

Not Yet Approved

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code (PAMC) Title 16 (Building), Chapter 16.20 (Signs), Title 18 (Zoning), Chapters 18.04 (Definitions), 18.16 (Commercial Zones), 18.18 (Commercial Downtown Zones), 18.42 (Standards for Special Uses), 18.52 (Parking and Loading Requirements), and 18.76 (Permits and Approvals) to Waive Parklets from Certain Requirements in those Chapters.

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

SECTION 1. Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) is amended to add a definition for ‘Parklet’ as follows:

18.04.030 Definitions

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

...

(112.1) “Parklet” means an outdoor area placed within a public right of way (but not on a public sidewalk) with appropriate barriers/safety installations and constructed in accordance with established standards with approval of a permit per PAMC Chapter 12.11.

...

SECTION 2. Section 18.16.060 (Development Standards) of Chapter 18.16 (Neighborhood, Community, and Service Commercial Districts, CN, CC and CS Districts) of Title 18 (Zoning) is amended as follows:

18.18.060 Site Development Standards

...

(h) Outdoor Sales and Storage:

(1) In the CN district, all permitted office and commercial activities shall be conducted within a building, except for:

(A) Incidental sales and display of plant materials and garden supplies occupying no more than 500 square feet of exterior sales and display area,

(B) Farmers' markets that have obtained a conditional use permit, and

(C) Recycling centers that have obtained a conditional use permit.

(D) Parklets that have obtained a permit per PAMC Chapter 12.11.

(2) In the CC district and in the CC(2) district, the following regulations shall apply to outdoor sales and storage:

(A) Except in shopping centers, all permitted office and commercial activities shall be conducted within a building, except for:

(i) Incidental sales and display of plant materials and garden supplies occupying no more than 2,000 square feet of exterior sales and display area,

(ii) Outdoor eating areas operated incidental to permitted eating and drinking services or intensive retail uses, including parklets permitted under PAMC Chapter 12.11,

(iii) Farmers' markets that have obtained a conditional use permit, and

(iv) Recycling centers that have obtained a conditional use permit

(B) Any permitted outdoor activity in excess of 2,000 square feet shall be subject to a conditional use permit; parklets on public property approved via permit per PAMC Chapter 12.11 are exempt from this section.

...

(3) In the CS district, outdoor sales and display of merchandise, and outdoor eating areas operated incidental to permitted eating and drinking services shall be permitted subject to the following regulations:

(A) Outdoor sales and display shall not occupy a total site area exceeding the gross building floor area on the site, except as authorized by a conditional use permit. Parklets on public property approved via permit per PAMC Chapter 12.11 are exempt from this section.

...

SECTION 3. Section 18.18.060 (Development Standards) of Chapter 18.18 (Downtown Commercial CD District) of Title 18 (Zoning) is amended as follows:

18.18.060 Site Development Standards

...

(h) Outdoor Sales and Storage: The following regulations shall apply to outdoor sales and storage in the CD district:

(1) CD-C Subdistrict; In the CD-C subdistrict, the following regulations apply:

...

(B) Any permitted outdoor activity in excess of 2,000 square feet shall be subject to a conditional use permit; parklets on public property approved via permit per PAMC Chapter 12.11 are exempt from this section.

SECTION 4. Section 18.42.090 (Alcoholic Beverages) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) shall be amended as follows:

18.42.090 Alcoholic Beverages

...

(e) Alcohol Service in Parklets on Rights of Way: Establishments that are allowed by the City to serve alcohol for onsite consumption by issuance of a conditional use permit ("CUP") as required in this section or as a legal nonconforming use, and that have both an on-sale license from the Department of Alcoholic Beverage Control ("ABC") and are duly authorized by ABC to serve alcohol in outdoor areas, shall be allowed to serve alcohol for onsite consumption without an amendment of the CUP in parklets on public property approved via permit per PAMC Chapter 12.11 or other outdoor uses approved via permit per any other relevant section of the PAMC. Outdoor alcohol service shall be in full compliance with all applicable regulations, including ABC regulations, as may be amended.

SECTION 5. Section 18.52.040 (Off-Street Parking, Loading and Bicycle Facility Requirements) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) shall be amended as follows:

18.52.40 Off-Street Parking, Loading and Bicycle Facility Requirements

...

(10) The area of a parklet permitted per Chapter 12.11 shall not be counted toward a business' gross floor area for the calculation of minimum off-street parking requirements whether within a parking assessment district or outside of parking assessment districts

SECTION 6. Section 18.76.010 (Conditional Use Permit) and Section 18.76.020 (Architectural Review) of Chapter 18.76 (Permits and Approvals) of Title 18 (Zoning) shall be amended as follows:

18.76.010 Conditional Use Permit

(b) Applicability

...

(4) Establishments that are allowed by the City to serve alcohol for onsite consumption by issuance of a conditional use permit ("CUP") as required in this section or as a legal nonconforming use, and that have both an on-sale license from the Department of Alcoholic Beverage Control ("ABC") and are duly authorized by ABC to serve alcohol in outdoor areas, shall be allowed to serve alcohol for onsite consumption without an amendment of the CUP in parklets on public property approved via permit per PAMC Chapter 12.11 or other outdoor uses approved via permit per any other relevant section of the PAMC. Outdoor alcohol service shall be in full compliance with all applicable regulations, including ABC regulations, as may be amended.

18.76.010 Architectural Review

(b) Applicability

- (1) Exempt Projects. The following projects do not require architectural review:

...

(D) Parklets as defined in Chapter 18.04 and permitted per permit under Chapter 12.11, and signs that comply with the City's adopted parklet standards affixed to parklets shall not require Architectural Review approval. Notwithstanding PAMC Sections 18.77.077 and 18.76.020, architectural review shall not be required for proposed outdoor eating and drinking service areas or signage affixed to such parklets.

SECTION 7. Section 16.20.100 (Prohibited Locations) of Chapter 16.20 (Signs) of Title 16 (Building Regulations) shall be amended as follows:

16.20.100 Prohibited Locations

Unless otherwise expressly provided in this chapter, all signs shall comply with the following location requirements:

- (a) Public Property. No sign shall be placed on any public property, including but not limited to any city building, sidewalk, crosswalk, curb, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph wire pole or wire appurtenance thereof or upon any fixture of the fire alarm system or upon any lighting system, street sign or traffic sign, except for signs that comply with the City's adopted parklet standards affixed to parklets permitted via permit per PAMC Chapter 12.11.

SECTION 8. 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 9. 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 10. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline sections 15061(b) and 15301, 15302 and 15305 because it simply provides a comprehensive permitting scheme.

SECTION 11. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and
Development Services