TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT
DATE: JANUARY 22, 2007
CMR: 119:07

SUBJECT: ZONING ORDINANCE UPDATE – ADOPTION OF AN ORDINANCE DELETING CHAPTER 18.88 (SPECIAL PROVISIONS AND EXCEPTIONS) AND ADOPTING NEW CHAPTERS 18.40 (GENERAL STANDARDS AND EXCEPTIONS), AND 18.42 (STANDARDS FOR SPECIAL USES), INCLUDING CRITERIA FOR LANDSCAPING, STREAM CORRIDOR PROTECTION, STORM WATER PROTECTION, AND WIRELESS COMMUNICATIONS FACILITIES

RECOMMENDATION
Staff and the Planning and Transportation Commission (P&TC) recommend that the City Council adopt the attached ordinance to delete current Chapter 18.88 and to add new Chapters 18.40 and 18.42 to address miscellaneous general standards and exceptions and standards for special uses, respectively, including criteria for landscaping, stream corridor protection, storm water protection, and wireless communications facilities. Staff further recommends inclusion of amended language provided by the Planning Arborist subsequent to the P&TC recommendation and specified on pages 4-5 of this staff report.

BACKGROUND
The proposed changes are intended to implement provisions of the Comprehensive Plan and State and regional requirements, and to codify current zoning practice. Specifically, creek protection and storm water protection requirements are mandated by the Santa Clara County Water Resources Protection Collaborative and by the C.3 requirements of the Countywide Storm Water Discharge Permit, respectively. Landscape requirements and guidelines are needed to implement current landscape best management practices and Comprehensive Plan landscape policies into zoning, and to enhance creek protection and storm water protection efforts. Wireless communications facility requirements are provided to assure that current review standards for conditional use permits are reflected in zoning requirements.

Comprehensive Plan
The City of Palo Alto’s Comprehensive Plan Natural Environment chapter includes policies and programs for protection of water resources and landscaping, including programs to adopt a creek,
creek setbacks, and building restrictions near creeks, as well as encouraging habitat compatible and drought-tolerant landscaping. The Land Use and Community Design chapter includes several programs regarding landscaping, including requirements for 50% tree canopy for parking lot landscaping (within 10-15 years). The Business and Economics chapter includes a policy supporting the development of technologically-advanced communications infrastructure. A complete list of related Comprehensive Plan Policies and Programs is included in Attachment A of the November 29, 2006 P&TC staff report.

Planning and Transportation Commission Review
On December 13, 2006, the P&TC recommended (7-0) that the Council approve the draft ordinance (Attachment A) encompassing updated site planning and development criteria (the vote for the stream corridor section was 6-0, as Commissioner Keller could not participate due to a conflict). The Commission initially discussed landscaping standards and guidelines at a study session on October 25, 2006 and wireless communication facilities and stream protection measures at a study session on November 1, 2006. An additional public hearing on the entire ordinance package was conducted on November 29, 2006.

The Commission’s revisions focused on 1) adding purpose statements to the new sections, 2) minimizing exemptions to the creek protection provisions, 3) requiring native landscape in the open space and baylands areas, 4) encouraging rooftop gardens, and 5) the extent of staff approvals and public notice provided for wireless facilities. The Commission also noted that the City should revisit the requirements for co-location of wireless facilities in 6 months or at such time as legal ramifications of recent legislation are better understood. It also encouraged staff to look at the potential for undergrounding equipment cabinets for wireless facilities, and to ensure that above ground equipment is counted against site coverage (note that it currently is).

DISCUSSION
Existing Zoning Ordinance Chapter 18.88, Special Provisions and Exceptions, is composed of various sections that address a variety of miscellaneous development standards and special uses. The proposed ordinance separates this chapter into two new chapters and makes the following additional revisions:

1. Separation of the provisions into two new Chapters, one chapter for General Standards and Exceptions and one chapter for Standards for Special Uses;
2. An updated format consistent with other ZOU chapters;
3. Inclusion of new sections for landscaping, water resources, and wireless communication facilities; and
4. Deletion of text related to the maximum number of permits for on-sale alcohol licenses that may be issued in any single block.

