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**MEMORANDUM**

TO: East Palo Alto Planning Commission

FROM: Hal Toppel, City Attorney

RE: Legislative Calendar

DATE: July 16, 1990

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With the completion of the heavy work load for the University Circle and Ravenswood Industrial Park redevelopment projects, we should now be in a position to resume work on other planning issues that need to be addressed, particularly the adoption of new zoning regulations for the City. Since the list of "unfinished business" is rather considerable, staff would appreciate some direction from the Planning Commission to establish priorities. It is suggested that a Legislative Calendar be adopted by the Commission indicating all of the ordinances to be considered during the current year, listed in their relative order of priority. A tentative time schedule should then be established for each item shown on the Calendar. Although the schedule should reflect the concentrated effort we all intend to make during the coming months, it should also recognize the fiscal and personnel limitations under which the City is currently operating. Once adopted, the Legislative Calendar should be reviewed by the Commission on a regular quarterly basis, at which time any mid-course corrections can be made. The Calendar should also be regularly furnished to the City Council with an invitation to make additions, deletions, or other changes.

The present status of the new zoning regulations is shown on the "Zoning Ordinance Status Sheet" submitted herewith. It should be noted that the list of articles to be contained in the new zoning ordinance is somewhat longer than earlier versions furnished to the Planning Commission. An separate article has been included to deal with affordable housing (Article 8), and the design review regulations have been divided into separate articles for single-family dwellings (Article 20) and multi-family and commercial structures (Article 21).

New zoning regulations dealing with several of the articles listed on the Status Sheet have already been adopted as modifications to the existing ordinance. These articles are indicated by an "X" under the column entitled "Adopted by City Council." Other proposed regulations have been reviewed and approved by the Planning Commission, but not yet adopted as changes to the existing ordinance. Article 20, concerning design review for single family dwellings, is currently being reviewed by the Commission as a proposed amendment to the existing ordinance.

Certain articles of the zoning ordinance are mostly procedural and should not require extensive policy discussion before a draft ordinance can be prepared. As indicated on the Status Sheet, a draft for each of these articles already has been prepared by the City Attorney (although not yet presented to the Planning Commission for review). Such articles consist of the following:

- Conditional Use Permits
- Nonconforming Uses and Structures
- Variances
- Amendments to the Zoning Ordinance
- Appeals
- Violations and Enforcement

It is suggested that the foregoing subjects be handled concurrently with other policy matters being reviewed by the Commission. Staff would begin presenting to the Commission a series of draft ordinances dealing with each of these subjects. The new regulations would be adopted as amendments to the existing zoning ordinance and would therefore be "in place" for incorporation into the new zoning ordinance when ultimately adopted.

A second grouping of zoning subjects would be those articles that are not entirely procedural, but involve rather straight-forward policy objectives such that a draft ordinance might be prepared by staff for initial presentation to the Commission. These subjects would be the following:

- Recreational/Open Space District Regulations
- Off-Street Parking and Loading Regulations
- Fencing Regulations
- Home Occupations
- Design Review of Multi-family and Commercial Structures
- Temporary Uses
- Miscellaneous Regulations and Exceptions

Finally, there is the group of zoning subjects for which prior discussion and analysis by the Commission would seem to be necessary before an ordinance can be drafted. These subjects raise policy issues that need to be identified and resolved. The list would include:

- Affordable Housing
- Commercial District Regulations
- Industrial District Regulations
- Community Service Overlay District Regulations
- Sign Regulations

In addition to the various articles of the zoning ordinance mentioned above, the subject of condominium conversions has also been raised as a topic to be addressed by the Commission. Control over condo conversions would actually be part of the Subdivision Ordinance, but there may be some overlap into the area of zoning as well. The Commission will need to decide the priority this topic should be given on the Legislative Calendar.

Another item that perhaps should be addressed by the Commission at this time is the follow-up action to rezone those areas of the City to the appropriate classifications that now have been created under the amended regulations for the single-family and multi-family residential districts. The Commission has already discussed specific areas that may be appropriate for rezoning to R-1-7,500 or R-1-10,000 and the areas that may be appropriate for rezoning to one of the multi-family classifications. It should be noted, however, that a general plan amendment may be necessary in order to establish consistency between the new zoning classification and the land use designation for the property as contained in the general plan. Also, an environmental determination will need to be made on the general plan amendment and the rezoning ordinance. If an EIR is required, there may be a significant cost impact that could delay the process until adequate funding is provided.

