



CITY OF
**PALO
ALTO**

Architectural Review Board Staff Report

From: Planning and Development Services Director
Lead Department: Planning and Development Services

Meeting Date: April 4, 2024
Report #: 2402-2633

TITLE

Informational Report on the Stream Corridor Protection Ordinance Update

RECOMMENDATION

Staff recommends that the Architectural Review Board (ARB) accept this informational report on the Stream Corridor Protection Ordinance Update.

BACKGROUND

In February 2023, the City Council selected its priorities under four different categories, including Climate Change and the Natural Environment. One of the priorities under that category directed staff to “initiate zoning changes consistent with the Comprehensive Plan regarding creek corridor setbacks.” In January 2024, the City contracted with Good City Company to provide consulting services to prepare an ordinance for the Planning and Transportation Commission (PTC)’s recommendation, and Council’s consideration, to update the existing Stream Corridor Protection Ordinance. The project includes preparation of an existing conditions report and community outreach opportunities. The project is tentatively scheduled for PTC recommendation in July 2024 and for Council’s decision in September 2024.

Comprehensive Plan

In November 2017, the City Council adopted the City’s 2030 Comprehensive Plan. The Comprehensive Plan recognizes the city’s creeks and riparian areas as “valuable resources for natural habitat, connectivity, community design, and flood control” that require protection and enhancement. As part of this recognition, the City’s Stream Corridor Protection Ordinance was identified for an update to reflect the importance of these resources (Program N3.3.1-N3.3.3).

Policy N3.3 of the Comprehensive Plan calls for the protection of “the city’s creeks from the impacts of future buildings, structures, impervious surfaces and ornamental landscaping and preserve their function as habitat connectivity corridors by establishing a range of setback

requirements that account for existing creek conditions, land use characteristics, property ownership and flood control potential.”¹

This policy contains three programs that define the potential ordinance update:

- Program N3.3.1 calls for the exploration of an ordinance update that expands the current 50-foot setback along creeks to 150 feet for properties west of Foothill Expressway. The Program also references establishing design recommendations for development of sites within the setback, exemption opportunities for single-family properties, and appropriate setbacks and conservation measures for undeveloped parcels
- Program N3.3.2 calls for similar consideration of expanded setbacks east of Foothill Expressway
- Program N3.3.3 calls for the minimization of impacts in all creeks by limiting recreational trails to one side of natural riparian corridors, and by thoughtfully designing of lighting near riparian corridors

Attachment A includes two Comprehensive Plan maps that show the creeks potentially affected by this ordinance update.

Existing Stream Corridor Protection Ordinance

The existing Stream Corridor Protection Ordinance is set forth in Palo Alto Municipal Code Section 18.40.140.² The code requires streamside review for properties abutting a stream or within 50 feet of the top of a stream bank. This applies to development within all zoning districts with some exceptions and limitations for projects in residential zoning districts. The existing ordinance prioritizes stream bank stability while providing basic wildlife protections. To achieve this balance, the ordinance allows exceptions if engineering solutions can ensure stream bank stability.

The current Ordinance includes the following components:

- Exceptions for development in R-1, R-2 or RMD zones that do not require discretionary review
- Exceptions for less than 3 cubic yards of landscaping work associated with native plantings
- Prohibitions of structures, including accessory structures; decks; swimming pools and parking lots (with exemptions allowed from Public Works)
- Nighttime lighting should be directed away from the riparian corridor
- Bright colors and glossy or glare-producing building finishes on buildings facing streams or riparian areas should be avoided.

¹ The other programs to support this riparian corridor protection work includes the development of a stewardship program, replacement of non-native/invasive species, discouraging bank instability by limiting site disturbances (including the grading ordinance), avoiding fencing and piping, and working with partners such as the Santa Clara Valley Water District and the San Francisquito Creek Joint Powers Authority.

² The existing stream protection ordinance is set forth in PAMC Section 18.40.140 and is available online at: https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-80331

Community Outreach

Prior to the Community Information Session held on March 5, 2024, Good City Company actively engaged with the Palo Alto neighborhood associations to learn more about the creek corridor and the needs of the community. This also included outreach to partners such as San Francisquito Creek Joint Powers Authority and the Santa Clara Valley Water District to understand their standards and procedures.

On Tuesday, March 5, 2024, Good City Company in coordination with City of Palo Alto staff held a Community Information Session virtually via Zoom. Thirteen members of the public attended, and nine spoke. Most commenters relayed their support for the ordinance update and supported an increased setback. A few commenters spoke to the need to balance the impacts on private property development with improvements to the riparian experiences along the City's waterways. Others suggested considering different setback distances when implementing the Comprehensive Plan Policy and associated Programs for creek protection. These commenters felt a 150-foot setback would be more appropriate for the area west of Foothill Expressway compared to the urbanized area, east of Foothill Expressway.

The recorded Session and the presentation file have been updated to the [project website](#), which will be updated regularly.

Staff Approach

Based on community feedback and background research to date, staff and Good City Company are considering the following approaches to update the existing ordinance:

- Explore establishment of a 150-foot setback to implement the Comprehensive Plan Policy N3.3 consistently but considering feasibility for different areas in the City: west of Foothill Expressway, east of Foothill Expressway, and the Baylands.
- Consider expansion of the riparian areas next to streams/creeks and prepare appropriate development standards for the expanded, newly defined riparian area
- Identify appropriate passive recreation in the expanded riparian areas and potential flood control opportunities
- Compare and identify best practices from other jurisdictions and issue area experts
- Incorporate the latest state laws into the ordinance

By taking a holistic approach, the updated ordinance would look into balancing creek protection with development nearby. It would continue maintaining stream bank stability but also consider expanding setback distances to create natural corridors for wildlife movement, improving flood control, and establishing a more connected network of stream corridors.

NEXT STEPS

The existing conditions report is scheduled to be published in early May 2024. A recommendation hearing with the PTC is tentatively scheduled for July 2024 and an adoption hearing with the City Council in September 2024.

ATTACHMENTS

Attachment A: Creek Maps from the Palo Alto Comprehensive Plan

AUTHOR/TITLE:

Jeremy Dennis, Consultant