Landscaping Standards
The Zoning Ordinance currently provides minimum landscape standards for perimeter landscaping adjacent to residential uses and landscaping for parking lots. Additional landscaping conditions may be approved as part of an architectural or discretionary review, and some landscape criteria are included in the ARB’s approval criteria.
Proposed landscape provisions include requirements to:

- Preserve and enhance native vegetation in natural areas such as open space and hillside districts, the baylands, and riparian corridors.
- Landscape at least 50% of the required front yard setback in residential zones.
- Plant street trees in right-of-way for discretionary permit approvals, but assuring protection of sidewalks, utilities, and other infrastructure.
- Screen utilities and equipment to the maximum extent feasible.
- Provide tree plantings in parking areas designed to result in 50% shading within 15 years.

Additional guidelines are included to encourage rooftop gardens, the use of structural soils, incorporation of recycled water usage into irrigation, and the use of landscape swales and other landscaping for storm water treatment.

Planning Arborist’s Recommended Clarifications

The Planning Arborist was highly involved in developing the concepts of the new landscape requirements and guidelines. He was, however, on an extended leave when the ordinance revisions were presented to the P&TC, and therefore did not have input to the final wording. He has suggested several minor modifications that staff recommends be incorporated into the ordinance revisions, but which were not reviewed by the P&TC (changes are underlined):

- In section 18.40.130(a) (Purpose), revise the second sentence to read “Tree shading and appropriate landscape design can contribute to economic vitality and public health, and can reduce the need for frequent infrastructure repair.”
- In Section 18.40.130(d)(4), revise to read “Trees and shrubs shall be planted so that at maturity they do not interfere with overhead or underground service lines…and, to the maximum extent feasible, with solar panel/collector access to adjacent lots.”
- Section 18.40.130(e)(1), revise to read “Utilities (e.g., transformer cabinets, pads, fiber optic trenching and above ground cabinets, large water check valves) and underground utilities shall not be placed within required landscaped areas, except where they will not preclude appropriate planting and will be predominantly screened from public view.”
- Section 18.40.130(e)(2), add a second sentence to read: “Backflow preventers shall be located near the main structure to the maximum extent feasible, and shall be predominantly screened from public view.”
- Section 18.40.130(e)(6), add a second sentence to read: “The Planning Director may specify conditions of approval to assure that dead or diseased plantings are replaced in a timely manner and with adequate replacement plantings.”

The proposed revisions generally clarify the proposed wording. The final bullet is a specification of the Director’s authority to require replanting of dead or diseased plantings. Similar conditions of approval are already frequently included in approvals for discretionary development permits, but this provision would codify that authority.

Landscape Technical Manual

In addition to the general landscape requirements outlined in the new section of Chapter 18.40, staff anticipates the preparation of a Landscape Technical Manual to provide guidance regarding
technical landscape details, such as appropriate planting types in specific site circumstances, planting and irrigation details, and maintenance. The Technical Manual would be similar to the Tree Technical Manual in its intent and level of detail. There is no specific timeframe for producing the Landscape Technical Manual, but it would likely be a joint effort of a landscape architect consultant and the Planning Arborist. The development of this manual will be analyzed further during development of the Urban Forest Master Plan and within this context.

**Stream Corridor Protection**

The Santa Clara Valley Water Resources Protection Collaborative (Collaborative) consists of representatives from 15 municipalities, the County of Santa Clara, the Santa Clara Valley Water District (SCVWD) and other community and environmental stakeholders. The Collaborative has developed a set of Guidelines and Standards for Land Use Near Streams (G&S), that cover a wide range of issues affecting land development near and in local streams. The City of Palo Alto and other cities in the County have agreed to implement the components of the G&S in lieu of continued review by the SCVWD. In order to address the G&S, a new section 18.40.140 is proposed.

The new section includes the following suggested additional stream corridor protection provisions:

- A streamside review area comprising a corridor extending up to 20 feet beyond the top of bank is prescribed, with development in all zones other than R-1, R-2, and RMD generally subject to the review. Discretionary reviews (Individual Review, conditional use permits, variances, and home improvement exceptions) in the R-1, R-2, and RMD zones are also subject to the restrictions of the streamside review area.
- Development and disturbance is generally prohibited within the streamside review area.
- Exemptions are provided for minor landscaping or remedial creek stability work, interior improvements, replacement of utility services, and fences located at least 5 feet beyond the top of bank. Other exceptions may be granted by the Director of Public Works where slope stability is not affected, riparian vegetation is preserved, and other creek protection criteria are met.

