



City of Palo Alto
City Council Staff Report

(ID # 9091)

Report Type: Consent Calendar

Meeting Date: 4/9/2018

Summary Title: 2nd Reading - Annual Planning Code Update 2018

Title: SECOND READING: Adoption of two Ordinances; the First Amending Palo Alto Municipal Code (PAMC) Chapter 2.20 (Planning and Transportation Commission) of Title 2, Chapter 10.64 (Bicycles, Roller Skates and Coasters) of Title 10, and Chapters 18.04 (Definitions), 18.10 (Low-Density Residential (RE, R-2 and RMD)), 18.12 (R-1 Single-Family Residential District), 18.15 (Residential Density Bonus), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.28 (Special Purpose (PF, OS and AC) Districts), 18.30(G) (Combining Districts), 18.40 (General Standards and Exceptions), 18.42 (Standards for Special Uses), 18.52 (Parking and Loading Requirements), 18.54 (Parking Facility Design Standards), 18.76 (Permits and Approvals), 18.77 (Processing of Permits and Approvals), and 18.80 (Amendments to Zoning Map And Zoning Regulations) of Title 18, and Chapters 21.12 (Tentative Maps and Preliminary Parcel Maps) and 21.32 (Conditional Exceptions) of Title 21; and the Second Amending Chapter 10.04 (Definitions) and Chapter 10.64 (Bicycles, Roller Skates and Coasters) of Title 10 (Vehicles and Traffic) to Prohibit Use of Bicycles and Similar Vehicles on Certain Sidewalks and Undercrossings and Establish Speed Limits on Shared-use Paths When Others Present. CEQA: Exempt Under CEQA Guidelines Section 15061(b)(3) (FIRST READING: March 19, 2018 PASSED: 5-0 Kniss, Kou, Tanaka, Wolbach absent)

From: City Manager

Lead Department: Planning and Community Environment

RECOMMENDATION

Staff recommends that the Council conduct a second reading and adopt the attached ordinances (Attachments A and B).

BACKGROUND

On March 19, 2018, the City Council reviewed and adopted on first reading two draft ordinances amending various sections of the municipal code ([staff report #9042](#)).

The ordinances have been modified to incorporate the Council's desired changes summarized below and that are detailed in [Draft Action Minutes](#).

Attachment A

1. Remove references to the specification of setbacks for outdoor fireplaces and BBQs in Sections 5, 6, and 11 of the ordinance (item #20 in 03/19/18 staff report).
2. Revised the request for hearing timeline to ten days for minor Architectural Review in Section 16 of the ordinance (item #22 in 03/19/18 staff report).
3. Remove the proposed delay to the Individual Review process for replacement homes when a historic inventory property has been demolished in Section 6 of the ordinance (item #25 in 03/19/18 staff report).

Attachment B

1. Modify the rules for bike riding in undercrossings in Section 2 of the ordinance to only apply when other people are present (item #27 in 03/19/18 staff report).
2. Modify the bike speed limits in Section 3 of the ordinance to apply only when pedestrians are present (item #28 in 03/19/18 staff report).

The modifications to the ordinance in Attachment B from the original ordinance are shown in double-strikethrough (deletions) and double-underlines (additions).

Attachments:

Attachment A: Ordinance Amending Planning Related Codes (PDF)

Attachment B: Ordinance Amending Bike Speed Limit on Shared Paths and Bikes on Sidewalks (PDF)

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code (PAMC) Chapter 2.20 (Planning and Transportation Commission) of Title 2, Chapter 10.64 (Bicycles, Roller Skates and Coasters) of Title 10, and Chapters 18.04 (Definitions), 18.10 (Low-Density Residential (RE, R-2 and RMD)), 18.12 (R-1 Single-Family Residential District), 18.15 (Residential Density Bonus), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.28 (Special Purpose (PF, OS and AC) Districts), 18.30(G) (Combining Districts), 18.40 (General Standards and Exceptions), 18.42 (Standards for Special Uses), 18.52 (Parking and Loading Requirements), 18.54 (Parking Facility Design Standards), 18.76 (Permits and Approvals), 18.77 (Processing of Permits and Approvals), and 18.80 (Amendments to Zoning Map And Zoning Regulations) of Title 18, and Chapters 21.12 (Tentative Maps and Preliminary Parcel Maps), and 21.32 (Conditional Exceptions) of Title 21

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Section 2.20.030 (Officers) of **Chapter 2.20 (Planning and Transportation Commission)** of Title 2 (Administrative Code) is amended as follows:

2.20.030 Officers

~~The commission-Commission shall elect its officers annually at the first meeting in November a chairperson and a vice chairperson from its membership who shall serve in such capacity for terms of one year each, or until a successor is elected, unless his or her term as a member of the Commission sooner expires.~~

SECTION 2. [Deleted]

SECTION 3. Sections 10.64.010 (Bicycle license required), 10.64.060 (License fees), and 10.64.070 (Safe mechanical condition prerequisite to issuance of license) of **Chapter 10.64 (Bicycles, Roller Skates and Coasters)** of Title 10 (Vehicles and Traffic) of the PAMC are deleted in their entirety.

