

PROPOSED ORDINANCE

Initiative to Amend Palo Alto Municipal Code Sections 18.04.030(a) 85, 21.040.030 and 21.20.240 Regarding Private Streets to Specify Minimum Widths and to Treat Private Streets the Same as Public Streets by Excluding them from Floor Area Ratio Calculations.

Palo Alto Municipal Code Section 18.04.030(a) (85) shall be amended as follows:

18.04.030 (a) Definitions

(85) "Lot area" means the area of a lot measured horizontally between bounding lot lines, but excluding any portion of a flag lot providing access to a street and lying between a front lot line and the street, and excluding any portion of a lot within the lines of any natural watercourse, river, stream, creek, waterway, channel, or flood control or drainage easement and excluding any portion of a lot within a public or private street right-of-way whether acquired in fee, easement, or otherwise.

Palo Alto Municipal Code Section 21.040.030 shall be amended as follows:

21.04.030 Definitions.

(a) Except where alternate definitions are provided in this title, or the context clearly requires a different usage, the definitions of words and phrases contained in the "Subdivision Map Act" are hereby adopted for use in this title. As used in the "Subdivision Map Act" the term "general plan" means the Palo Alto comprehensive plan, including all elements, objectives, policies, and programs thereof.

All references to any section of the Palo Alto Municipal Code or general laws of the state of California mean those sections, as may be hereafter amended, or any successor legislation. References to any officer or employee of the city include any designee of that officer or employee.

(b) Except where the context clearly requires a different usage, the following definitions are hereby adopted for the purposes of this title:

(18) "Final map" means a map, other than a parcel map, prepared in accordance with this title and the Subdivision Map Act, designed to be placed on record with the county recorder and thereby finalize a subdivision approved by a tentative map. A final map shall be prepared pursuant to and in conformance with the approved tentative map and shall be based upon an accurate and detailed survey of the property. Final maps typically will be required for major subdivisions creating five or more lots, or five or more condominium, community apartment or stock cooperative units.

(30) "Private street" means any parcel of land not dedicated as a public street which is used for ingress to or egress from two or more lots which do not have the required minimum frontage on a public street, or to or from one lot which does not have the required minimum frontage on a public street if the parcel of land used for ingress or egress is more than two hundred feet in length. Private streets shall be excluded for the purpose of determining Floor Area Ratio (FAR). Minimum width of "private streets" shall be as defined in 21.20.240(b)(4).

Palo Alto Municipal Code Section 21.20.240 shall be amended as follows:

21.20.240 Widths.

(a) Streets shown in any master street plan or affected by proceedings initiated or approved by the city council shall have widths as required by such plan or proceedings.

(b) All other streets shall have rights-of-way of the following widths, except where the city council determines that the topography or the small number of lots served and the probable future traffic development are such as to justify a narrowed width. Increased widths may be required where streets are to serve nonresidential property, or where probable traffic conditions warrant such increased widths:

(1) Major arterials: eighty-six feet to one hundred feet;

(2) Collector streets, local streets, or cul-de-sac streets longer than three hundred fifty feet: sixty feet;

(3) Cul-de-sac streets three hundred fifty feet or less in length: fifty feet;

(4) Private streets: Such right-of-way as would be required for a comparable public street, except as specified below. ~~unless subdivider can demonstrate to the satisfaction of the city council or director of planning and community environment, as appropriate, facts relating to the nature or location of the proposed street or the nature of the proposed development which render such right-of-way unnecessary for or detrimental to the public health, safety or welfare.~~ Streets serving five or more lots shall be no less than thirty two feet wide. Streets serving four or fewer lots shall be no less than twenty two feet wide providing that the Director of Planning and Community Environment and the City Council specifically approves the twenty two foot street width.

(b) (4) (a) If a building adjacent to a private street has a setback of at least 20 feet between the street and building allowing on-site parking, then the width of the private street may be no less than twenty six feet at the discretion of the Director of Planning and Community environment and the City Council.

(b) (4) (b) If a private street has a public parking strip of at least six feet in width between the street and the building location, then the width of the private street may be no less than twenty six feet at the discretion of the Director of Planning and Community Environment and the City Council.

Effective Date: This private street width requirement applies to any project or development that has not obtained a final map, building permit and performed significant construction as of July 31, 2009.

(a) If the effective date of July 31, 2009 is held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, then the effective date of this ordinance as it applies to private street width shall be November 4, 2009.

Severability. If any section of this initiative ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable, or enforceable, such section or part hereof, shall be deemed severable from the remaining sections of this initiative ordinance and shall in no way affect the validity of the remaining sections hereof.