



**Report Type:**

**Meeting Date: 9/9/2015**

**Summary Title: First Annual Zoning Code Update**

**Title: Study Session to Introduce and Discuss the First Annual Zoning Code Update Process.**

**From: Amy French, Chief Planning Official**

**Lead Department: Planning & Community Environment**

**Recommendation**

Receive staff's report and discuss as appropriate.

**Executive Summary**

This report provides a preview of an ordinance that will be presented to the Planning and Transportation Commission (PTC) on September 30, 2015. No action is required at this time. Staff will present at the meeting a brief overview of a series of proposed code amendments that will be presented at the PTCs next meeting.

**Background**

The Planning and Community Development Department (PCE) has initiated an effort to amend land use-related portions of the Palo Alto Municipal Code. The department anticipates this will become an annual effort to improve:

- the use and readability of the code,
- clarify certain code provisions,
- align regulations to reflect current practice and Council policy direction, and
- address changes in State law.

This year's first annual packet of amendments is intended to be non-controversial. While some changes will require more dialogue than others, any one provision that generates substantial conversation or becomes controversial will be pushed to the following year.

The amendments are also classified based on the type of amendment proposed. The classifications include the following:

- Administrative: Creates inaccurate code references, outmoded provisions, typographical errors and similar, non-substantive changes.
- Clarification: these amendments are intended to adjust existing code provisions to better reflect the intent of a process, procedure or regulation. Again, no substantive changes anticipated.
- Interpretation: amendments in this category modify the existing language to provide better clarification of the requirement, adjust the requirement to reflect current practice, or align a provision with current city policy.
- New Policy: This is wholly new language introduced to establish a new procedure, process or regulation or a substantial modification to existing policy.

The latter two groupings may generate some controversy resulting in items being continued to the following year. To reiterate, the objective of this effort is to advance changes that have broad support or at least do not generate significant concern.

## **Discussion**

The purpose of this study session is to introduce the public and PTC to the contemplated amendments and the proposed process. While many of the changes will be administrative in nature and not particularly noteworthy, other changes will be more meaningful and reflect current challenges staff is experiencing when reviewing development proposals.

Some amendments that will be considered relate to single family development, including:

- Clarification to the extent a basement is permitted
- Permitted locations of carports on property
- Clarification to the extent a home may be remodeled before it is considered new development

Other amendments introduce new provisions of the code as it relates to:

- Exempted floor area for ADA improvements
- Parking requirements for rooftop dining
- Adjustment to the site and design threshold for housing projects
- Clarification regarding seismic bonus when buildings are demolished
- Enhanced definition of amenity space and elimination of the exemption that certain amenity space is exempted from parking requirements when located near commercial uses

The amendments also seek to align the code to state law, increase transparency and improve the quality of project reviews, including:

- Adjust state density bonus to align with state law
- Formalize a procedure for making Director-level code interpretations, including making those interpretations publically available and subject to appeal
- Update the city's CEQA Thresholds, which have not been updated in over a decade

- Update the ARB Findings to focus analysis, reduce redundant or unnecessary provisions

The above is a brief summary; other amendments are being considered and will be introduced at the meeting. The Commission is not expected to have a robust discussion on the amendments at this time. Rather, the purpose of the meeting is to introduce the concepts, which may or may result in some discussion.

### **Policy Implications**

The proposed changes seek to improve the administration of the zoning code and recalibrate some code provisions that over the years have been more generously interpreted. The amendments are intended to make adjustments that better reflect city policy and establish procedures for transparent interpretations.

The Council Policy & Services Committee is scheduled to review the proposed changes on October 13, 2015.

### **Timeline/Next Steps**

Staff intends to return to the PTC on September 30, 2015 with a draft ordinance reflecting annotated code changes.

### **Environmental Review**

As the bulk of the changes are administrative and staff expects that the changes will be exempt from environmental review. As the ordinance is more fully developed staff will further evaluate this issue.