock and resultant homes that would be out of scale with homes in the surrounding neighborhood. In the R-1 district and all R-1 subdistricts, no new lot shall be created equal to or exceeding two times the minimum lot size prescribed for the district, except that where 6,000 minimum square foot lots are required in an R-1 district, no new lot shall exceed a maximum lot size of 9,999 square feet, as prescribed in Table 2. Lots larger than the prescribed maximum size are permitted only under the following circumstances: (i) where a village residential land use

is approved concurrent with the new lot, resulting in no net loss of housing units on the site(s); (ii) where underlying lots must be merged to eliminate nonconformities and no net loss of housing units would result; (iii) where an adjacent substandard lot of less than 25 feet in width is combined with another lot, resulting in no net loss of housing units on the site(s); or (iv) where the number of resultant lots increases or stays the same and results in no net loss of housing units.

(e) Contextual Front Setbacks

The minimum front yard ("setback") shall be the greater of twenty feet (20') or the average setback, if the average front setback is 30 feet or more. "Average setback" means the average distance between the front property line and the first main structural element, including covered porches, on sites on the same side of the block, including existing structures on the subject parcel. This calculation shall exclude flag lots and existing multifamily developments of three units or more. For calculation purposes, if five (5) or more properties on the block are counted, the single greatest and the single least setbacks shall be excluded. The street sideyard setback of corner lots that have the front side of their parcel (the narrowest street-facing lot line) facing another street shall be excluded from the calculations. For blocks longer than 600 feet, the average setback shall be based on the ten sites located on the same side of the street and nearest to the subject property, plus the subject site, but for a distance no greater than 600 feet. Blocks with three (3) or fewer parcels are not subject to contextual setbacks. Structures on the site in no case may be located closer than twenty feet (20') from the front property line.

(f) Contextual Garage Placement

If the predominant neighborhood pattern is of garages or carports located within the rear half of the site, or with no garage or carport present, attached garages shall be located in the rear half of the house footprint. Otherwise, an attached garage may be located in the front half of the house footprint. "Predominant neighborhood pattern" means the existing garage placement pattern for more than half of the houses on the same side of the block, including the subject site. This calculation shall exclude flag lots, corner lots and existing multifamily developments of three or more units. For blocks longer than 600 feet, the calculations shall be based on the 10 homes located nearest to and on the same side of the block as the subject property, plus the subject site, but for a distance no greater than 600 feet. Detached garages shall be located in the rear half of the site and, if within a rear or side setback, at least 75 feet from the front property line. Detached garages on lots of less than 95 feet in depth, however, may be placed in a required interior side or rear yard if located in the rear half of the lot. Access shall be provided from a rear alley if the existing development pattern provides for alley access. For the calculation of corner lots, the "predominant pattern" shall be established for the street where the new garage fronts.

(g) Garage Doors

For garages located within 50 feet from a street frontage, on lots less than 75 feet in width, the total combined width of garage doors that are parallel to the street shall not exceed 20 feet.

(h) Minimum Permeable Surface in Front Yard

A minimum of 60% of the required front yard shall have a permeable surface that permits water absorption directly into the soil. Provided, all sites may have an impervious 16' x 20' driveway and an impervious 4' x 20' walkway within the front yard setback.

(i) Special Setbacks

Where applicable, setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code shall be followed for the purpose of determining legal setback requirements.

(j) Certification of Daylight Plane Compliance



Upon request by the building official, any person building or making improvements to a structure shall provide a certification that the structure, as built, complies with the daylight plane provisions in subsection (a). Such certification shall be prepared by a licensed engineer, architect, or surveyor, and shall be provided prior to frame inspection.

(k) Lighting

Recreational and security lighting shall be permitted only so long as the lighting is shielded so that the direct light does not extend beyond the property where it is located. Free-standing recreational and security lighting installed on or later than March 11, 1991 shall be restricted to twelve feet (12') in height. Direct light from outdoor fixtures shall only fall on the walls, eaves, and yard areas of the site on which it is located. Outdoor fixtures shall have lens covers or reflectors that direct the light away from the neighboring properties.

(l) Location of Noise-Producing Equipment

All noise-producing equipment, such as air conditioners, pool equipment, generators, commercial kitchen fans, and similar service equipment, shall be located outside of the front, rear and side yard setbacks. Such equipment may, however, be located up to six feet into a street sideyard setback. All such equipment shall be insulated and housed, except that the planning director may permit installation without housing and insulation, provided the equipment is located within the building envelope and where a combination of technical noise specifications, location of equipment, and/or other screening or buffering will assure compliance with the city's Noise Ordinance at the nearest property line. Any replacement of such equipment shall conform to this section where feasible. All service equipment must meet the city's Noise Ordinance in Chapter 9.10 of the Municipal Code.

(Ord. 4964 §§ 11 - 13, 2007: Ord. 4891 § 4, 2006: Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.050 Permitted Encroachments, Projections and Exceptions**

The following projections and encroachments into required yards, daylight plane and height are permitted, provided a projection shall not be permitted to encroach into a special setback, as established by the setback map pursuant to Chapter 20.08 of the Palo Alto Municipal Code, except as noted in subsection (a)(1)(D) below.

(a) Setback/Yard Encroachments and Projections

(1) Horizontal Additions

Where a single-family dwelling legally constructed according to existing yard and setback regulations at the time of construction encroaches upon present required yards, one encroaching side (first floor wall) of the existing structure, at a height not to exceed 12 feet, may be extended in accord with this section. Only one such extension shall be permitted for the life of such building. This subsection shall not be construed to allow the further extension of an encroachment by any building that is the result of the granting of a variance, either before or after such property became part of the city.

(A) Front Yard. In cases where the existing setback is less than 20 feet, but at least 14 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended; provided, that the total length of the existing encroaching wall and the additional wall shall together not exceed one-half the maximum existing width of such building.

(B) Interior Side Yard. In cases where the existing setback is less than 8 feet, but at least 5

feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended but not to exceed 20 additional feet.

(C) Street Side Yard. In cases where the existing setback is less than 16 feet, but at least 10 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended, but not to exceed 20 feet.

(D) Special Setbacks. In cases where a special setback is prescribed pursuant to Chapter 20.08 of the Municipal Code, and the existing setback is less than the special setback distance, and at least 14 feet for the front setback or at least 10 feet for the street side yard setback, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended, provided that the total length of the existing encroaching wall and the additional wall shall together not exceed one-half the maximum existing width of such building.

(2) Rear Yard Encroachments for Portions of Homes

A portion of a main building that is less than half the maximum width of the building may extend into the required rear yard no more than six feet and with a height of no more than one story, except that for a corner lot having a common rear property line with an adjoining corner lot, the building may extend into the required rear yard not more than ten feet with a height of no more than one story.

(3) Allowed Projections

(A) Cornices, Eaves, Fireplaces, and Similar Architectural Features

For cornices, eaves, fireplaces, and similar architectural features, excluding flat or continuous walls or enclosures of usable interior space, the following projections are permitted:

(i) A maximum of two feet into a required side yard. Fireplaces in a required side yard may not exceed five feet in width. Fireplaces not exceeding five feet in width may project into a required side yard no more than two feet.

(ii) A maximum of four feet into a required front yard.

(iii) A maximum of four feet into a required rear yard.

(B) Window Surfaces

(i) Window surfaces, such as bay windows or greenhouse windows, may extend into a required rear yard a distance not to exceed two feet, or into a required front yard a distance not to exceed three feet.

(ii) Window surfaces may not extend into required side yards, with the exception that one greenhouse window with a maximum width of six feet, framed into a wall, may project into the side yard no more than two feet. The window surface may not extend into any yard above a first story.

(C) Storage Structures

Storage structures not over six feet in height or twenty-five square feet in floor area may be located in interior side yards and rear yards according to the provisions of Section 18.12.080(b) for accessory structures. Where the provisions of Section 18.12.080(b) for front and/or street side yard setbacks are not met, the following projections are permitted for such structures:

(i) A maximum of two feet into a required side yard.

(ii) A maximum of four feet into a required front yard.

(iii) A maximum of four feet into a required rear yard.

(D) Patios, Decks, Stairways, Landings, Balconies, or Fire Escapes

For uncovered porches (less than 30 inches above grade), patios, decks, stairways, landings, balconies, or fire escapes the following projections are permitted, provided these projections are not permitted above the first story:

(i) A maximum of three feet into a required side yard.

(ii) A maximum of six feet into a required front yard.

(iii) A maximum of six feet into a required rear yard.