~~**10.64.010 Bicycle license required**~~

~~_____ No resident of the city shall operate any bicycle (defined as any device which a person may ride, which is propelled by human power through a system of belts, chains, or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches) on any street, road, highway, or other public property within the city, unless such bicycle is licensed in accordance with Division 16.7, Sections 39000 through 39011 of the California Vehicle Code. Any person who violates the provisions of this section may be cited pursuant to Vehicle Code Section 39002(a).~~ **10.64.060 License fees**

~~The license fee to be paid for each bicycle licensed pursuant to Section 10.64.010 shall be paid in advance. A fee shall be paid for application for transfer of license pursuant to Section 39008 of the California Vehicle Code. Said fees shall be as set forth in the municipal fee schedule.~~

~~10.64.070— Safe mechanical condition prerequisite to issuance of license~~

~~—Any person applying for a bicycle license pursuant to the provisions of this chapter must demonstrate to the chief of police or his designated representative that the bicycle for which the applicant desires to secure license plates meets the requirements of this chapter and the California Vehicle Code as to safe mechanical condition.~~

SECTION 4. Section 18.04.030 (Definitions) of **Chapter 18.04 (Definitions)** of Title 18 (Zoning) of the PAMC is amended as follows:

18.04.030 Definitions

(a) Throughout this title the following words and phrases shall have the meanings ascribed in this section.

...

(~~23.5~~ ~~94.5~~) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Title, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

(A) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in Division 10 of the California Business and Professions Code. "Commercial cannabis activity" does not include personal uses allowed by Health and Safety Code sections 11362.1 and 11362.2 or personal medicinal uses allowed by sections 11362.765 and 11362.77, as amended from time to time.

(B) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(C) "Medical cannabis dispensary" is a facility where cannabis is made available for medicinal purposes in accordance with any provision of state law that authorizes the use of cannabis for medicinal purposes.

...

(24.5) "Carport" means a portion of a principal residential building or an accessory building to a residential use designed to be utilized for the shelter parking or storage of one or more motor vehicles, which is at least 50% open (unenclosed) on two or more sides, including on the vehicular entry side, and ~~which is~~ covered with a solid roof.

...

~~(41.5) "Director" means the director of planning and community environment or his or her designee.~~

...

(59) "Garage, private" means a portion of a principal residential building or an accessory building to a residential use designed to be utilized for the ~~shelter parking or storage~~ of one or more motor vehicles, ~~and~~ which is enclosed on ~~three~~ two or more sides and covered with a solid roof.

...

(65) "Gross floor area" is defined as follows:

...

(B) Non-residential & Multifamily Exclusions: For all zoning districts other than the R-E, R-1, R-2 and RMD residence districts, "gross floor area" shall not include the following:

...

(iv) ~~Except in the CD District and in areas designated as special study areas,~~ For existing structures, minor additions of floor area approved by the director of planning and community environment for purposes of resource conservation or code compliance, upon the determination that such minor additions will increase compliance with environmental health, safety or other federal, state or local standards. Any additional floor area approved shall not qualify for grandfathered floor area in the event the building is later replaced or redeveloped. Such allowable additions may include, but not be limited to, the following:

a. Except in the CD District, ~~a~~Areas designed for resource conservation, such as trash compactors, recycling, and other energy facilities meeting the criteria outlined in Section 18.42.120 (Resource Conservation Energy Facilities); ~~and~~

b. Areas designed and required for hazardous materials storage facilities, disability related access or seismic upgrades. For the purposes of this section disability related upgrades are limited to the incremental square footage necessary to accommodate disability access and shall be subject to the Director's approval not to exceed 500 square feet per site. Disability related upgrades shall only apply to remodels of existing buildings ~~and shall not qualify for grandfathered floor area in the event the building is later replaced or otherwise redeveloped.~~; and

c. Areas designed and required for refuse storage, such as trash, recycling, and compost, when it is the minimum amount needed to comply with current code requirements. The provisions of this subsection (a)(65)(B)(iv) are not intended to

and do not allow the removal of a previously approved existing interior refuse storage area.

...

(D) Low Density Residential Exclusions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, "gross floor area" shall not include the following:

...

(vii) For residences designated on the city's Historic Inventory as a Category 1 ~~through 4~~ ~~or Category 2~~ historic structure as defined in Section 16.49.020 ~~of this or~~ any contributing structure within a locally designated historic district, or if individually listed on the National Register of Historic Places or California Register of Historical Resources, the following gross floor area exclusions apply.

...

(114.2) "Porte-cochere" means a covered structure attached to a residence or adjacent to a residence and erected over a driveway, which is ~~completely~~ open on three or more sides and used for the temporary unloading and loading of vehicles.

...

SECTION 5. Section 18.10.090 (Basements) of **Chapter 18.10 (Low Density Residential RE, R-2 and RMD Districts)** of Title 18 (Zoning) of the PAMC is amended as follows:

18.10.090 Basements

...

