

Stream Protection Ordinance Update

Study Session

Presenters:

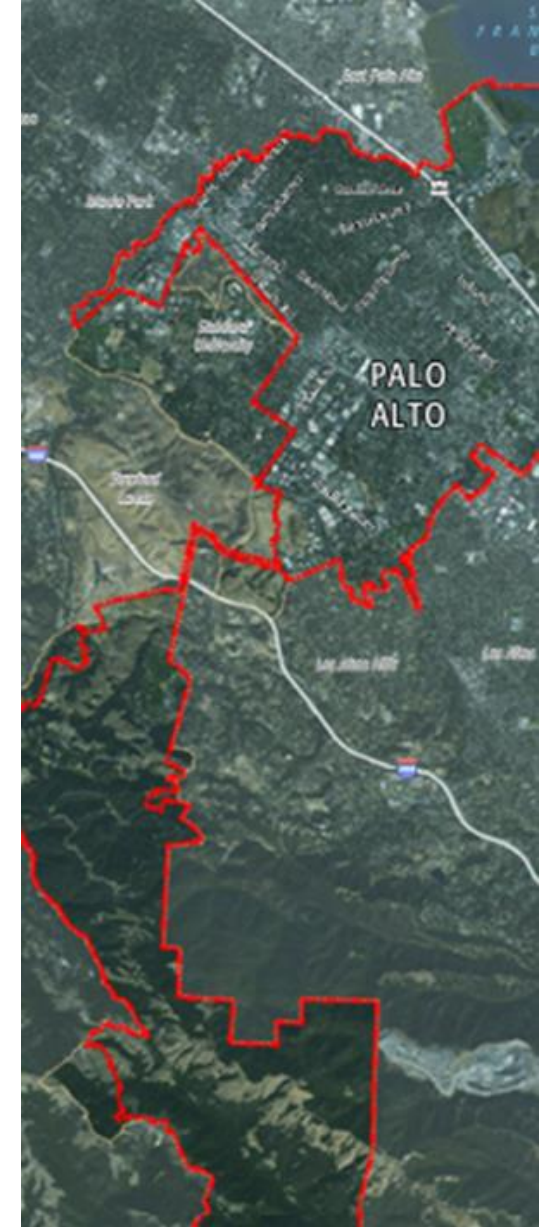
Kevin Gardiner, Consultant
Nicholas Hamilton, Consultant

August 14, 2024

www.cityofpaloalto.org

PURPOSE/OVERVIEW

- **Staff Recommendation:**
The Planning and Transportation Commission (PTC) conduct a study session to review and provide feedback on the update of the Stream Corridor Protection Ordinance (PAMC 18.40.140)
- Staff will use feedback to develop a draft ordinance for PTC and Council consideration