(E) Canopy or Patio Cover

A canopy or patio cover may be located in the required rear yard or that portion of the interior side yard, which is more than 75 feet from the street lot line measured along the common lot line. Such canopies shall be subject to the following conditions:

(i) A canopy or patio cover shall not be more than 12 feet in height.

(ii) The canopy or patio cover shall be included in the computation of building coverage.

(iii) The canopy or patio cover and other structures shall not occupy more than fifty percent of the required rear yard.

(iv) The canopy or patio cover shall not be enclosed on more than two sides.

(F) Pools, Spas, and Hot Tubs

(i) Pools, spas, and hot tubs may extend into a required rear yard a distance not to exceed fourteen feet, provided that a minimum setback of six feet from the property line shall be maintained.

(ii) No swimming pool, hot tub, spa, or similar accessory facility shall be located in any portion of a required front or street side yard.

(b) Height and Daylight Plane Exceptions

(1) Height Exceptions

Flues, chimneys, and antennas may exceed the established height limit by not more than 15 feet.

(2) Daylight Plane Exceptions

The following features may extend beyond the daylight plane established by the applicable district, provided that such features do not exceed the height limit for the district unless permitted to do so by subsection (b)(1) above:

(A) Television and radio antennas;

(B) Chimneys and flues that do not exceed 5 feet in width, provided that chimneys do not extend past the required daylight plane a distance exceeding the minimum allowed pursuant to Chapter 16.04 of this code.

(C) Dormers, roof decks, gables, or similar architectural features, provided that:

- (i) the sum of the horizontal lengths of all such features shall not exceed 15 feet on each side; and
- (ii) the height of such features does not exceed 24 feet;
- (iii) no single feature exceeds 7.5 feet in length; and
- (iv) there is a minimum 5 foot separation between each feature.

(D) Cornices, eaves, and similar architectural features, excluding flat or continuous walls or enclosures of usable interior space, provided such features do not extend past the daylight plane more than 2 feet.

(Ord. 4964 § 14, 2007: Ord. 4869 § 14 (Exh. A [part]), 2005)

### 18.12.060 Parking

Off-street parking and loading facilities shall be required for all permitted and conditional uses in accord with Chapters 18.52 and 18.54 of this title. The following parking requirements apply in the R-E, R-2 and RMD districts. These requirements are included for reference purposes only, and in the event of a conflict between this Section 18.10.060 and any requirement of Chapters 18.52 and 18.54, Chapters 18.52 and 18.54 shall apply, except in the case of parcels created pursuant to Section 18.10.130(c) (subdivision incentive for historic preservation).

(a) Parking Requirements for Specific Uses

Table 4 shows the minimum off-street automobile parking requirements for specific uses within the R-1 district.

Table 4 shows the minimum off-street automobile parking requirements for specific uses.\*

\* Editor's Note: As set forth in Ord. 5051 § 5, 2009. Future legislation will correct the text if needed.

<b>Table 4</b>	
Parking Requirements for Specific R-1 Uses	
Use	Minimum Off-Street Parking Requirement
Single-family residential use (excluding second dwelling units)	2 spaces per unit, of which one must be covered.
Second dwelling unit,	2 spaces per unit, of which

attached or detached	one must be covered
Other Uses	See Chs. 18.52 and 18.54

(b) Parking and Driveway Surfaces

Parking and driveway surfaces may have either permeable or impermeable paving. Materials shall be those acceptable to public works department standards. Gravel and similar loose materials shall not be used for driveway or parking surfaces within 10 feet of the public right of way.

(c) Parking in Yards

(1) No required parking space shall be located in a required front yard.

(2) No required parking space shall be located in the first ten feet adjoining the property line of a required street side yard.

(d) Tandem Parking

Tandem parking shall be permitted for single-family uses and for single-family uses with a permitted second dwelling unit.

(e) Underground Parking

Underground parking is prohibited for single-family uses, except pursuant to a variance granted in accordance with the provisions of Chapter 18.76, in which case the area of the underground garage shall be counted in determining the floor area ratio for the site.

(f) Design of Parking Areas

Parking facilities shall comply with all applicable regulations of Chapter 18.54 (Parking Facility Design Standards).

(Ord. 5051 § 5, 2009; Ord. 4869 § 14 (Exh. A [part]), 2005)

**18.12.070 Second Dwelling Units**

The following regulations apply to second dwelling units in the R-1 district and all R-1 subdistricts.

(a) Purpose

The intent of this section is to provide regulations to accommodate second dwelling units, in order to provide for variety to the city's housing stock and additional affordable housing opportunities. Second dwelling units shall be separate, self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of second dwelling units on nearby residents and throughout the city, and to assure that the size, location and design of such dwellings is compatible with the existing residence on the site and with other structures in the area.

(b) Minimum Lot Sizes

(1) In the R-1 district and all R-1 subdistricts, the minimum lot size for a second dwelling unit shall be 35% greater than the minimum lot size otherwise established for the district. Provided, for flag lots, the minimum lot size shall be 35% greater than the minimum lot size established by Section 21.20.301 of the Subdivision Ordinance.

(2) Table 5 shows the minimum lot size required for a second dwelling unit, provided, in the event of a conflict between subsection (1) and this subsection (2), subsection (1) shall control.

**TABLE 5  
MINIMUM LOT SIZES FOR SECOND DWELLING UNITS**

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

(e) Development Standards for Attached Second Dwelling Units

Attached second dwelling units are those attached to the main dwelling. Attached unit size counts toward the calculation of maximum house size. All attached second dwelling units shall be subject to the following development requirements:

(1) The minimum site area shall meet the requirements specified in subsection (b) above.

(2) Maximum size of living area: 450 square feet. The second dwelling unit and covered parking shall be included in the total floor area for the site. Any basement space used as a second dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the second unit.

(3) Maximum size of covered parking area for the second dwelling unit: 200 square feet.

(4) Maximum height: one story and 17 feet.

(5) Except on corner lots, the second dwelling unit may not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit, and exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

(d) Development Standards for Detached Second Dwelling Units

Detached second dwelling units are those detached from the main dwelling. All detached second dwelling units shall be subject to the following development requirements:

(1) The minimum site area shall meet the requirements specified in subsection (b) above.

(2) Minimum separation from the main dwelling: 12 feet.

(3) Maximum size of living area: 900 square feet. The second dwelling unit and covered parking shall be included in the total floor area for the site. Any basement space used as a second dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the second unit.

(4) Maximum size of covered parking for the second dwelling unit: 200 square feet.

(5) Maximum height: one story and 17 feet.

(6) The detached second dwelling shall be architecturally compatible with the main residence, with respect to style, roof pitch, color and materials.

(e) Street Access

The second dwelling unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees. Separate driveway access may be permitted by the director upon a determination that separate access will result in fewer environmental impacts such as excessive paving, unnecessary grading or unnecessary tree removal, and that such separate access will not create the appearance, from the street, of a lot division or two-family use.

(f) Parking

The following parking criteria apply to both detached and attached second dwelling units:

(1) Two parking spaces shall be provided for the second dwelling unit, with at least one of the spaces being covered.

(2) Such parking shall be located out of required front setbacks and not closer than 10 feet from the street in a street side setback.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.080 Accessory Uses and Facilities**

Accessory uses and facilities, as allowed in Section 18.12.030, shall be permitted when incidental to and associated with a permitted use or facility in the R-1 district or R-1 subdistricts, or when incidental to and associated with an allowable and authorized conditional use therein, subject to the provisions of subsection (a), below (Types of Accessory Uses).

(a) Types of Accessory Uses

Accessory uses and facilities include, but are not limited to, the following list of examples; provided that each accessory use or facility shall comply with the provisions of this title:

(1) Residential garages, carports, and parking facilities, together with access and circulation elements necessary thereto;

(2) Facilities for storage incidental to a permitted use; and

(3) Recreational uses and facilities for the use and convenience of occupants or employees, or guests thereof, of a principal use or facility.

(b) Location and Development Standards

Except as otherwise provided in this section, accessory buildings shall at all times be located in conformance with requirements for principal buildings, and shall not be located in any required front, side, or rear yard. See Section 18.12.050(a)(3)(C) for allowed encroachments for small storage structures. Accessory buildings may be located in a required interior yard subject to the following limitations:

(1) An accessory building shall not be used for living and/or sleeping purposes unless the building was legally constructed for or was legally converted to living and/or sleeping purposes prior to October 13, 1983.

(2) An accessory building shall not be located in a required front yard, required street yard, or required rear yard of a through lot.

(3) An accessory building shall not be located in a required interior side or rear yard unless the building is placed at least seventy-five feet from the front lot line and for corner lots at least twenty feet from the street side lot line. Additionally, on lots of less than 95 feet in depth, detached garages and carports may be located in a required interior side or rear yard if placed in the rear half of the lot.