(b) Inclusion of 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. Grade is measured at the lowest point of adjacent ground elevation prior to grading or fill, or finished grade, whichever is lower; or
- (3) basement area is associated with a historic property as described in Section 18.04.030(a)(65)(D)(vii).

...

SECTION 6. Sections 18.12.040 (Development Standards), 18.12.090 (Basements), and 18.12.120 (Home Improvement Exception) of **Chapter 18.12 (R-1 Single- Family Residential District)** of Title 18 (Zoning) of the PAMC are amended as follows:

18.12.040 Site Development Standards

...

(b) Gross Floor Area Summary

...

**TABLE 3
SUMMARY OF GROSS FLOOR AREA FOR SINGLE FAMILY RESIDENTIAL DISTRICTS**

Description	Included in GFA	Excluded from GFA
Accessory structures greater than 120 sq. ft.	✓	
Second floor equivalent: areas with heights >17'	✓ (counted twice)	
Third floor equivalent: areas with heights > 26'	✓ (counted three)	
Third floor equivalent, where roof pitch is > 4:12		✓ up to 200 sq. ft. of unusable space
Garages and carports	✓	
Porte cocheres		✓
Entry feature ≤ 12' in height, if not substantially enclosed and not recessed	✓ (counted once)	
Vaulted entry > 12' in height	✓ (footprint counted twice)	
Fireplace footprint	✓ (counted once)	
First floor roofed or unenclosed porches		✓
First floor recessed porches <10' in depth and open on exterior side		✓
Second floor roofed or enclosed porches, arcades, balconies, porticos, breeze-ways	✓	
Basements (complying with patio & lightwell requirements described in Section <u>18.12.090</u>)		✓
Areas on floors above the first floor where the height from the floor level to the underside of the rafter or finished roof surface is 5 or greater	✓	
Bay windows (if at least 18" above interior floor, does not project more than 2', and more than 50% is covered by windows)		✓
Basement area for Category 1- 2 -4 Historic Homes or contributing structure within a historic district, and individually listed homes on the National Register of Historic Places or California Register of Historic Resources (even if the finished level of the first floor is greater than 3' above grade)		✓
Unusable attic space for category 1- 2 -4 Historic Homes or contributing structure within a historic district, and individually listed homes on the National Register of Historic Places or California Register of Historical Resources		✓ (up to 500 sq. ft.)

...

(f) Contextual Garage and Carport 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/carports shall be located in the rear half of the house footprint. Otherwise, an attached garage/carport may be located in the front half of the house footprint. "Predominant neighborhood pattern" means the existing garage/carport 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/carports 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/carports 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/carports fronts.

...

18.12.090 Basements

...

(b) Inclusion of 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. Grade is measured at the lowest point of adjacent ground elevation prior to grading or fill, or finished grade, whichever is lower; or
- 3) basement area is associated with a historic property as described in Section 18.04.030(a)(65)(D)(vii).

...

18.12.120 Home Improvement Exception

...

(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:

...

- (10) For any residence designated on the city's Historic Inventory as a Category 1 ~~or~~ Category 2 through 4 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.

...

SECTION 7. Sections 18.15.020 (Definitions), 18.15.030 (Density Bonuses), 18.15.080 (Application Requirements), and 18.15.090 (Review Procedures) of **Chapter 18.15 (Residential Density Bonus)** of Title 18 (Zoning) of the PAMC are amended as follows:

18.15.020 Definitions

Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section:

...

(h) "Density bonus" means a density increase over the maximum residential density granted pursuant to Government Code Section 65915 and this ordinance, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

...

(s) "Replace" means either of the following:

- (i) If any dwelling units described in Section 18.15.030(h) are occupied on the date that the application is submitted to the City, the proposed housing development shall provide at least the same number of units of equivalent size ~~or type, or both,~~ to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in Section 18.15.030(h) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, ~~theses~~ units shall be subject to a recorded affordability restriction for at least 55 years. For purposes of this subsection (s) of Section 18.15.020, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.
- (ii) If all dwelling units described in Section 18.15.030(h) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size ~~or type, or both,~~ as existed at the highpoint of those units in the five-year period preceding the application to be made

available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

...

18.15.030 Density Bonuses

This Section describes the density bonuses that will be provided, at the request of an applicant, when that applicant provides restricted affordable units as described below.

- (a) The City shall grant a 20 percent (20%) density bonus when an applicant for a development of five (5) or more dwelling units seeks and agrees to construct at least any one of the following in accordance with the requirements of this Section and Government Code Section 65915:

...

- (iv) A qualifying mobile home park; or,

- (v) At least ten percent (10%) of the total dwelling units of the development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subsection shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

...

- ~~(c) No additional density bonus shall be authorized for a senior citizen development or qualifying mobilehome park beyond the density bonus authorized by subsection (a) of this Section. Reserved~~

...

