

# NOT YET APPROVED

ORDINANCE NO. \_\_\_\_

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO  
AMENDING SECTION 18.10.070(a) OF THE PALO ALTO MUNICIPAL  
CODE PROHIBITING SECOND DWELLING UNITS, INCLUDING  
AIRSPACE RIGHTS THERETO, UNDER DIFFERENT OWNERSHIP  
FROM THE INITIAL DWELLING UNIT IN THE RMD AND R-2  
ZONING DISTRICTS

The City Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings. The Council finds and declares that:

A. Preservation of the visual and historic character of existing single-family neighborhoods is of great cultural, aesthetic, and economic importance to the City and all of its residents.

B. On June 20, 1983, the City Council enacted Ordinance No. 3447, establishing the RMD, (Two-Unit Multiple-Family Residence District) allowing a second dwelling unit under the same ownership as the initial dwelling unit on site in areas designated for multiple-family use. The purpose of establishing the zone was to minimize incentives to demolish existing single-family dwellings, maintain neighborhood character, and increase the variety of housing opportunities available within the community.

C. The City Council has recognized that the current regulations of second dwelling units in the RMD and R-2 districts (Palo Alto Municipal Code Section 18.10.070(a)) do not adequately protect single-family structures and second units located on sites within the Two Unit Multiple-Family Residential District from potential subdivision and sale.

D. As written, Section 18.10.010(c) states that the purpose of the Two Unit Multiple-Family Residential District is intended to allow a second dwelling unit under the same ownership as the initial dwelling unit on appropriate sites in areas designated for multiple-family use by the Palo Alto Comprehensive Plan. Section 18.10.070(a) does not adequately implement that purpose.

E. On October 16, 2006, the City Council approved, based on the above findings and on an urgency basis, Ordinance No. 4921 to prohibit second dwelling units, and the airspace rights thereto, from different ownership than the initial dwelling unit in the RMD and R-2 districts. On November 20, 2006, the City Council extended the prohibition through October 15, 2008, unless repealed by the passage of a permanent ordinance revising Section 18.10.070(a).

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F. On November 14, 2006, the Planning and Transportation Commission conducted a duly noticed public hearing and recommended approval of the ordinance to prohibit second dwelling units, and the airspace rights thereto, from different ownership than the initial dwelling units in the RMD and R-2 districts.

SECTION 2. Definitions. All terms in this ordinance shall have the definition provided in Section 18.04.030 of the Palo Alto Municipal Code unless expressly provided otherwise.

SECTION 3. Amendment. Section 18.10.70(a) (Second Units in the R-2 and RMD Districts) is hereby amended to read as follows:

“Second dwelling units are allowed on R-2 or RMD lots that meet lot size requirements in Table 2 to accommodate two units on a lot. For R-2 zoned lots of 6,000 square feet or greater, but less than 7,500 square feet, a second dwelling unit of 450 square feet or less is permitted, subject to all other regulations of the R-1 Chapter outlined in section 18.12.070. Any second dwelling unit, and any airspace rights thereto, under different ownership from the initial dwelling unit, shall be prohibited in the R-2 and RMD districts.”

SECTION 4. Exemption. This ordinance does not apply to any application for the subdivision of airspace rights that has been deemed complete as of October 16, 2006.

SECTION 5. CEQA. The Council finds that this project is exempt from the provisions of the Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment, and because this ordinance falls within the exception to CEQA set forth in Section 15301 of the CEQA Guidelines.

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SECTION 6. Effective Date and Repeal of Ordinance No. 4921. This ordinance shall be effective 31 days after the date of its adoption. Upon the effective date, Ordinance No. 4921 shall be repealed and have no further effect or applicability.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

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Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Sr. Deputy City Attorney

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Director of Planning and  
Community Environment