TO:        HONORABLE CITY COUNCIL

FROM:      CITY MANAGER                  DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE:      MARCH 14, 2004                   CMR: 179:05

SUBJECT:   PRELIMINARY RECOMMENDATIONS FROM PLANNING AND TRANSPORTATION COMMISSION FOR REVISIONS TO THE LOW DENSITY RESIDENTIAL (R-E, R-2, AND RMD) ZONING DISTRICTS (CHAPTER 18.10 OF THE ZONING ORDINANCE)

RECOMMENDATION
Staff recommends that the City Council accept the Planning and Transportation Commission’s (PTC) preliminary recommendations to approve the attached revisions to the current RE, R-2 and RMD zoning districts, and to incorporate the revisions into the Zoning Ordinance Update (ZOU) as a single chapter (18.10) comprising all three districts and the Neighborhood Preservation (NP) Combining District.

BACKGROUND
Staff presented the preliminary recommendations on the RE, R-2 and RMD zoning districts to the Council on October 4, 2004 (CMR 438:04). At that meeting, Council directed staff to undertake additional outreach through community meetings to residents and property owners of single family and other low-density residential properties in the City. Staff held five community meetings in November and December 2004, and summarized the meetings for the PTC on December 15, 2004. In general, the majority of the community members attending the public meetings were from single-family (R-1) zones, but information was also provided for the other low-density residential (LDR) districts (RE, R-2, RMD). A copy of the October 4, 2004 CMR and attachments was provided under separate cover to Council members. A discussion of the community meetings, other outreach, comments received, and attendance in the December 15 PTC staff report was provided under separate cover to Council members last week. A copy of the October 4, 2004 CMR, community meeting presentation materials, other information provided at these meetings, PTC staff report and summaries of comments are also available on the City or ZOU websites at www.cityofpaloalto.org or http://www.cityofpaloalto.org/zoning/.

DISCUSSION
Many of the revisions to the LDR zones, including changes to relevant definitions, mirror those made in the single family (R-1) zoning districts, so the discussion here is limited to those issues unique to RE, R-2, and RMD that were of concern to the community at the public meetings. Descriptions of minor changes and corrections are discussed in the staff report for the R-1
chapter. A list of corrections (errata sheet) to the LDR chapter following the community meetings are included as Attachment B.

The revised Low Density Residential Chapter (Attachment A) reflects the changes recommended by the PTC. Revisions from existing ordinance language and requirements are highlighted in a strikethrough/underlined format. A Summary Table of Key Revisions (provided to Council members under separate cover and available to the public on the ZOU website) outlines the changes from current requirements and highlights those areas where changes are different than those already discussed and recommended in the R-1 chapter. Changes resulting from the discussion of applicable R-1 issues would also be reflected in the LDR chapter as well. In particular, the following issues in the LDR zones should be modified pursuant to the R-1 discussions.

**Second Stories on Substandard Lots**
The proposed provisions for the R-2 district include regulations on substandard lots similar to those for the R-1 zone, including allowing for second story homes, subject to the Individual Review process. For the R-1 zone, staff has offered an alternative to allow second stories, but with a maximum of 24 feet in height and only on lots with widths of 30 feet or greater. If this or another alternative are adopted for R-1, staff recommends that the same requirement be applied to R-2 substandard lots.

**Second Dwelling Units in R-2 and RE Districts**
The proposed ordinance would, similar to the R-1 revisions, allow for small (450 square feet or less) second units in the R-2 District on lots of 6,000 to 7,500 square feet, consistent with the recommendation for R-1 lots of that size. If the minimum lot size in R-1 is increased to 7,000 square feet, staff recommends that such change not apply in R-2, so that small units would still be allowed on 6,000 square foot lots. The basis for this recommendation is that R-2 lots are generally intended to accommodate two units and staff believes that small second units are consistent with this district and the desire to encourage additional second units.

Recommendations for second units in the RE district would allow for small second units (450 square feet or less) on lots smaller than one acre in size, but larger than 7,500 square feet. Any changes to the R-1 chapter should not affect this recommendation.

**Maximum Lot Sizes/Lot Mergers**
The LDR chapter includes the creation of maximum lot sizes in the R-2 and RMD zones that are just less than twice the minimum lot size to discourage lot mergers that could result in the reduction of potential housing units in the City and would protect against construction of larger homes (after the lot merger) that could be out of character for the neighborhood. Exceptions are provided for cases where lot mergers are required to eliminate nonconformities and to allow for lot mergers that do not reduce the number of lots or potential housing units. These provisions are intended to implement Housing Element Program H-5 and are virtually identical to those proposed in the R-1 chapter. If the R-1 requirements are modified, the R-2 and RMD provisions should be revised accordingly.
Adoption of a Stand-Alone LDR Chapter
The R-1 District (Chapter 18.12) is being presented to the Council as a stand-alone chapter that would be adopted ahead of the remainder of the ZOU to facilitate early implementation. The LDR Chapter (18.10) could similarly be adopted ahead of the rest of the ZOU. Staff will prepare an ordinance for review and hearing by the Planning Commission and return to the Council for final action to make Chapter 18.10 effective as soon as possible.

RESOURCE IMPACT
The implementation of the proposed ordinance amendments is not expected to impact staff resources or the City’s budget. Staff anticipates that the clarifications and reformatting of the regulations will result in an ordinance that is more readily accessible and understood by applicants and staff, with no increase in the time or resources required for staff review.

POLICY IMPLICATIONS
The Zoning Ordinance Update is intended to bring the Zoning Ordinance into compliance with the 1998-2010 Comprehensive Plan. Staff and the Commission believe that the proposed LDR Chapter amendments are a significant step in that direction, particularly to implement Housing Element programs regarding second units and preservation of existing housing, as well as policies to facilitate understanding of the Ordinance by the public, officials, and staff. A more detailed comparison of the revisions with the relevant Comprehensive Plan policies and programs was provided in the PTC’s August 11, 2004 staff report (attached to the October 4, 2004 CMR and available on the PTC website).

ATTACHMENTS
Attachment A: Low Density Residential Districts: Draft Chapter 18.10
Attachment B: LDR Ordinance Errata Sheet

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