- (e) Each development is entitled to only one density bonus, which shall be selected by the applicant based on the percentage of very low restricted affordable units, lower income restricted affordable units, or moderate income restricted affordable units, or the development's status as a senior citizen housing development or qualifying mobilehome park, or the development's provision of restricted affordable units for transitional foster youth, disabled veterans or homeless persons. Density bonuses

from more than one category may not be combined. In no case shall a development be entitled to a density bonus of more than thirty-five percent (35%).

...

18.15.080 Application Requirements

An Application for a density bonus, incentive, concession, waiver, modification or revised parking standard shall be made as follows:

- (a) An application for a density bonus, incentive, concession, waiver, modification or revised parking standard shall be submitted with the first application for a discretionary permit for a development and shall be processed concurrently with those discretionary permits. The application shall be on a form prescribed by the City and shall include the following information:

...

- (iv) If a concession or incentive is requested, a brief explanation as to the actual cost reduction achieved through the concession or incentive ~~and how the cost reduction allows the applicant to provide the restricted affordable units.~~

...

- (viii) For concessions and incentives that are not included within the menu of incentives/concessions set forth in subsection (c) of Section 18.15.050, the application requires the submittal of the project proforma or other comparable documentation (referred to herein as the "proforma information") to the Director, providing evidence that the requested concessions and incentives result in identifiable, ~~financially sufficient,~~ and actual cost reductions. The cost of reviewing the project proforma information, including, but not limited to, the cost to the City of hiring a consultant to review the financial data, shall be borne by the applicant. The proforma information shall include all of the following items:

...

~~(B) Evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices; and~~

(B) Other information requested by the Planning Director. The Planning Director may require additional ~~financial information including information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other~~ information as is required to evaluate the financial proforma information;

...

18.15.090 Review Procedures

...

- (a) Before approving an application for a density bonus, incentive, concession, waiver, modification or revised parking standard, the Approval Authority shall make the following findings, as applicable:

...

- (ii) Any requested concession or incentive will result in identifiable, ~~financially sufficient,~~ and actual cost reductions based upon the financial analysis and documentation provided. The City finds that the concessions and incentives included in Section 18.150.050(c) will result in identifiable, ~~financially sufficient,~~ and actual cost reductions.

...

SECTION 8. Section 18.16.050 (Office Use Restrictions) of **Chapter 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts)** of Title 18 (Zoning) of the PAMC is amended as follows:

18.16.050 Office Use Restrictions

The following restrictions shall apply to office uses:

- (a) Conversion of Ground Floor Housing and Non-Office Commercial to Office

Medical, Professional, and Business offices shall not be located on the ground floor, unless any of the following apply to such offices:

- (1) Have been continuously in existence in that space since March 19, 2001, and as of such date, were neither non-conforming nor in the process of being amortized pursuant to Chapter 18.30(I);
- (2) Occupy a space that was not occupied by housing, neighborhood business service, retail services, personal services, eating and drinking services, or automotive service on March 19, 2001 or thereafter;

~~(3) In the case of CS zoned properties with site frontage on El Camino Real, were not occupied by housing on March 19, 2001;~~

- ~~(4)~~ Occupy a space that was vacant on March 19, 2001;

...

SECTION 9. Section 18.28.070 (Additional OS District Regulations) of **Chapter 18.28 Special Purpose (PF, OS and AC) Districts** of Title 18 (Zoning) of the PAMC is amended as follows:

18.28.070 Additional OS District Regulations

...

- (b) Site and Design Approval

(2) Major Site and Design Review: For all other projects not reviewed as Minor Site and Design Review, the project will be forwarded to the Planning and Transportation Commission for review and recommendation and then placed on the Council Consent agenda for final action, as prescribed for staff actions outlined in Section ~~18.76.060~~18.77.060 (Standard Staff Review Process). Provided, however, that the following projects may be forwarded directly to the City Council Consent agenda by staff without review by the Planning and Transportation Commission, where all of the following conditions apply:

...

SECTION 10. Section 18.30(G).060 (Action by Commission) of **Chapter 18.30(G) (Site and Design (D) Review Combining District Regulations)** of Title 18 (Zoning) of the PAMC is amended as follows:

18.30(G).060 Action by Commission

Unless the application for design approval is diverted for minor architectural review under Section 18.76.020 (b)(3)(~~DE~~), the planning commission shall review the site plan and drawings, and shall recommend approval or shall recommend such changes as it may deem necessary to accomplish the following objectives:

...

SECTION 11. **Chapter 18.40 (General Standards and Exceptions)** of Title 18 (Zoning) of the PAMC is amended to add new Sections 18.40.190 (Application Withdrawal) and 18.40.200 (New Application Submittal Required) as follows:

18.40.190 Application Withdrawal by Applicant or Director

(a) Applicant Withdrawal. The applicant may withdraw any rezoning, permit or other application submitted pursuant to this Title at any time before action to approve, conditionally approve or deny the application has been taken by the decisionmaking body, by providing written notification to the Director.