(4) Accessory buildings located within a required interior yard as permitted by this section shall be subject to a maximum height established by a daylight plane beginning at a height of eight feet at the property line and increasing at a slope of one foot for every three feet of distance from the property line, to a maximum height of twelve feet.

(5) No such accessory building greater than 200 square feet in size shall have more than two plumbing fixtures.

(6) Accessory buildings located within a required interior yard, as permitted by this section, shall not individually or cumulatively occupy an area exceeding fifty percent of the required rear yard.

(7) The minimum distance between separate buildings located on the same site shall be as required by Title 16; provided, accessory buildings in the single-family residential (R-1) district shall be separated from the principal building by at least three feet.

(8) A principal building and an accessory building, meeting the requirements of Title 16 and each located on a site as otherwise permitted for the principal building and accessory buildings, may be connected by a structure meeting the definition of a breezeway. Such structure, or breezeway, shall be a part of the accessory building.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.090 Basements**

Basements shall be permitted in areas that are not designated as special flood hazard areas as defined in Chapter 16.52, and are subject to the following regulations:

(a) Permitted Basement Area

Basements may not extend beyond the building footprint and basements are not allowed below any portion of a structure that extends into required setbacks, except to the extent that the main residence is permitted to extend into the rear yard setback by other provisions of this code.

(b) Inclusion as Gross Floor Area

Basements shall not be included in the calculation of gross floor area, provided that:

(1) basement area is not deemed to be habitable space, such as crawlspace; or

(2) basement area is deemed to be habitable space but the finished level of the first floor is no more than three feet above the grade around the perimeter of the building foundation.

Basement space used as a second dwelling unit or portion thereof shall be counted as floor area for the



purpose of calculating the maximum size of the unit (but may be excluded from calculations of floor area for the total site). This provision is intended to assure that second units are subordinate in size to the main dwelling and to preclude the development of duplex zoning on the site.

(c) Lightwells, Stairwells, Below Grade Patios and other Excavated Features

(1) Lightwells, stairwells, and similar excavated features along the perimeter of the basement shall not affect the measurement of grade for the purposes of determining gross floor area, provided that the following criteria are met:

(A) such features are not located in the front of the building;

(B) such features shall not exceed 3 feet in width;

(C) the cumulative length of all such features does not exceed 30% of the perimeter of the basement;

(D) such features do not extend more than 3 feet into a required side yard nor more than 4 feet into a required rear yard, but where a side yard is less than 6 feet in width, the features shall not encroach closer than 3 feet from the adjacent side property line;

(E) the cumulative length of any features or portions of features that extend into a required side or rear yard does not exceed 15 feet in length;

(F) the owner provides satisfactory evidence to the planning division prior to issuance of a building permit that any features or portions of features that extend into a required side or rear yard will not be harmful to any mature trees on the subject property or on abutting properties; and

(G) such features have either a drainage system that meets the requirements of the public works department or are substantially sheltered from the rain by a roof overhang or canopy of a permanent nature.

(2) Below-grade patios, sunken gardens, or similar excavated areas along the perimeter of the basement that exceed the dimensions set forth in subsection (1), are permitted and shall not affect the measurement of grade for the purposes of determining gross floor area, provided that:

(A) such areas are not located in the front of the building;

(B) all such areas combined do not exceed 2% of the area of the lot or 200 square feet, whichever is greater; that each such area does not exceed 200 square feet; and that each such area is separated from another by a distance of at least 10 feet. Area devoted to required stairway access shall not be included in the 200 square foot limitation.

(C) such features do not extend more than 2 feet into a required side yard nor more than 4 feet into a required rear yard;

(D) the cumulative length of any excavated area or portion thereof that extends into a required side or rear yard does not exceed 15 feet;

(E) the owner provides satisfactory evidence to the planning director prior to issuance of a building permit that any features or portions of features that extend into a required side or rear yard will not be harmful to any mature trees on the subject property or on abutting properties;

(F) such features have either a drainage system that meets the requirements of the public

works department or are substantially sheltered from the rain by a roof overhang or canopy of a permanent nature;

(G) any roof overhang or canopy installed pursuant to subsection (F) is within and is counted toward the site coverage requirements established in Section 18.12.040;

(H) such areas are architecturally compatible with the residence; and

(I) such areas are screened to off-site views by means of landscaping and/or fencing as determined appropriate by the planning director.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.100 Regulations for the Single Story Overlay (S) Combining District**

#### (a) Applicability of District

The single-story height combining district may be combined with the R-1 single family residence district or with any R-1 subdistrict. Where so combined, the regulations established by this section shall apply in lieu of the comparable provisions established by Section 18.12.040. All applicable provisions of that section shall otherwise govern development in the combining district.

#### (b) Site Development Regulations

For sites within the single-story height combining district, the following site development regulations shall apply in lieu of the otherwise applicable site development regulations of Section 18.12.040:

(1) The maximum height shall be 17 feet, as measured to the peak of the roof; provided, in a special flood hazard area as defined in Chapter 16.52, the maximum height is increased by one-half of the increase in elevation required to reach base flood elevation, up to a maximum building height of 20 feet.

(2) There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines and similar areas but exclude basements and exclude attics that have no stairway or built-in access. Lofts and mezzanines include any space above the first floor in excess of five feet (5') from the floor to the roof above.

#### (c) Application for a Single Story (S) Combining District

(1) Application to create or remove a single-story overlay district may be made by an owner of record of property located in the single-story overlay district to be created or removed.

(2) Application shall be made to the director on a form prescribed by the director, and shall contain all of the following:

(A) A written statement setting forth the reasons for the application and all facts relied upon by the applicant in support thereof.

(B) A map of the district to be created or removed that includes the address location of those owners whose properties are subject to the zoning request. Boundaries shall correspond with certain natural or man-made features (including, but not limited to, roadways, waterways, tract boundaries and similar features) to define an identifiable neighborhood or development. For creation of a single-story overlay district, the area shall be of a prevailing single story character, such that a minimum of 80% of existing

homes within the boundaries are single story.

(C) For creating a single-story overlay district, a list of signatures evidencing support by: (i) 70% of included properties; or (ii) 60% of included properties where all included properties are subject to recorded deed restrictions intended to limit building height to a single story, whether or not such restrictions have been enforced. For the removal of a single-story overlay district, a list of signatures evidencing support by 70% of included properties, whether or not deed restrictions intended to limit the building height to single story apply. "Included properties" means all those properties inside the boundaries of the district proposed to be created or removed. The written statement or statements accompanying the signatures must state that the signer is indicating support for a zone map amendment that affects his or her property. One signature is permitted for each included property, and a signature evidencing support of an included property must be by an owner of record of that property.

(D) A fee, as prescribed by the municipal fee schedule, no part of which shall be returnable to the applicant.

(E) Such additional information as the director may deem pertinent and essential to the application.

(3) An application for creation or removal of a single-story (S) overlay district made in accordance with this subsection (c) shall be processed in accordance with Chapter 18.98.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.110 Single Family Individual Review**

(a) Purpose

The goals and purposes of this chapter are to:

- (1) Preserve the unique character of Palo Alto neighborhoods;
- (2) Promote new construction that is compatible with existing residential neighborhoods;
- (3) Encourage respect for the surrounding context in which residential construction and alteration takes place;
- (4) Foster consideration of neighbors' concerns with respect to privacy, scale and massing, and streetscape; and
- (5) Enable the emergence of new neighborhood design patterns that reflect awareness of each property's effect upon neighboring properties.

This program is intended only to mitigate the effects of second story construction on neighboring homes, and should not be construed to prohibit second story construction when this title would otherwise permit it.

(b) Applicability

The provisions of this Section 18.12.110 apply to the construction of a new singly developed two-story structure; the construction of a new second story; or the expansion of an existing second story by more than 150 square feet in the R-1 single family residential district. All second-story additions on a site after

November 19, 2001 shall be included in calculating whether an addition is over 150 square feet.

(c) Individual Review Guidelines

The director of planning and community environment shall issue guidelines to direct staff and project applicants in implementing the goals and purposes and other provisions of this chapter. Guidelines establishing substantive review standards for second story development shall be presented to the planning and transportation commission for their comment prior to adoption or amendment by the director.

(d) Findings

Neither the director, nor the city council on appeal, shall grant an individual review approval, unless it is found that the application is consistent with the individual review guidelines.

(e) Conditions

In granting individual review approvals, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title (Zoning).

(f) Application Review and Action

Applications for individual review approval shall be reviewed and acted upon as set forth in Section 18.77.075.

