TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT
DATE: MAY 16, 2005
CMR: 249:05

SUBJECT: ZONING ORDINANCE UPDATE: RECOMMENDATION TO ADOPT AN ORDINANCE REVISING LOW DENSITY (RE, R-2, AND RMD) RESIDENTIAL ZONING DISTRICTS CHAPTER (18.10) AMENDING AND INCORPORATING RESIDENTIAL ESTATE (RE) 18.10; TWO FAMILY RESIDENCE DISTRICT (18.17); TWO UNIT MULTIPLE-FAMILY RESIDENCE DISTRICT (18.19) AND RELATED NEIGHBORHOOD PRESERVATION COMBINING DISTRICT (NP) 18.30 OF TITLE 18 (ZONING ORDINANCE) OF THE PALO ALTO MUNICIPAL CODE AND AMENDING CROSS-REFERENCES IN VARIOUS OTHER CODE SECTIONS.

RECOMMENDATION
Staff and the Planning and Transportation Commission (P&TC) recommend Council approval of the proposed ordinance (Attachment A) comprising the revised Low Density Residential (RE, R-2 and RMD) zoning districts chapter, incorporating all three districts and the Neighborhood Preservation (NP) Combining District and related revisions into the Zoning Ordinance Update (ZOU) as a single chapter (18.10) of Title 18 of the Palo Alto Municipal Code.

BACKGROUND
Staff presented preliminary recommendations for the Low Density Residential (LDR) districts to the Council on October 4, 2004 (CMR 438:04) and April 11, 2005 (CMR 212:05). Proposed revisions to the LDR districts were presented with the changes to the R-1 district at community meetings in November and December of 2004. At its April 11, 2005 meeting, Council reviewed a draft of the LDR chapter as recommended by the P&TC and directed staff to return with an ordinance for adoption of this chapter. Many of the substantive items associated with the LDR chapter were discussed with the review of the Single Family Residential (R-1) Chapter. The Low Density Residential Chapter has been modified since the Council’s review to reflect many of the changes adopted with the R-1 chapter. The following changes were made to the LDR chapter to reflect the recently adopted R-1 chapter.

1. Provisions for second stories on substandard lots were removed, leaving the existing single story (17 feet) and one habitable floor limitations in place. As in the existing code, property lot owners may still apply for a variance for a second story on a substandard lot if findings can be made. The allowance for a reduced streetside setback to 10 feet on lots less than 50 feet in width, similar to R-1, has been retained.
2. Allowance for small (up to 450 square foot) second dwelling units on smaller lots in the RE district was removed, retaining the existing 1 acre minimum lot size requirement for a second dwelling unit in this zone. The provision allowing a small second unit in the two unit (R-2) district for those R-2 lots between 6,000 square feet (the minimum lot size) and 7,500 square feet (the size at which a duplex could be built) is retained, since this district is intended to provide for two units on a lot. Additionally, the provision adopted with the R-1 District to allow up to a 450 square foot (rather than a 250 square foot) attached dwelling unit is now also reflected in the RE zoning district for lots of one acre or more. The reduced parking requirement of one parking space for this smaller (up to 450 square foot) unit is included for the RE and R-2 districts. Similar to the adopted R-1 ordinance, however, parking spaces in the front setback would not be allowed.

3. The language relating to noise-producing equipment that was adopted with the R-1 chapter is reflected in the LDR chapter. This language allows some discretion for the Planning Director to modify the requirement for housing/insulation of the equipment, if a combination of noise-reducing equipment technology, location on-site, or additional screening/reflection can assure compliance with the City’s noise ordinance at the nearest property line. As in the R-1 chapter, this discretion does not change the requirement that such equipment be located within the building envelope.

Two minor clarifications were also made to the Low Density Residential chapter as discussed in the April 27, 2005 P&TC staff report including limiting bed and breakfast inns to a maximum of 4 rooms in the RMD zoning district, and clarifying that tandem parking is allowed for single-family and two-family uses in the Low Density Residential districts, provided that both spaces in tandem are for the same unit and not located in the front setback.

COMMISSION REVIEW AND RECOMMENDATIONS
Staff returned to the P&TC on April 27, 2005 with these changes for the P&TC’s recommendation for adoption of the Low Density Residential Chapter ordinance. P&TC recommended (7-0-0) that Council adopt the Low Density Residential chapter. The P&TC discussion prior to the motion included a discussion on basement pumping, lighting intensity and cross-reference to the historic incentives in the LDR chapter (which staff agreed to do and which is reflected in the proposed ordinance).

RESOURCE IMPACT
The implementation of the proposed ordinance is not expected to significantly impact staff resources or the City’s budget. Similar to the R-1 Chapter, some additional staff time will be required initially to educate staff and the public on changes. However, staff anticipates that the clarifications and reformatting of the regulations will also result in an ordinance that is more readily accessible and understood by applicants and staff.

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 is a significant step in that direction.
ENVIRONMENTAL REVIEW
The proposed LDR Chapter changes are covered by the environmental analysis conducted for the adoption of the Comprehensive Plan. The Comprehensive Plan Environmental Impact Report (EIR) was certified by the City Council on July 20, 1998. The Addendum to the Comprehensive Plan EIR was adopted by the City Council on December 2, 2002 with the update to the Housing Element policies and programs. Staff has considered the proposed revisions to the Low Density Residential districts, and finds that they are not changes to or new information not analyzed in previous environmental analysis. Additionally, they do not have any additional significant environmental effects or increase any previously analyzed effects that were contained within the Comprehensive Plan EIR and Addendum EIR.

ATTACHMENTS
Attachment A: Proposed Ordinance Adopting Changes to the Low Density Residential Districts Chapter (18.10) and Related Definitions Contained in Chapter 18.04.
Attachment B: Planning and Transportation Commission April 27, 2005 staff report & Planning and Transportation Commission April 27, 2005 minutes.
Attachment C: List of Comp Plan policies

PREPARED BY: John Lusardi, Planning Manager

DEPARTMENT HEAD REVIEW: STEVE EMSLIE
Director of Planning and Community Environment

CITY MANAGER APPROVAL: EMILY HARRISON
Assistant City Manager