(b) Inactive Applications. Where there is inactivity on an application on the part of the applicant for a period of at least six consecutive months, the Director shall have the authority to deem an application withdrawn after providing written notice as provided herein. The Director shall provide notice of his or her intent to deem an application withdrawn at least thirty days' prior to the proposed effective date. Such notice shall be provided by first class mail to the last known address of the applicant on record with the Director. For purposes of this section, "inactivity" on an application means that the Director has requested from the applicant or has provided the applicant with notice of additional information, materials and/or fees needed by the Director from the applicant to continue to process the application and the applicant has failed to adequately respond to that request or notice.

18.40.200 New Application Submittal Required

The Director shall have the authority to require the filing of a new application when a pending application project description, proposed land uses, building design, or other aspects of the project are substantially modified as to warrant a new review of the project to applicable code sections. The filing of a new application shall be subject to new fees and shall render the previous application withdrawn.

SECTION 12. Section 18.42.110 (Wireless Communication Facilities) of **Chapter 18.42 (Standards for Special Uses)** of Title 18 (Zoning) of the PAMC is amended as follows:

18.42.110 Wireless Communication Facilities

...

(f) Tier 1 WCF Permit Process and Findings

- (1) A Tier 1 WCF Permit shall be reviewed by the Director. The Director's decision shall be final and shall not be appealable ~~pursuant to the procedures set forth in Chapters 18.77 or 18.78;~~
- (2) The Director shall grant a Tier 1 WCF Permit provided that the Director finds that the applicant proposes an eligible facilities request;
- (3) The Director shall impose the following conditions on the grant of a Tier 1 WCF Permit:
 - (i) The proposed collocation or modification shall not defeat any existing concealment elements of the support structure; and
 - (ii) The proposed WCF shall comply with the development standards in Section 18.42.110(i)(3), (5), (6) and (7), and the conditions of approval in Section 18.42.110(j).

(g) Tier 2 WCF Permit Process and Findings

- (1) A Tier 2 WCF Permit shall be reviewed by the Director, who may, in his or her sole discretion, refer an application to the Architectural Review Board. The Director's decision shall be appealable directly to the City Council. An appeal may be set for hearing before the City Council or may be placed on the Council's consent calendar, pursuant to the process for appeal of architectural review set forth in Section 18.77.070(f).

...

(h) Tier 3 WCF Permit Process and Findings

- (1) A Tier 3 WCF Permit shall be reviewed by the Director, who may, in his or her sole discretion, refer an application to the Architectural Review Board and/or Planning and Transportation Commission. The Director's decision shall be appealable directly to the City Council. An appeal may be set for hearing before the City Council or may be placed on the Council's consent calendar,

pursuant to the process for appeal of architectural review set forth in Section 18.77.070(f) ~~and the process for conditional use permits set forth in Section 18.77.060.~~

...

(k) Removal of Abandoned Equipment

A WCF (Tier 1, Tier 2, or Tier 3) or a component of that WCF that ceases to be in use for more than ninety (90) days shall be removed by the applicant, wireless communications service provider, or property owner within ninety (90) days of the cessation of use of that WCF. A new ~~conditional use~~WCF permit shall not be issued to an owner or operator of a WCF or a wireless communications service provider until the abandoned WCF or its component is removed.

(l) Revocation

The Director may revoke any WCF Permit if the permit holder fails to comply with any condition of the permit. The Director's decision to revoke a Permit shall be appealable pursuant to the process applicable to issuance of the Permit, as provided in subdivisions (f), (g), and (h) of this section for architectural review set forth in Section 18.77.070 and the process for conditional use permits set forth in Section 18.77.060.

SECTION 13. Sections 18.52.030 (Basic Parking Regulations) and 18.52.050 (Adjustments by the Director) of **Chapter 18.52 (Parking and Loading Requirements)** of Title 18 (Zoning) of the PAMC are amended as follows:

18.52.030 Basic Parking Regulations

...

(i) Transportation Demand Management Plan

(1) Requirement for TDM Plan: A Transportation Demand Management (TDM) Plan to reduce and manage the number of single-occupant motor vehicle trips generated by the project shall be prepared and submitted by the applicant in the following circumstances:

A. For all projects that generate ~~100~~50 or more net new weekday (AM or PM peak hour) or weekend peak hour trips;

...

(1) The Director shall have the authority to adopt guidelines for preparing TDM plans and when applicable shall coordinate such guidelines with the Transportation Management ~~Authority~~Association.

18.52.050 Adjustments by the Director

...

(d) Transportation Demand Management (TDM)

(2) Where a Transportation Demand Management (TDM) program is proposed or required, the TDM program shall outline parking and/or traffic demand measures to be implemented to reduce parking need and trip generation. The Director shall have the authority to adopt guidelines for preparing TDM plans. Required measures may include, but are not limited to: participation in the Transportation Management Authority Association or similar organization, limiting “assigned” parking to one space per residential unit, providing for transit passes, parking cash-out, enhanced shuttle service (or contributions to extend or enhance existing shuttle service or to create new shared or public shuttle service), car-sharing, traffic-reducing housing, providing priority parking spaces for carpools/vanpools or “green” vehicles (zero emission vehicles, inherently low emission vehicles, or plug-in hybrids, etc.), vehicle charging stations, additional bicycle parking facilities, or other measures to encourage transit use or to reduce parking needs. The program shall be proposed to the satisfaction of the director, shall include proposed performance targets for parking and/or trip reduction and indicate the basis for such estimates, and shall designate a single entity (property owner, homeowners association, etc.) to implement the proposed measures.