(g) Preliminary Meeting with Planning Staff

Project applicants are strongly encouraged, before applying for individual review of a project, to meet with planning staff to discuss designing a project that promotes the goals of this chapter and the individual review guidelines, and to discuss the proposed plans with their neighbors.

(h) Changes to Approved Projects

The director may approve changes to a previously approved individual review project without following the procedure set forth in Section 18.77.075 if those changes do not affect compliance with the individual review guidelines. Examples of such changes include:

- (1) Reductions in window or door size, or reductions in the number of windows.
- (2) Changes to aspects of the project not reviewed under individual review, such as materials or non-street-facing first story windows.
- (3) Changes that do not affect privacy/streetscape.
- (4) Increases in setbacks.
- (5) Reductions in second floor mass that do not affect privacy or streetscape.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

**18.12.120 Home Improvement Exceptions**

(a) Purpose

A home improvement exception ("HIE") enables a home improvement or minor addition to an existing single-family or two-family home, or accessory structure, or both, to be consistent with the existing architectural style of the house or neighborhood, to accommodate a significant or protected tree, or to protect the integrity of a historic structure in conformance with the Secretary of the Interior's *Standards for Historic Rehabilitation*. By enabling adaptive reuse of existing buildings, the home improvement exception promotes retention of existing houses within the city.

(b) Applicability

A home improvement exception may be granted as part of a proposed improvement or addition to an existing single-family or two-family structure, or accessory structure, or both, in the RE, R-1, RMD, or R-2 district, as limited in subsection (c). A home improvement exception may be granted as described in subsections (1) through (14) of subsection (c), but may not exceed the limits set forth in those subsections. In order to qualify for a home improvement exception, the project must retain at least 75% of the existing exterior walls.

(c) Limits of the Home Improvement Exception

A home improvement exception may be granted only for one or more of the following, not to exceed the specified limits:

- (1) To allow up to 100 square feet of floor area more than the maximum square footage allowed on the site by the applicable zoning district regulations except when an exception is granted under subsection (c)(10) for residences designated as historic structures.
- (2) To allow the primary building to encroach up to 4 feet into a required front yard setback.
- (3) To allow the primary building to encroach up to 3 feet into a required rear yard setback.
- (4) To allow the primary building to encroach up to 2 feet into a required interior side yard setback.
- (5) To allow the primary building to encroach up to 6 feet into a required street side yard setback (no closer than 10 feet to the property line).
- (6) To allow a basement to encroach, along with above grade floor area, as set forth in items 2, 3, 4, or 5.
- (7) To allow an encroaching dormer, roof deck, gable, or similar architectural feature to exceed 24 feet in height by up to three feet.
- (8) To allow a single dormer, roof deck, gable, or similar architectural feature that encroaches into the rear daylight plane to exceed 7.5 feet in length. In no event shall the maximum length exceed 15 feet.
- (9) To permit a site with an existing two-story structure to exceed lot coverage requirements in order to locate remaining available FAR for the site on the first floor.
- (10) For any residence designated on the city's Historic Inventory as a Category 1 or Category 2 historic structure as defined in Section 16.49.020 of the Palo Alto Municipal Code or any contributing structure within a locally designated historic district, to allow up to 250 square feet of floor area in excess of that allowed on the site, provided that any requested addition or exterior modifications associated with the HIE shall be in substantial conformance with the Secretary of the Interior's *Standards for Historic*

*Rehabilitation.* The property owner who is granted a home improvement exception under this subsection (10) shall be required to sign and record a covenant against the property, acceptable to the city attorney, which requires that the property be maintained in accordance with the Secretary of the Interior's *Standards for Historic Rehabilitation*.

(11) To allow a legal non-conforming building wall that is between 3.5 and 5 feet from the side lot line to be extended up to one-quarter of the length of the existing wall or ten feet, whichever is shorter.

(12) To allow a horizontal extension (pursuant to Section 18.12.050(a) (Setback/Yard Encroachments and Projections) of a portion of an existing legal nonconforming building wall that is more than twelve feet above grade. Such horizontal extensions must remain within the height and daylight plane limits for the district unless an HIE or variance for a height or daylight plane encroachment is granted.

(13) To allow an increase in the height of an existing legally non-conforming building wall that encroaches into a setback. Such vertical extensions must remain within the height and daylight plane limits for the district unless an HIE or variance for a height or daylight plane encroachment is granted.

(14) To allow, for single-story accessory structures within rear and/or side setbacks, one or more of the following:

(A) On a corner lot, a detached accessory structure may be as close as ten feet from the street side property line. For detached garages and carports, the exception may be granted as long as a minimum dimension of 18 feet remains between the back of sidewalk and face of the garage or carport supports.

(B) Four feet additional height above the twelve foot maximum height, as long as the side daylight plane is met.

(C) A rear daylight plane encroachment of up to three feet.

(15) To allow similar minor exceptions, when determined by the director to be similar in magnitude and scope to those listed in subsections (1) through (14) above. Provided, under no circumstances may such exceptions exceed the limits established in subsections (1) through (14) above.

(d) Findings

Neither the director, nor the city council on appeal, shall grant a home improvement exception unless it is found that:

(1) The granting of the application is desirable for the preservation of an existing architectural style, neighborhood character, protected tree as defined in Chapter 8.10, or other significant tree, or of a residence that is designated on the city's Historic Inventory as a Category 1 or Category 2 historic structure as defined in Section 16.49.020 of the Palo Alto Municipal Code, or any contributing structure within a locally designated historic district, which would not otherwise be accomplished through the strict application of the regulations; and

(2) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience; and

(3) The exception is being granted based on characteristics of the property and improvements on the property, rather than the personal circumstances of the applicant, and is the minimum exception necessary for the project to fulfill the purposes of subsection (a).

(e) Conditions

In granting home improvement exceptions, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title (Zoning).

(f) Application Review and Action

Applications for home improvement exceptions shall be reviewed and acted upon as set forth in Section 18.77.075.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.130 Architectural Review**

Architectural review, as required in Chapters 18.76 and 18.77 of the Zoning Ordinance, is required in the R-1 district and R-1 subdistricts whenever three or more adjacent single family residences or duplexes are intended to be developed concurrently, whether through subdivision or individual applications. In addition to the existing ARB findings contained in Chapters 18.76 and 18.77, the single family individual review guidelines shall be used by the ARB in its review of such applications.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.140 Historical Review and Incentives**

(a) Historic residence review, as required in Chapter 16.49 of Title 16 of the Palo Alto Municipal Code, is required in the R-1 district and R-1 subdistricts for alterations or modifications to any residence designated on the city's Historic Inventory as Category 1 or Category 2 historic structure as defined in Section 16.49.020 of this code or any contributing structure located within a locally designated historic district. The Category 1 or Category 2 designation process for becoming a historic structure is contained in Chapter 16.49 of Title 16 of the Municipal Code.

(b) Exemptions to gross floor area requirements are available for historic residences pursuant to the definition of gross floor area in Section 18.04.030(65)(C)(ii). Home improvement exceptions provide for additional square footage and certain other exceptions for historic homes pursuant to Section 18.12.120.

(c) Notwithstanding other provisions of this chapter, existing parcels containing two residences may be subdivided into more than one ownership, where all of the following circumstances exist:

(1) At least one residence is designated on the City's Historic Inventory as a Category 1, Category 2, Category 3, or Category 4 historic structure as defined in Section 16.49.020 of this code or are contributing structures located within a locally designated historic district or are eligible for the National or California Registers; and

(2) No increase in the total number of residences on the site is proposed; and

(3) Separate lots are proposed to be created, each with a minimum lot size not less than 4,000 square feet in the R-1 district if only one residence is historic or 80% of the minimum lot size for the R-1 subdistricts; if both residences are historic and subject to a covenant, the allowable minimum lot size is 2,000 square feet; and

(4) The resultant parcel lines may create less than minimum lot size (no less than the area stated in item (3) of this section), site width and depth, setback and daylight plane encroachments, floor area and site coverage exceeding the maximum allowable for existing development with respect to each new parcel, without the need for approval of a Variance or Home Improvement Exception, but would not generally increase any existing noncomplying building features; however, minor additions for functional improvements may be allowed at the discretion of the Director of Planning and Community Environment; and

(5) The Historic Resources Board has determined that at least one existing residence on the property has historic integrity and qualifies for listing on the City's Historic Inventory.