**Storm Water Quality Protection**

Section C.3 of the Countywide storm water discharge permit requires each local agency to revise its development design standards and guidance to encourage the incorporation of storm water-friendly site design measures into land development projects. Site design measures are features that reduce storm water pollution by decreasing or slowing storm water runoff or interrupting the flow of runoff across a series of contiguous impervious surfaces.

Guidelines are provided in Section 18.40.150 of the new chapter to minimize storm water runoff and to protect and enhance the quality of storm water runoff leaving the site. These guidelines include:

- Minimizing land disturbance and preserving high-quality open space, riparian corridors, and wetlands on the development site.
• Minimizing the amount of impervious surface (e.g., buildings, roads, driveways, parking lots, etc.) and directly connected impervious areas by routing storm runoff into vegetated swales and other landscaped areas before it reaches a storm drain or stream.
• Designing streets, driveways, and parking lots to minimize impacts through the use of narrower paved areas, permeable pavements, shared driveways, etc.
• Using best management practices, including landscaped swales, bioretention, and other structures or techniques to promote filtration and infiltration of runoff and to minimize changes to the volume, flow rate, timing, or duration of storm runoff from the development site.

**Wireless Communications Facilities**

Wireless communication facilities (WCF) currently fall into the “utility facilities” use category in the zoning ordinance and generally require a conditional use permit. Staff has developed standard requirements for such facilities to encourage location on existing buildings or co-location with existing facilities and to minimize visibility with a “stealth” approach to design.

The draft amendments include a new section 18.42.110 to outline these criteria for review and a streamlined review process for wireless communications facilities that are located on existing buildings and meet all other criteria. The new provisions include:

• Conditional use permit and architectural review requirements for all “stand-alone” projects (towers or poles), all projects on a residential site, and all building-mounted projects that exceed the allowable building height in a zone.
• No conditional use permit (only staff level architectural review) requirement for building-mounted projects that do not exceed the existing building height or that are co-located with existing facilities.
• Height and setback exceptions in limited circumstances and subject to conditional use review.
• Criteria to limit the footprint, height, and size of equipment cabinets and enclosures and to screen them from public view.
• Requirements for architectural compatibility with the existing building and area and to minimize offsite visibility.
• Removal of abandoned facilities within 90 days of abandonment.

**Alcoholic Beverage Control Regulations**

Section 18.42.090 of the new Chapter is revised to delete the references to the number of alcoholic beverage permits issued per block. This revision is required to be consistent with current Alcohol Beverage Control regulations and State law.

**RESOURCE IMPACT**

The proposed zoning revisions will have little, if any, resource impact on the City of Palo Alto. Landscape requirements are similar to those currently imposed as conditions of approval, and would add minimal costs to projects when incorporated into the initial design. Water resource protections are generally required by State and Water District requirements that reflect current practice and add minimal costs. Minor incremental staff costs will be incurred in the review and enforcement of development proposals to implement these additional requirements. These costs will generally be recovered in application permit fees, however. To the extent the requirements
reduce energy and water use (landscaping), minimize flooding and creek maintenance (water resources), and facilitate enhanced wireless communications, the amendments could have some economic benefit to residents, businesses, and the City in general.

**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 amendments reflect the intent and policies of the Comprehensive Plan to enhance landscaping, to provide for creek and water quality protection and to improve technology services in the community. The landscaping and water resource protection measures also strongly support the City Council’s sustainability and climate protection policy direction.

**ENVIRONMENTAL REVIEW**
The proposed modifications to the Zoning Ordinance would not affect the intensity of development permitted, and would provide greater environmental protection regarding visual, hydrologic, and other potential impacts of development. The amendments are consistent with the policies and programs outlined in the Comprehensive Plan and with the Comprehensive Plan EIR.

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**ATTACHMENTS**
Attachment A: Draft Ordinance
Attachment B: Redlined Version of Ordinance showing new provisions
Attachment C: December 13, 2006 P&TC Staff Report and Attachments
Attachment D: November 29, 2006 P&TC Staff Report and Attachments
Attachment E: December 13, 2006 P&TC Minutes
Attachment F: November 29, 2006 P&TC Minutes
Attachment G: Correspondence
COURTESY COPIES
Planning and Transportation Commission
Architectural Review Board
Doug Moran, Barron Park Association
Sheri Furman, Midtown Residents Association
Luis Jaimes, Santa Clara Valley Water District
Cynthia D’Agosta, San Francisquito Creek Joint Powers Board
Pam Sturner, San Francisquito Creek Watershed Council
Ramsey Shuayto, Stanford Management Company