...

SECTION 14. Section 18.54.020 (Vehicle Parking Facilities) of **Chapter 18.54 (Parking Facility Design Standards)** of the PAMC is amended as follows:

18.54.020 Vehicle Parking Facilities

(a) Parking Facility Design

...

(3) The required stall widths shown in Table ~~5-3~~ of Section 18.54.070 shall be increased by 0.5 foot for any stall located immediately adjacent to a wall, whether on one or both sides. The director may require that the required stall widths be increased by 0.5 foot for any stall located immediately adjacent to a post, where such post limits turning movements into or out of the stall.

...

SECTION 15. Section 18.76.020 (Architectural Review) of **Chapter 18.76 (Permits and Approvals)** of Title 18 (Zoning) of the PAMC is amended as follows:

18.76.020 Architectural Review

...

(b) Applicability

No permit required under Title 2, Title 12 or Title 16 shall be issued for a major or minor project, as set forth in this section, unless an application for architectural review is reviewed, acted upon, and approved or approved with conditions as set forth in Section 18.77.070.

(1) Exempt Projects. The following projects do not require architectural review: Single family and two family residences do not require architectural review, except as provided under subsections (2)(C) and (2)(D).

(A) Single family and two family residences do not require architectural review, except as provided under subsections (2)(C) and (2)(D).

(B) Projects determined by the director of planning and community environment to be substantially minor in nature and have inconsequential visual impacts to the adjacent properties and public streets. These exempt projects are referred to as “over the counter projects”. The director shall have the authority to promulgate a list of such exempt projects under this subsection.

...

(3) Minor Projects. The following are “minor projects” for the purposes of the architectural review process set forth in Section 18.77.070, except when determined to be major pursuant to subsection (2)(I) or exempt pursuant to subsection (1)(B):

...

SECTION 16. Sections 18.77.020 (Applications), 18.77.060 (Standard Staff Review Process), 18.77.070 (Architectural Review Process), 18.77.080 (Notice), and 18.77.110 (Revocation or Modification of Approvals) of **Chapter 18.77 (Processing of Permits and Approvals)** of Title 18 (Zoning) of the PAMC are amended, and new Section 18.77.077 (Over the Counter Project Review Process) is added to the same Chapter, as follows:

18.77.020 Applications

...

(d) Resubmittal of applications

If an application is denied, the director or city council may specify that a substantially similar application may not be accepted within 12 months ~~prior to~~ following the date of such denial, unless it is shown that the circumstances surrounding the application have changed substantially.

18.77.060 Standard Staff Review Process

...

(b) Notice of Application Completeness

Not later than thirty days after an application has been received, the director shall notify the applicant in writing whether the application is complete. If the application is determined not to be complete, procedures outlined in in Section 18.77.030 shall apply. ~~Once an application is deemed complete, notice that the application has been filed and deemed complete shall be given by mail to owners and residents of property within 600 feet of the~~

~~property, by publication, by e-mail, and by posting in a public place. The notice shall include the address of the property and a brief description of the proposed project.~~

(c) Decision by the Director

Not less than twenty-one days following the date an application is deemed complete:

...

(2) Notice of the proposed director's decision shall be given by mail to owners and residents of property within 600 feet of the property, ~~by publication, by e-mail,~~ and by posting in a public place. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director's decision, the date the decision will be final if no hearing is requested, and a description of how to request a hearing.

(3) The proposed director's decision shall become final fourteen days after the date notice is mailed ~~or published, whichever is later,~~ unless a request for a hearing is filed. The director may, for good cause, specify in writing a longer period for requesting a hearing at the time he or she issued the proposed decisions.

...

(d) Withdrawal of Hearing Request

...

(2) Notice of the proposed director's decision shall be given by mail to owners and residents of property within 600 feet of the property, ~~by publication, by e-mail,~~ and by posting in a public place. Notice shall include the address of the property, a brief description of the proposed project, the specific modifications made to the application, the date the decision will be final, a description of how to request a hearing, and a statement that any request for a hearing on the revised decision is limited to those modifications.

(3) The revised proposed director's decision shall become final fourteen days after the date notice is mailed ~~or published, whichever is later,~~ unless a request for a hearing is filed. The director may, for good cause, specify in writing a longer period for requesting a hearing at the time he or she issues the proposed decision.

(e) Hearing and Recommendation (Upon Request) by the Planning and Transportation Commission

(2) Notice of the revised director's decision shall be given by mail to owners and residents of property within 600 feet of the property, ~~by publication, by e-mail,~~ and by posting in a public place. Notice shall include the address of the property, a brief description of the proposed project, and the date, time and location of the hearing.