(6) A covenant is recorded to run with the land in perpetuity, assuring that the historic residences will be preserved and maintained consistent with the Secretary of the Interior's Standards for Historic Rehabilitation through compliance with Historic Resources Board review and recommendations. The covenant will stipulate that HRB review is required for all major projects on the site including significant changes to any non-historic residence. Any modifications to a non-historic residence must be compatible with the historic residence and satisfy the Secretary of Interior's Standards for Historic Compatibility.

(7) The two residences on the property were in existence as of January 28, 2009.

(8) Application of the state Historic Building Code is available for use on any eligible building.

(9) Residences subject to a covenant must meet all government health, life and safety codes.

(Ord. 5051 § 4, 2009; Ord. 4869 § 14 (Exh. A [part]), 2005)

### **18.12.150 Grandfathered Uses**

#### **(a) Applicability**

The uses specified in subsection (b) of this section may remain as grandfathered uses provided that those uses:

(1) are located in the specified district;

(2) existed on the specified date;

(3) on that date, were lawful permitted uses or conditional uses operating subject to a conditional use permit; and

(4) on that date were conforming uses.

#### **(b) Grandfathered Uses**

(1) Professional and medical office uses (except product testing and analysis, and prototype development), existing on July 20, 1978 or such uses which were, prior to July 20, 1978, located in an R-1 district which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

(2) Two family uses, except where one of the units is a legal nonconforming detached single-family dwelling on a substandard lot size, and multiple family uses existing on July 20, 1978 or such



uses which were, prior to July 20, 1978, located in an R-1 district which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful, conforming permitted uses or conditional uses operating subject to a conditional use permit.

(c) Permitted Changes

The following regulations shall apply to the grandfathered uses specified in subsection (b):

(1) Such uses shall be permitted to remodel, improve, or replace site improvements on the same site, for continual use and occupancy by the same use, provided that:

(A) such remodeling, improvement or replacement shall not:

(i) result in increased floor area;

(ii) result in an increase in the number of offices, in the case of professional or medical office uses, or dwellings, in the case of residential uses;

(iii) result in shifting of building footprint;

(iv) increase the height, length, building envelope, or size of the improvement; and

(v) increase the existing degree of noncompliance, except through the granting of a design enhancement exception pursuant to Chapter 18.76.

(2) If a grandfathered use ceases and thereafter remains discontinued for twelve consecutive months, it shall be considered abandoned and may be replaced only by a conforming use.

(3) A grandfathered use that is changed to or replaced by a conforming use shall not be reestablished, and any portion of a site or any portion of a building, the use of which changes from a grandfathered use to a conforming use, shall not thereafter be used except to accommodate a conforming use.

(4) The following additional regulations shall apply to grandfathered professional or medical office uses:

(A) Any remodeling, improvement, or replacement of any building designed and constructed for residential use shall be subject to the issuance of a conditional use permit in accord with Chapter 18.76.

(B) In the event of redevelopment of all or a portion of the site for permitted residential uses, professional and medical office uses may not be incorporated in the redevelopment; except that

(C) This provision shall not apply to permanent conversion to residential use of space within an existing structure now used for professional and medical office uses.

(d) Existing Second Dwelling Units on Substandard Size Lots

In the R-1 district, and all R-1 subdistricts, notwithstanding any provisions of Chapters 18.40 and 18.42 and/or 18.70, in the case of a legal and nonconforming second detached single-family dwelling existing prior to July 20, 1978 on a substandard size lot, such nonconforming use shall be permitted to remodel, improve, or replace site improvements on the same site without necessity to comply with site development regulations; provided, that any such remodeling, improvement or replacement shall not result in increased floor area, number of dwelling units, height, length, or any other increase in the size of the improvement.

(e) Existing Homes on Substandard Lots.

In the R-1 district and all R-1 subdistricts, single-family and two-family homes on substandard lots, as defined in Subsection 18.12.040(c)(1), and flag lots existing on August 1, 1991 and which prior to that date were lawful, complying structures, may remain and be remodeled, improved, or replaced without complying with the height and habitable floor limitations for substandard lots specified in Section 18.12.030, provided that:

(1) any such remodeling, improvement, or replacement does not result in a height above seventeen feet or any additional habitable floor area above a first habitable floor, except that any structure damaged or destroyed by a natural disaster (such as fire, flood or earthquake) may be replaced to its previous size without regard to the height and habitable floor limitations imposed by this section; and

(2) in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

## **Chapter 18.13**

### **MULTIPLE FAMILY RESIDENTIAL (RM-15, RM-30 AND RM-40) DISTRICTS**

Sections:

18.13.010	Purposes
18.13.020	Applicable Regulations
18.13.030	Land Uses
18.13.040	Development Standards
18.13.050	Village Residential Development
18.13.060	Multiple Family Context-Based Design Criteria
18.13.070	Grandfathered Uses

#### **18.13.010 Purposes**

This section specifies regulations for three multiple family residential districts.

(a) **RM-15 Low Density Multiple-Family Residence District [RM-15]**

The RM-15 low-density multiple-family residence district is intended to create, preserve and enhance areas for a mixture of single-family and multiple-family housing which is compatible with lower density and residential districts nearby, including single-family residence districts. The RM-15 residence district also serves as a transition to moderate density multiple-family districts or districts with nonresidential uses. Permitted densities in the RM-15 residence district range from eight to fifteen dwelling units per acre.

(b) **RM-30 Medium Density Multiple-Family Residence District [RM-30]**

The RM-30 medium density multiple-family residence district is intended to create, preserve and enhance neighborhoods for multiple-family housing with site development standards and visual characteristics intended to mitigate impacts on nearby lower density residential districts. Projects at this density are intended for larger parcels that will enable developments to provide their own parking spaces and to meet their open space needs in the form of garden apartments or cluster developments. Permitted densities in the RM-30 residence district range from sixteen to thirty dwelling units per acre.

(c) **RM-40 High Density Multiple-Family Residence District [RM-40]**

The RM-40 high density multiple-family residence district is intended to create, preserve and enhance locations for apartment living at the highest density deemed appropriate for Palo Alto. The most suitable locations for this district are in the downtown area, in select sites in the California Avenue area and along

major transportation corridors which are close to mass transportation facilities and major employment and service centers. Permitted densities in the RM-40 residence district range from thirty-one to forty dwelling units per acre.

(Ord. 4964 § 2 (part), 2007)

### **18.13.020 Applicable Regulations**

The specific regulations of this chapter and the additional regulations and procedures established by other pertinent chapters in Title 18 shall apply to all multiple-family residence districts.

(Ord. 4964 § 2 (part), 2007)

### **18.13.030 Land Uses**

Table 1 specifies the permitted and conditionally permitted land uses in the multiple-family residence districts.

#### **Table 1**

#### **Multiple Family Residential Uses**

**[P = Permitted Use · CUP = Conditional Use Permit Required]**

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

(1) Permitted use only on lots less than 8,500 square feet in size.

(2) Permitted use only on lots less than 6,000 square feet in size.

(3) Permitted use only if lot is substandard in size, e.g., less than 8,500 square feet or less than 70 feet in width, or at the perimeter of a site in excess of one acre where used as a transition to low-density residential area.

(Ord. 4964 § 2 (part), 2007)

### **18.13.040 Development Standards**

(a) Site Specifications, Building Size and Bulk, and Residential Density

The site development regulations in Table 2 shall apply in the multiple-family residence districts, 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 the regulations set forth in Chapter 18.76, performance criteria set forth in Chapter 18.23, and the context-based design criteria set forth in Section 18.13.060.

#### **Table 2**

#### **Multiple Family Residential Development Table**

*Editor's Note: This table is available in PDF format. Click [HERE](#)*

(1) Minimum front setbacks shall be determined by the Architectural Review Board upon review pursuant to criteria set forth in Chapter 18.76 and the context-based criteria outlined in Section 18.13.060. Arterial roadways do not include residential arterials.

(2) Minimum street side setbacks in the RM-40 zone may be from 0 to 16 feet and shall be determined by the Architectural Review Board upon review pursuant to criteria set forth in Chapter 18.76 and the context-based criteria outlined in Section 18.13.060.

(3) Provided that, for any lot of 5,000 square feet or greater, two units are allowed, subject to compliance with all other development regulations.

(4) Covered parking is not included as floor area in multi-family development, up to a maximum of 230 square feet per required parking space that is covered. Covered parking spaces in excess of required parking spaces count as floor area.

(5) Subject to the limitations of Section 18.13.040(e). Usable open space is included as part of the minimum site open space; required usable open space in excess of the minimum required for common and private open space may be used as either common or private usable open space; landscaping may count towards total site open space after usable open space requirements are met.

(6) Tandem parking is allowed for any unit requiring two parking spaces, provided that both spaces in tandem are intended for use by the same residential unit. For projects with more than four (4) units, not more than 25% of the required parking spaces shall be in a tandem configuration.

