



PLANNING DIVISION

Memorandum

2

Date: September 20, 2006

To: PLANNING AND TRANSPORTATION COMMISSION

From: Curtis Williams, Chief Planning and Transportation Official

Subject: Urgency Ordinance

Attached is a draft urgency ordinance that would prohibit the division of an R-2 or RMD lot into condominium (air-space) ownership. This item relates to Item No. 3 - 610 California Avenue project on the Commission's agenda and should be considered ahead of that item.

Attachment A - Draft Urgency Ordinance

NOT YET APPROVED

ORDINANCE NO. _____
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
PROHIBITING SECOND DWELLING UNITS UNDER DIFFERENT
OWNERSHIP FROM THE INITIAL DWELLING UNIT ON AN
INTERIM BASIS PURSUANT TO GOVERNMENT CODE SECTION
65858 TO TAKE EFFECT IMMEDIATELY

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

SECTION 1. Findings. The Council finds and declares that:

A. Preservation of the visual and historic character of existing single-family neighborhoods is of great cultural, aesthetic, and economic importance to the City and all of its residents.

B. On June 20, 1983, the City Council enacted Ordinance No. 3447, establishing the RMD, (Two-Unit Multiple-Family Residence District) allowing a second dwelling unit under the same ownership as the initial dwelling unit on site in areas designated for multiple-family use. The purpose of establishing the zone was to minimize incentives to demolish existing single-family dwellings, maintain neighborhood character, and more significantly, increase the variety of housing opportunities available within the community.

C. The City Council has recognized that the current regulations of second dwelling units in the RMD and R-2 districts (Palo Alto Municipal Code Section 18.10.070(a)) do not adequately protect single-family structures and second units located on sites within the Two Unit Multiple-Family Residential District from potential subdivision and sale.

D. As written, Section 18.10.010(c) states that the purpose of the Two Unit Multiple-Family Residential 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. Section 18.10.070(a) does not adequately implement that purpose.

E. If a new ordinance is not adopted on an urgency basis to prohibit multiple ownership, there is a clear and imminent danger that a property owner within a Two Unit Multiple-Family

NOT YET APPROVED

Residential District could subdivide his or her parcel into two distinct airspace parcels and sell the air and rights to the separate parcels. This would be inconsistent with the intent of Chapter 18.10.

F. Based on findings A through E, the Council finds that there is a current and immediate threat to the public health, safety or welfare if Ordinance No. ____ is not adopted pursuant to Government Code section 36937.

SECTION 2. Definitions. All terms in this ordinance shall have the definition provided in Section 18.04.030 of the Palo Alto Municipal Code unless expressly provided otherwise.

SECTION 3. Prohibition. Second dwelling units under different ownership from the initial dwelling unit shall be prohibited in the R-2 and RMD zones on lots that meet lot size requirements in Table 2 of Chapter 18.10 of the Palo Alto Municipal Code to accommodate two units on a lot.

SECTION 4. Exemption. This ordinance does not apply to any second dwelling unit which has received final approvals as of the effective date of this ordinance.

SECTION 5. Effective Date and Applicability. This ordinance was passed by a four-fifths vote after a public hearing pursuant to Government Code Section 65858 and shall be effective immediately upon adoption and shall cease to have force and effect on _____ unless further extended after additional public hearing.

SECTION 6. The Council finds that this project is exempt from the provisions of the Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that this project will have a significant effect on the

//

//

//

//

//

NOT YET APPROVED

environment, and because this ordinance falls within the exception to CEQA set forth in Section 15301 of the CEQA Guidelines.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

Senior Asst. City Attorney

Director of Planning and
Community Environment