...

18.77.070 Architectural Review Process

...

(b) Tentative Director's Decision and Hearing Upon Request for Minor Projects

For a minor project, as defined in Section 18.76.020(b)(3), once the application is deemed complete:

...

(2) Notice of the proposed director's decision shall be ~~given~~ mailed to property owner or applicant and posted in a public place ~~by publication~~. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director's decision, the date the decision will be final if no hearing is requested, and a description of how to request a hearing.

(3) The proposed director's decision shall become final ~~14-10~~ 10 days after the date notice is mailed ~~or published, whichever is later~~, unless an appeal is filed. The director may, for good cause, specify in writing a longer period for requesting a hearing at the time he or she issues the proposed decision.

(i) When there is more than one entitlement required for a project, the longer appeal or request for hearing period shall govern the effective date for the Minor Architectural Review decision.

(4) The applicant or the subject property owner, or owners or tenants of an adjacent property ~~Any party, including the applicant,~~ may request a hearing by the architectural review board on the proposed director's decision by filing a written request with the planning division. There shall be no fee required for requesting such a hearing.

...

(d) Decision by the Director

Upon receipt of a recommendation of the architectural review board:

...

(2) Notice of the director's decision shall be given by mailing to owners and residents of property within 600 feet of the property, ~~by publication once in a local newspaper,~~ and by posting in a public place. Notice shall include the address of the property, a brief description of the proposed project, a brief description of the action to be taken, the date the decision will be final, and a description of how to request a hearing.

(3) The director's decision shall become final 14 days after the date notice is mailed ~~or published, whichever is later~~, unless an appeal is filed. The director may, for good cause, specify in writing a longer period for requesting a hearing at the time he or she issues the proposed decision.

(e) Appeal of the Director's Decision – Filing

Any party, including the applicant, may file an appeal of the director's decision with the planning division for projects reviewed by the architectural review board. The appeal shall be filed in written form in a manner prescribed by the director.

...

18.77.077 Over the Counter Project Review Process

The director of planning and community environment shall be authorized to adopt guidelines, rules, and procedures to implement the over the counter project review process for projects exempt from architectural review under Section 18.76.020(b)(1)(B) of this Title.

18.77.080 Notice

...

(f) Notice by Posting in a Public Place

When notice by posting in a public place is required, notice shall be posted in one or more locations accessible to the public, which may include posting on the city's website. The director shall determine the location or locations for posting.

...

18.77.110 Revocation or Modification of Approvals

...

(c) Decision by the director

...

- (2) Notice of the director's decision shall be given by mailing to owners and residents of property within 600 feet of the property, ~~and by publication once in a local newspaper, and by posting in a public place~~. Notice shall include the address of the property, a brief description of the noncompliance, a brief description of the action to be taken, the date the decision will be final, and a description of how to appeal the decision.

...

SECTION 17. Section 18.80.060 (Notice of Public Hearing) of **Chapter 18.80 (Amendments to Zoning Map and Zoning Regulations)** of Title 18 (Zoning) of the PAMC is amended as follows:

18.80.060 Notice of Public Hearing

- (a) The planning commission shall give a notice of hearing on a proposed change of district boundaries in the following manner:

- (1) Notice of the hearing shall be given by publication once in a local newspaper of general circulation not less than ~~twelve~~ ten days prior to the date of the hearing.

- (2) Additionally, excepting a city-wide change in the zoning map, the city shall mail written notice of such hearing at least ~~twelve~~ten days prior to the date of the hearing to each owner of real property and to each residential occupant within 600 feet of the exterior boundary of the property for which classification is sought. Notice shall be provided as specified in Section 18.77.080. Compliance with the procedures set forth in this section shall constitute a good faith effort to provide notice, and the failure of any owner or occupant to receive notice shall not prevent the city from proceeding with the hearing or from taking any action nor affect the validity of any action.

...

SECTION 18. Section 21.12.090 (Action on tentative and preliminary parcel maps) of **Chapter 21.12 (Tentative Maps and Preliminary Parcel Maps)** of Title 21 (Subdivisions and Other Divisions of Land) of the PAMC is amended as follows:

21.21.090 Action on tentative and preliminary parcel maps

...

(e) Action on Preliminary Parcel Map. Subject to the appeal procedures of this title, the director of planning shall approve, conditionally approve, or deny any preliminary parcel map filed. The director of planning shall take such action or defer the application for decision by the City Council pursuant to Section 18.40.170 of Title 18, within fifty days of the date of filing, unless extended by the mutual consent of the director of planning and the applicant. Prior to ~~taking any such action~~approving, conditionally approving, or denying a preliminary parcel map, the director of planning shall hold a public hearing at which any interested person shall be allowed to present testimony regarding the ~~preliminary parcel~~ map. If, in the opinion of the director of planning, there are issues of major significance associated with the proposed parcel map, such map may be deferred by the director of planning to the planning commission and the city council for processing in accordance with the procedures set forth in subsections (c) and (d) of this section.