(7) Each daylight plane applies specifically and separately to each property line according to the adjacent use.

(b) Setbacks, Daylight Planes and Height - Additional Requirements and Exceptions

(1) Setbacks

(A) Setbacks for lot lines adjacent to an arterial street, expressway or freeway, as designated in the Palo Alto Comprehensive Plan, shall be a minimum of twenty-five feet (25'), except that lesser setbacks may be allowed or required by the Planning Director, upon recommendation by the Architectural Review Board, where prescribed by the context-based criteria outlined in Section 18.13.060. Special setbacks of greater than 25 feet may not be reduced except upon approval of a design enhancement exception or variance.

(B) Required parking spaces shall not be located in a required front yard, nor in the first ten feet (10') adjoining the street property line of a required street side yard.

(C) Projections into yards are permitted only to the extent allowed by Section 18.40.070 of this code.

(2) Height and Daylight Planes

(A) Exceptions to maximum height limitations are permitted only to the extent allowed by Section 18.40.090 of this code.

(B) The following features may extend beyond the daylight plane established by the applicable district, provided that such features do not exceed the height limit for the district unless permitted to by Section 18.40.090 of this code:

i. Television and radio antennas;

ii. Chimneys and flues that do not exceed 5 feet in width, provided that chimneys do not extend past the required daylight plane a distance exceeding the minimum allowed pursuant to Chapter 16.04 of this code.

iii. Cornices and eaves, excluding flat or continuous walls or enclosures of usable interior space, provided such features do not extend past the daylight plane more than 4 feet, and so long as they do not encroach into the side setback greater than 2 feet.

(c) Single-Family and Two-Family Uses

(1) The regulations in Chapter 18.12 that apply to the R-1 district shall apply to sites in single-family use in the multiple-family residence districts. The regulations in Chapter 18.10 that apply to the R-2 district may be applied, at the applicant's discretion, to sites in two-family use in the multiple-family residence districts, in lieu of the multi-family standards.

(2) The Individual Review provisions of Section 18.12.110 of the Zoning Ordinance shall be applied to any single-family or two-family residence in the multi-family districts, to those sides of a site that share an interior side lot line with the interior side or rear lot line of a property zoned for or used for single-family or two-family dwellings. The Individual Review shall not be applied to adjacent uses other than single-family and two-family uses.

(3) Notwithstanding other provisions of this chapter, existing two-family residential development in multiple family residential districts may be divided into two separate ownership parcels where all of the following circumstances exist:

(A) At least one residence is designated on the City's Historic Inventory as a Category 1, Category 2, Category 3, or Category 4 historic structure as defined in Section 16.49.020 of this code or are contributing structures located within a locally designated historic district or are eligible for the National or California Registers; and

(B) No increase in the total number of residences on the site is proposed; and

(C) Separate lots are proposed to be created, each with a minimum lot size not less than 4,000 square feet if only one residence is historic; if both residences are historic and subject to a covenant, the allowable minimum lot size is 2,000 square feet and

(D) The resultant parcel lines may create less than minimum lot size (no less than the area stated in item (C) of this section), site width and depth, setback and daylight plane encroachments, floor area and site coverage exceeding the maximum allowable for existing development with respect to each new parcel, without the need for approval of a Variance or Home Improvement Exception, but would not generally increase any existing non-complying building features; however, minor additions for functional improvements may be allowed at the discretion of the Director of Planning and Community Environment; and

(E) The Historic Resources Board has determined that at least one existing residence on the property has historic integrity and qualities for listing on the City's Historic Inventory.

(F) A covenant is recorded to run with the land in perpetuity, assuring that the historic residences will be maintained consistent with the Secretary of the Interior's Standards for Historic Rehabilitation through compliance with Historic Resources Board review and recommendation. The covenant will stipulate that HRB review is required for all major projects on the site including significant changes to any non-historic residence. Any modifications to a non-historic residence must be compatible with the historic residence and satisfy the Secretary of Interior's Standards for Historic Compatibility.

(G) The two residences on the property were in existence as of January 28, 2009.

(H) Application of the state Historic Building Code is available for use on any eligible building.

(I) Residences subject to a covenant must meet all government health, life and safety codes.

(d) Substandard Lots

Substandard lots in the multiple family zoning districts are those that are: 1) less than the minimum 8,500 square feet in size, or 2) less than 70 feet in width. These lots may be developed pursuant to the regulations outlined in Table 2 or may be developed according to the regulations provided for Village Residential development, as outlined in Section 18.13.050. Single-family and two-family development on these lots shall be developed as outlined in subsection (c) above.

(e) Usable Open Space

The following usable open space regulations shall apply:

(1) Required Minimum Site Open Space. Each site shall, at a minimum, have a portion of the site, as prescribed in Table 2, developed into permanently maintained open space. Site open space includes all usable open space plus landscape or other uncovered areas not used for driveways, parking, or walkways.

(2) Usable Open Space (Private and Common). Each project shall, at a minimum, have a portion of the site, as prescribed in Table 2, developed into permanently maintained usable open space, including private and common usable open space areas. Usable open space shall be located protected from the activities of commercial areas and adjacent public streets and shall provide noise buffering from surrounding uses where feasible. Parking, driveways and required parking lot landscaping shall not be counted as usable open space.

(A) Private Usable Open Space. Each dwelling unit shall have at least one private usable open space area contiguous to the unit that allows the occupants of the unit the personal use of the outdoor space. The minimum size of such areas shall be as follows:

(i) Balconies (above ground level): 50 square feet, the least dimension of which shall is 6 feet.

(ii) Patios or yards in the RM-15 and RM-30 districts: 100 square feet, the least dimension of which is 8 feet for at least 75% of the area.

(iii) Patios or yards in the RM-40 district: 80 square feet, the least dimension of which is 6 feet for at least 75% of the area.

(B) Common Usable Open Space. The minimum designated common open space area on the site shall be 10 feet wide and each such designated area shall comprise a minimum of 200 square feet. In the RM-30 and RM-40 districts, part or all of the required private usable open space areas may be added to the required common usable open space in a development, for purposes of improved design, privacy, protection and increased play area for children, upon a recommendation of the Architectural Review Board and approval of the Director.

(f) Personal Services, Retail Services, and Eating and Drinking Services in the RM-30 and RM-40 Districts

Within a single residential development containing not less than 40 dwelling units, personal services, retail services, and eating and drinking services solely of a neighborhood-serving nature to residents in the development or in the general vicinity of the project may be allowed upon approval of a conditional use permit, subject to the following limitations and to such additional conditions as may be established by the conditional use permit:

(1) Total gross floor area of all such uses shall not exceed 5,000 square feet or three percent of the gross residential floor area within the development, whichever is smaller, and may not occupy any level other than the ground level or below grade levels.

(2) A maximum of 2,500 square feet of retail and/or service and/or eating and drinking uses shall be allowed per establishment.

(3) Personal services, retail services, and eating and drinking services provided in accordance with this section shall not be included in the gross floor area for the site.

(4) The conditional use permit for the project may preclude certain uses and shall include conditions that are appropriate to limit impacts of noise, lighting, odors, parking and trash disposal from the operation of the commercial establishment. The hours of operation shall be limited to assure compatibility with the residential use and surrounding residential uses.

(5) Allowable Neighborhood-Serving Uses. A neighborhood-serving use primarily serves individual consumers and households, not businesses, is generally pedestrian oriented in design, and does not generate noise, fumes or truck traffic greater than that typically expected for uses with a local customer base. A neighborhood-serving use is also one to which a significant number of local customers and clients can walk, bicycle or travel short distances, rather than relying primarily on automobile access or the provider of the goods or services traveling off-site. Allowable neighborhood-serving personal services, retail services and eating and drinking services may include, but are not limited to, "agent" dry cleaners, flower shops, convenience grocery stores (excluding liquor stores), delicatessens, cafes, fitness facilities, day care facilities, and similar uses found by the Planning Director to be compatible with the intent of this provision.

(6) Sign programs, including size, number, color, placement, etc. shall be permitted only as specified in the conditional use permit and by the Planning Director upon recommendation of the Architectural Review Board

(7) Off-street parking and bicycle facilities, in addition to facilities required for residential uses, shall be provided as may be specified by the conditional use permit. However, there shall not be less than one parking space for each employee working or expected to be working at the same time.

(8) For any project containing forty (40) or greater units and located more than 500 feet from neighborhood commercial services, as determined by the Director, a minimum of 1,500 square feet of neighborhood serving retail, personal service, and/or eating or drinking uses shall be provided, subject to the above limitations. No conditional use permit is required, but the commercial use shall be reviewed by the Architectural Review Board as part of the architectural review approval. A minimum of one parking space for each employee working or expected to be working at the same time shall be provided.