The Legislative Calendar should consist of all remaining articles of the new zoning ordinance which have not yet been reviewed and approved by the Planning Commission (as shown by the Status Sheet), plus any additional subjects which the Commission determines should be included, such as condo conversions and reclassification of properties. The items on the Calendar would then be listed in order of priority and scheduled for future meetings of the Commission. In this regard, staff would appreciate your thoughts on the extent to which the Commission desires to conduct extra study sessions on alternate Tuesdays, particularly during the summer months.



Harold S. Toppel

cc: City Council  
City Manager



**ZONING ORDINANCE STATUS SHEET**  
As of July 15, 1990

<u>Article</u>	<u>Title</u>	<u>Drafted</u>	<u>Planning Commission: Reviewed</u>	<u>Approved</u>	<u>Adopted by City Council</u>
1	General Provisions	X	X	X	
2	Definitions	X	X	X	
3	Rules of Construction	X	X	X	
4	Establishment of Zoning Districts	X	X	X	
5	R-1: Single Family Residential Districts	X	X	X	X
6	R-2: Duplex Residential District	X	X	X	X
7	R-M: Multi-family Residential Districts	X	X	X	X
8	Affordable Housing				
9	O: Office District	X	X	X	
10	C: Commercial Districts				
11	PUD: Planned Unit Development District	X	X	X	X
12	I: Industrial District				
13	CS: Community Service Overlay District				
14	AP: Agricultural Preserve Overlay District	X	X	X	
15	R/OS: Recreational/ Open Space District				
16	Off-Street Parking and Loading Facilities				
17	Signs				
18	Fences				

**ZONING ORDINANCE STATUS SHEET ( 7/15/90 )**

<u>Article</u>	<u>Title</u>	<u>Drafted</u>	<u>Planning Commission:</u>		<u>Adopted by</u>
			<u>Reviewed</u>	<u>Approved</u>	<u>City Council</u>
19	Home Occupations				
20	Design Review - Single Family Dwellings	X	X		
21	Design Review - Multi-Family & Commercial				
22	Tree Regulations	X	X	X	X
23	Conditional Use Permits	X			
24	Second Units	X	X	X	X
25	Temporary Uses				
26	Nonconforming Uses and Structures	X			
27	Variances	X			
28	Miscellaneous Regulations and Exceptions				
29	Amendments to Zoning Map and Zoning Regulations	X			
30	Appeals	X			
31	Violations and Enforcement	X			

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## SUPPLEMENTAL MEMORANDUM

TO: East Palo Alto Planning Commission

FROM: Hal Toppel, City Attorney

RE: Legislative Calendar

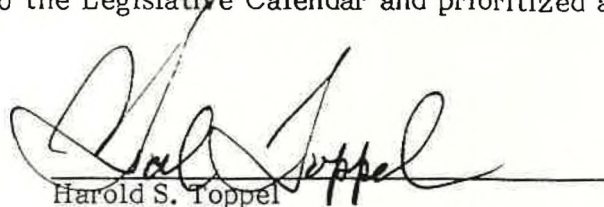
DATE: July 23, 1990

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At its regular meeting on July 16th, the City Council considered an appeal by James C. Hill, the owner of property located on Buchanan Court, from the decision by the Planning Commission denying his application for rezoning from single-family use to multi-family use. As you may recall, it was the desire of Mr. Hill to construct 10 condominium units upon a parcel of land approximately 6,000 square feet in size and zoned R-1. The Commission felt this proposal would be incompatible with the land use designation for the area and would therefore constitute "spot zoning."

On appeal, the Council noted that Buchanan Court already has numerous multi-family structures, mostly duplex and triplex. The Council seemed to be of the opinion that the present zoning classification for the Buchanan Court area should be changed to better correspond with the existing land uses in that area. Since all of these multi-family buildings would constitute non-conforming structures, the Council expressed concern over the fact that such buildings could not be replaced if destroyed by fire or other accident, thereby resulting in the loss of existing housing units within the City. The Council therefore referred the matter back to the Planning Commission for the purpose of determining whether the area of Buchanan Court (as opposed to a single lot) should be given some form of multi-family zoning classification. Although the Council did not indicate any acceptance of Mr. Hill's proposal for 10 units on his property, there was a general feeling that if other sites in the immediate area have been developed with duplex or triplex units, the same type of development might be appropriate for this particular site.

Based upon the Council's directive, the issue of land use designation for the area of Buchanan Court should be added to the Legislative Calendar and prioritized at the top of the list.

  
Harold S. Toppel