(f) Notice of Hearing.

- (1) Notice of the hearing required by subsections (c), (d), or (e) above shall be given by publication once in a local newspaper of general circulation not less than ~~twelve~~ten days prior to the date of the hearing.
- (2) Additionally, the city shall mail written notice of such hearing at least ~~twelve~~ten days prior to the date of the hearing to each owner of record of real property within ~~ninety one and four tenths meters (three six hundred feet)~~ of the exterior boundary of the property for which classification is sought as such owner of record is shown in the last equalized assessment roll and to owners or occupants of the property within ~~ninety one and four tenths meters (three six hundred feet)~~ as shown on the city utility customer file. Compliance with the procedures

set forth in this section shall constitute a good-faith effort to provide notice and the failure of any owner or occupant to receive notice shall not prevent the city from proceeding with the hearing or from taking any action nor affect the validity of any action.

...

- (4) In addition to any other information required, the applicant shall submit with its application a list of all owners of record of real property within ~~ninety one and four tenths meters (three six hundred feet)~~ three six hundred feet of the exterior boundary of the property to be subdivided as shown in the last equalized assessment roll (as updated by the semiannual real estate update information).

SECTION 19. Section 21.32.010 (Application for exceptions) of **Chapter 21.32 (Conditional Exceptions)** of Title 21 (Subdivisions and Other Divisions of Land) of the PAMC is amended as follows:

21.32.010 Application for exceptions

A subdivider may apply for conditional Exceptions to any of the requirements and regulations set forth in this title and Title 18, as defined in Section 21.04.030(b)(17). Such exceptions may be granted only by the city council after recommendation by the planning commission. Application for such exception shall be made by petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be submitted with the tentative or preliminary parcel map for which the exception is requested and shall be reviewed and processed concurrent with said map.

SECTION 20. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 21. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 22. The Ordinance is an annual update of planning and transportation related codes in Palo Alto Municipal Code Titles 9, 10, 18 and 21 that encompasses amendments to a number of code sections, many of which are unrelated, the purpose and effect of which are to clarify and correct certain sections, align regulations to reflect current practice, conform regulations to State law, amend procedures related to the comprehensive permitting scheme, and remove obsolete provisions. The Council finds that the Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in

question may have a significant effect on the environment. Further, technical clarifications and corrections, with no change in practice, in PAMC section 18.04.030, and modifications to the election of Planning & Transportation Commission officers in PAMC section 2.20.030 are not a project under CEQA.

SECTION 23. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Community
Environment

Not Yet Approved

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Chapter 10.04 (Definitions) and Chapter 10.64 (Bicycles, Roller Skates and Coasters) of Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code to Prohibit Use of Bicycles and Similar Vehicles on Certain Sidewalks and Undercrossings and to Establish Speed Limits on Shared-Use Paths

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. A new Section 10.04.128 (Shared-use path) is added to **Chapter 10.04 (Definitions)** of Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code (PAMC) to read as follows:

10.04.128 Shared-use path

“Shared-use path” means a graded linear area or pathway, paved or unpaved, that is designated for the use of both pedestrians and bicyclists and is not part of a roadway.

SECTION 2. Section 10.64.130 (Riding bicycles on sidewalks) of **Chapter 10.64 (Bicycles, Roller Skates and Coasters)** of Title 10 (Vehicles and Traffic) of the PAMC is amended as follows:

10.64.130 Riding bicycles on sidewalks and in undercrossings.

(a) No person shall ride or operate a bicycle upon any sidewalk in a business district.

~~(b) No person shall ride or operate a bicycle upon any sidewalk in the University Avenue undercrossing below Alma Street and the Palo Alto train station or any sidewalk in the California Avenue undercrossing below Alma Street and the California Avenue train station when others are present or on any pedestrian underpass or overpass, or any sidewalk on the Embarcadero Road Overpass across Bayshore Freeway unless such sidewalk is officially designated as a bicycle route.~~

~~(c)~~ (c) Any person riding or operating a bicycle upon any sidewalk shall exercise due care and shall yield the right-of-way to all pedestrians.

~~(d)~~ (d) No person riding or operating a bicycle upon any sidewalk where a bicycle lane or path has been established shall travel in a direction other than as posted.

SECTION 3. A new Section 10.64.220 (Speed limits on Class I Shared-use paths and Class IV separated bikeways) is added to **Chapter 10.64 (Bicycles, Roller Skates and Coasters)** of Title 10 (Vehicles and Traffic) of the PAMC to read as follows:

10.64.220 Speed limits on Shared-use paths.

Not Yet Approved

(a) No person shall ride or operate any bicycle, skateboard, or any other transportation vehicle or device in excess of 15 miles per hour upon on a Shared-use Path when pedestrians are present.

(b) No person shall operate any transportation vehicle or device at a speed greater than is reasonable for safe operation, nor in any manner which may endanger the safety of others.

SECTION 4. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Council finds that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 7. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

Not Yet Approved

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Community
Environment