(g) Below Market Rate Units and Rental Housing Protection

(1) In developments of five or more units on sites of less than five acres, not less than fifteen percent (15%) of the units shall be provided at below-market rates (BMR) to very-low, low and moderate income households in accordance with Program H-36 of the Palo Alto Comprehensive Plan Housing Element. In developments of five or more units on sites of five acres or more, not less than twenty percent (20%) of the units shall be provided at below-market rates (BMR). Specified percentages are applied to all proposed units in a project, including those designated as BMR units.

(2) Further details of the BMR program requirements, including their applicability to subdivisions and for density bonus purposes, are found in the discussion of Programs H-36 and H-38 of the Palo Alto Comprehensive Plan Housing Element.

(3) Below market rate units shall be fully integrated into the development unless good cause is



shown for an exception.

(h) Performance Criteria

In addition to all other provisions of this chapter, all multi-family development shall comply with applicable provisions of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Industrial and Planned Community Districts).

(Ord. 5051 § 6, 2009; Ord. 4964 § 2 (part), 2007)

**18.13.050 Village Residential Development**

(a) Purpose

Village Residential multiple-family development is intended to create, preserve and enhance areas for a mixture of single-family and multiple-family housing that is compatible with lower density and residential districts nearby, including single-family residence districts. Housing types may include but are not limited to single family houses on small lots, attached rowhouse/townhouse, and cottage clusters. Village Residential development also serves as a transition to moderate density multiple-family districts or districts with nonresidential uses. Permitted densities range from eight to twelve dwelling units per acre. Village Residential housing also provides a means to accommodate home ownership options in multiple-family zones.

(b) Applicability of Regulations

Village Residential development standards may be applied to RM-15 multiple-family residence district sites, as well as to substandard RM-30 and RM-40 multiple-family residence sites. It may also be applied to the perimeter of RM-30 and RM-40 sites larger than one acre in size where a transition to a lower-density adjacent use is desired. The Director may require the submittal of Covenants, Conditions and Restrictions (CC&Rs), maintenance agreements, easements, and/or other legal instruments to document and disclose conditions of the project approval.

(c) Development Standards

Table 3 specifies the development standards for new Village Residential developments that provide for individual lots established for sale of one housing unit on a lot. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.13.060, 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:

<b>Table 3</b>		
Village Residential Development Table		
	Village Residential	Subject to regulations in:
Minimum Site Specifications		
Site Area (ft <sup>2</sup> )	6,000	

Site Width (ft)	50	
Site Depth (ft)	100	
<b>Minimum Setbacks</b>	RM-15 development standards apply to perimeter of site	
<b>Minimum Lot Specifications</b> <sup>(1)</sup>		
Lot Area (ft <sup>2</sup> ), Attached Units	1,500	
Lot Area (ft <sup>2</sup> ), Detached Units	2,500	
Maximum Lot Area (ft <sup>2</sup> )	4,000	
Front lot setback (ft)	5	
Rear lot setback (ft)	3	
Side lot setback (ft)	0	
Distance between detached units (ft)	3	

**Table 3 (continued)**

Village Residential Development Table

	Village Residential	Subject to regulations in:
Maximum House Size (ft <sup>2</sup> )	2,500 <sup>(2)</sup>	
<b>Maximum Height (ft)</b>	30	
<b>Daylight Planes</b>	RM-15 development standards apply to perimeter of site	
<b>Maximum Site Coverage</b>	RM-15 development standards apply to site	
<b>Maximum Floor Area Ratio (FAR)</b> <sup>(3)</sup>	0.5:1 applied to entire site	
<b>Maximum Residential Density (units)</b>		
Maximum number of units per acre	12	
<b>Minimum Site Open Space</b> <sup>(4)</sup>	35% of entire site 18.13.040	18.13.040(e)
<b>Minimum Usable Open Space (per unit)</b> <sup>(3)</sup>	300 sq. ft.	
<b>Minimum Common Open Space (per unit)</b>	No requirement	18.13.040(e)

<b>Minimum Private Open Space (per unit)</b>	100 sq. ft.	
<b>Performance Criteria</b>		Ch. 18.23
<b>Landscape Requirements</b>		18.14.130
<b>Parking</b> <sup>(5)</sup>	See provisions of Chapter 18.52	Ch. 18.52

(1) Individual lots are created by subdividing the development site to create one for-sale lot per dwelling unit. Overall development intensity (FAR, site coverage, landscape/open space) shall be calculated across the entire site to comply with RM-15 zone standards, and setbacks and daylight planes at the perimeter of the site shall comply with RM-15 setbacks and daylight planes. For common-ownership developments such as condominiums and apartments, the underlying multiple-family zone district development standards shall apply.

(2) Covered parking that is attached to the residence shall be included in the maximum house size.

(3) Covered parking is not included as floor area in multi-family development, up to a maximum of 230 square feet per required parking space that is covered. Covered parking spaces in excess of required parking spaces count as floor area.

(4) Subject to the limitations of Section 18.13.040(e). Usable open space is included as part of the minimum site open space; required usable open space in excess of the minimum required for common and private open space may be used as either common or private usable open space; landscaping may count towards total site open space after usable open space requirements are met.

(5) Tandem parking is allowed for any unit requiring two parking spaces, provided that both spaces in tandem are intended for use by the same residential unit. For projects with more than four (4) units, not more than 25% of the required parking spaces shall be in a tandem configuration.

(d) Design for Entire Site

The entire development plan for a Village Residential project, including subdivision of the site into individual lots and design of buildings, streets, driveways, parking, and open space shall be submitted and reviewed at one time. Design for individual lots may not be phased for subsequent approval.

(e) Post-Construction Modifications

(1) Modifications to completed units, such as additions to dwelling units, changes in circulation or parking, exterior building design features, and provisions for open space, must be submitted as an amendment to the Village Residential development, unless an alternate review process is outlined in the initial project approval. The Director may require the submittal of Covenants, Conditions and Restrictions (CC&Rs) and/or other legal instruments to document and disclose the post-construction approval process.

(2) An amendment to the Village Residential approval may only be submitted by the owner of the entire site or by an entity (such as a homeowners association) representing the property owners. The amendment shall be reviewed in the same manner as the original approval and must demonstrate compliance with the applicable standards for the entire site. Minor architectural review may be approved by staff, pursuant to the process outlined in Section 18.76.020 for exterior architectural or site modifications deemed minor by the Director.

(Ord. 4964 § 2 (part), 2007)

**18.13.060 Multiple Family Context-Based Design Criteria**

(a) Contextual and Compatibility Criteria

Development in a multiple-family residential district shall be responsible to its context and compatible with adjacent development.

(1) Context

(A) Context as used in this section is intended to indicate relationships between the site's development to adjacent street types, surrounding land uses, and on-site or nearby natural features, such as creeks or trees. Effective transitions to these adjacent uses and features are strongly reinforced by Comprehensive Plan policies.

(B) The word "context" should not be construed as a desire to replicate existing surroundings, but rather to provide appropriate transitions to those surroundings. "Context" is also not specific to architectural style or design, though in some instances relationships may be reinforced by an architectural response.

(2) Compatibility

(A) Compatibility is achieved when the apparent scale and mass of new buildings share general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the neighborhood or street is maintained. For active streetscapes, compatibility is achieved when the scale and mass of new buildings are consistent with the pattern of achieving a pedestrian oriented design.

(B) Compatibility goals may be accomplished through various means, including but not limited to:

- (i) the siting, scale, massing, and materials;
- (ii) the rhythmic pattern of the street established by the general width of the buildings and the spacing between them;
- (iii) the pattern of roof lines and projections;
- (iv) the sizes, proportions, and orientations of windows, bays and doorways;
- (v) the location and treatment of entryways;
- (vi) the shadow patterns from massing and decorative features;
- (vii) the siting and treatment of parking; and
- (viii) the treatment of landscaping.

(b) Context-Based Design Considerations and Findings

In addition to the findings for Architectural Review contained in Section 18.76.020(d) of the Zoning Ordinance, the following additional findings are applicable in the RM-15, RM-30, and RM-40 districts, as further illustrated on the accompanying diagrams:

(1) Massing and Building Facades

Massing and building facades shall be designed to create a residential scale in keeping with Palo Alto neighborhoods, and to provide a relationship with street(s) through elements such as:

A. Articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest ( Figure 1-1);

B. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies ( Figure 1-1);

C. Placement and orientation of doorways, windows, and landscape elements to create a relationship with the street ( Figure 1-1);

D. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass ( Figure 1-1);

### **Figure 1-1**

E. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;

F. Residential units that have a presence on the street and are not walled-off or oriented exclusively inward;

G. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street ( Figure 1-2);

### **Figure 1-2**

H. All exposed sides of a building designed with the same level of care and integrity ( Figure 1-2).

#### **(2) Low-Density Residential Transitions**

Where new projects are built abutting existing lower-scale residential development, care shall be taken to respect the scale and privacy of neighboring properties through:

A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses, such as small-lot units and rowhouses ( Figure 2-1);

### **Figure 2-1**

B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements ( Figure 2-2);

### **Figure 2-2**

C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties ( Figure 2-3);

D. Minimizing sight lines into and from neighboring properties ( Figure 2-3);

### **Figure 2-3**

E. Limiting sun and shade impacts on abutting properties; and

F. Providing pedestrian paseos and mews to create separation between uses.

(3) Project Open Space

Private and public open space shall be provided so that it is usable for the residents and visitors of a site.

A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;

B. Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the residents.

C. Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings ( Figure 3-1);

**Figure 3-1**

D. Usable open space may be any combination of private and common spaces;

E. Open space should be located to activate the street facade and increase "eyes on the street" when possible ( Figure 3-2);

**Figure 3-2**

F. Usable open space does not need to be located on the ground and may be located in porches, decks, balconies and/or podiums ( Figure 3-3);

G. Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement;

H. Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces ( Figure 3-3); and

I. Parking may not be counted as open space.

**Figure 3-3**

(4) Parking Design

Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:

A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, garages and carports, etc.;

B. Structured parking is fronted or wrapped with habitable uses when possible ( Figure 4-1);

**Figure 4-1**

C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art ( Figure 4-2);

D. Landscaping such as trees, shrubs, vines, or groundcover is incorporated into surface parking lots (

Figure 4-2);

#### **Figure 4-2**

E. For properties with parking access from the rear of the site (such as a rear alley or driveway) landscaping shall provide a visual buffer between vehicle circulation areas and abutting properties ( Figure 4-3);

#### **Figure 4-3**

F. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming;

G. Parking is accessed from side streets or alleys when possible.

#### **(5) Large (multi-acre) Sites**

Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:

A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated with Palo Alto's Bicycle Master Plan, when applicable);

B. The diversity of building types increases with increased lot size (e.g.,

#### **Figure 5-1**

C. Where a site includes more than one housing type, each building type should respond to its immediate context in terms of scale, massing, and design (e.g., small lot units or rowhouse building types facing or abutting existing single-family residences) ( Figures 5-2 and 5-3).

#### **Figure 5-2**

#### **Figure 5-3**

#### **(6) Housing Variety and Units on Individual Lots**

Multifamily projects may include a variety of unit types such as small-lot detached units ( Figure 6-1), attached rowhouses/townhouses ( Figure 6-2), and cottage clusters in order to achieve variety and create transitions to adjacent existing development, provided that:

#### **Figure 6-1**

#### **Figure 6-2**

A. Setbacks and daylight planes along the perimeter of the site shall conform to RM-15 zone standards;

B. Overall development intensity (FAR, landscape coverage, open space) shall be calculated across the entire site to comply with the RM-15 zone standards;

C. Individual detached units shall be spaced a minimum of 3 feet apart;

D. For units on individual "fee simple" lots, units may be situated along the property line of the individual parcel (i.e., zero-lot line) to allow usable open space in the opposite side setback;

E. Each detached unit shall have at least one usable side yard between the house and fence to provide outdoor passage between the front and rear yards;

F. Spaces between buildings shall be landscaped and/or shall provide for usable hardscape (patios, decks, etc.);

G. Sidewall windows should be designed with privacy features such as obscure glass or glass block;

H. Windows on sidewalls opposite each other should be above eye level or should be offset to prevent views into adjacent units; and

I. Architectural treatment shall be carried along the sidewalls of detached units, particularly sidewalls facing streets and pathways.

#### (7) Sustainability and Green Building Design

Project design and materials to achieve sustainability and green building design shall be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:

A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation ( Figure 7-1);

#### **Figure 7-1**

B. Design landscaping to create comfortable micro-climates and reduce heat island effects ( Figure 7-2);

#### **Figure 7-2**

C. Design for easy pedestrian, bicycle, and transit access;

D. Maximize onsite stormwater management through landscaping and permeable pavement ( Figure 7-3);

#### **Figure 7-3**

E. Use sustainable building materials.

F. Design lighting, plumbing and equipment for efficient energy use;

G. Create healthy indoor environments;

H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements ( Figure 7-2); and

I. Provide protection for creeks and riparian vegetation and integrate stormwater management



measures and open space to minimize water quality and erosion impacts to the creek environment.

(Ord. 4964 § 2 (part), 2007)

### **18.13.070 Grandfathered Uses**

(a) Grandfathered Uses

The following uses may remain as grandfathered uses and shall not be subject to the provisions of Chapter 18.70:

(1) RM-15 district:

(A) Professional and medical office uses existing on July 20, 1978 and which, prior to that date, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit, or which uses were, prior to July 20, 1978, located in an RM-1 or RM-2 district, which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

(B) Two-family uses and multiple-family uses existing on July 20, 1978 and which, prior to that date, were lawful conforming permitted uses or conditional uses operating pursuant to a conditional use permit, or which uses were, prior to July 20, 1978, located in an RM-1 or RM-2 district, which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

(C) Motel uses existing on July 20, 1978, and which, prior to that date, were lawful conforming permitted uses or conditional uses subject to a conditional use permit.

(2) RM-30 district:

(A) Professional and medical office uses existing on July 20, 1978 and which, prior to that date, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit, or which uses were, prior to July 20, 1978, located in an RM-3 or RM-4 district, which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit

(B) Two-family uses and multiple-family uses existing on July 20, 1978 and which, prior to that date, were lawful conforming permitted uses or conditional uses operating pursuant to a conditional use permit, or which uses were, prior to July 20, 1978, located in an RM-3 or RM-4 district, which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

(C) Motel uses existing on July 20, 1978, and which, prior to that date, were lawful conforming permitted uses or conditional uses subject to a conditional use permit.

(3) RM-40 district:

(A) Professional and medical office uses existing on July 20, 1978 and which, prior to that

date, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit, or which uses were, prior to July 20, 1978, located in an RM-5 district, which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit

(B) Two-family uses and multiple-family uses existing on July 20, 1978 and which, prior to that date, were lawful conforming permitted uses or conditional uses operating pursuant to a conditional use permit, or which uses were, prior to July 20, 1978, located in an RM-5 district, which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

(C) Motel uses existing on July 20, 1978, and which, prior to that date, were lawful conforming permitted uses or conditional uses subject to a conditional use permit

(b) Permitted Changes

The following regulations shall apply to the grandfathered uses specified in subsection (a):

(1) Such uses shall be permitted to remodel, improve, or replace site improvements on the same site, for continual use and occupancy by the same use, provided that such remodeling, improvement or replacement:

(A) shall not result in increased floor area;

(B) shall not result in an increase in the number of offices, in the case of professional or medical office uses, or dwelling units, in the case of residential or motel uses;

(C) shall not result in shifting of building footprint;

(D) shall not increase the height, length, building envelope, or size of the improvement,

(E) shall not increase the existing degree of noncompliance, except through the granting of a design enhancement exception pursuant to Chapter 18.76, with respect to multiple-family, professional and medical office, and motel uses, or a home improvement exception pursuant to Chapter 18.76, with respect to two-family use.

(F) in the RM-15 district, such remodeling, improvement, or replacement shall be for continual use and occupancy by the same use.

(2) If a grandfathered use ceases and thereafter remains discontinued for twelve consecutive months, it shall be considered abandoned and may be replaced only by a conforming use.

(3) A grandfathered use which is changed to or replaced by a conforming use shall not be reestablished, and any portion of a site or any portion of a building, the use of which changes from a grandfathered use to a conforming use, shall not thereafter be used except to accommodate a conforming use.

(4) The following additional regulations shall apply to grandfathered professional or medical office uses:

(A) Any remodeling, improvement, or replacement of any building designed and constructed for residential use shall be subject to the issuance of a conditional use permit in accord with Chapter 18.76.

(B) In the event of redevelopment of all or a portion of the site for permitted residential uses, professional and medical office uses may not be incorporated in the redevelopment, except that this provision shall not apply to permanent conversion to residential use of space within an existing structure now used for professional and medical office uses.

(Ord. 4964 § 2 (part), 2007)

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