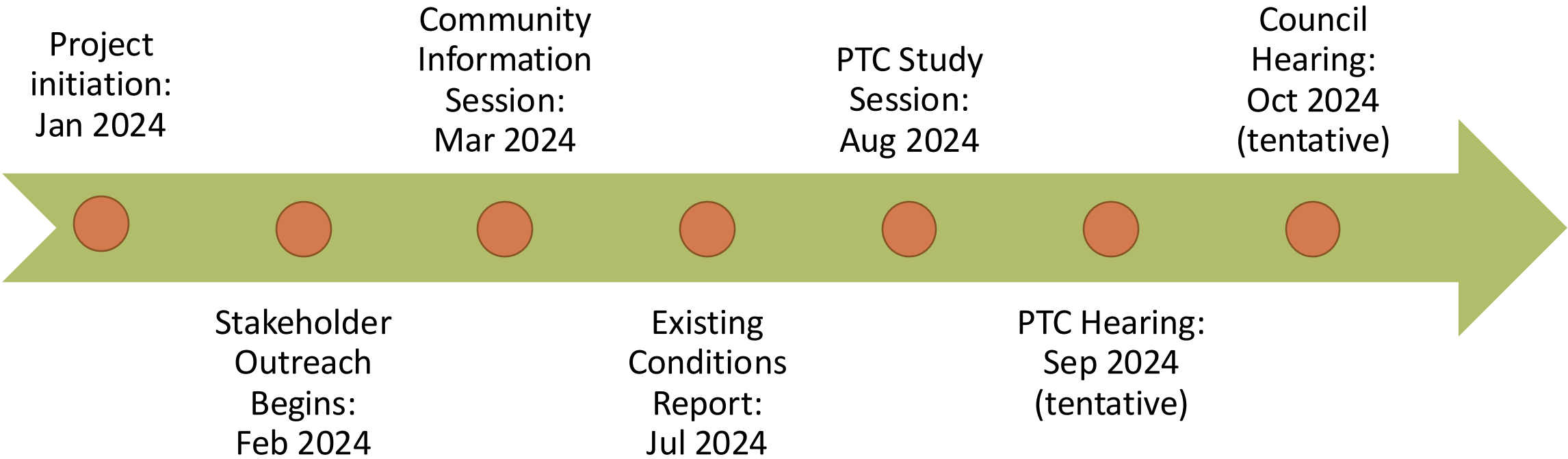




DISCUSSION TOPICS

- Project timeline
- Stream conditions
- Comprehensive Plan Policies and Programs
- Existing ordinance and Collaborative Guidelines and Standards
- Best Practices and Comparative Analysis
- Questions for the PTC
 - Applicability/types of development
 - Exemptions
 - Setback distances
 - Stream conditions
 - Deviation process

TIMELINE AND COMMUNITY ENGAGEMENT



GENERAL CREEK/STREAM CONDITIONS

San Francisquito Creek

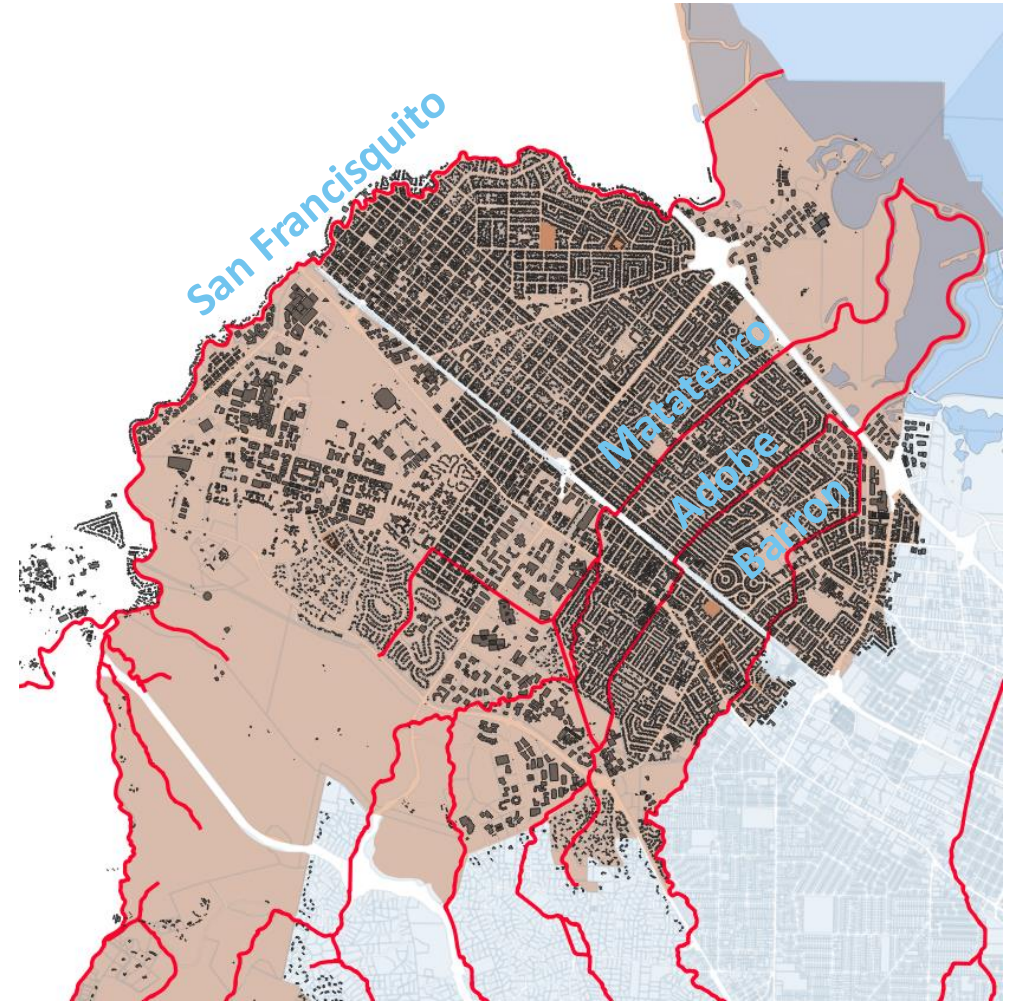
- Natural Channels (upstream of 101)
- Engineered (101 to Bay)

Matadero Creek

- Natural Channels (upstream of El Camino, downstream of 101)
- Concrete-lined engineered (El Camino to 101)

Adobe and Barron Creeks

- Natural Channels (upstream of El Camino, downstream of 101)
- Engineered channels (El Camino to 101)



STREAMS IN PALO ALTO

Natural Creek – West of Foothill Expressway



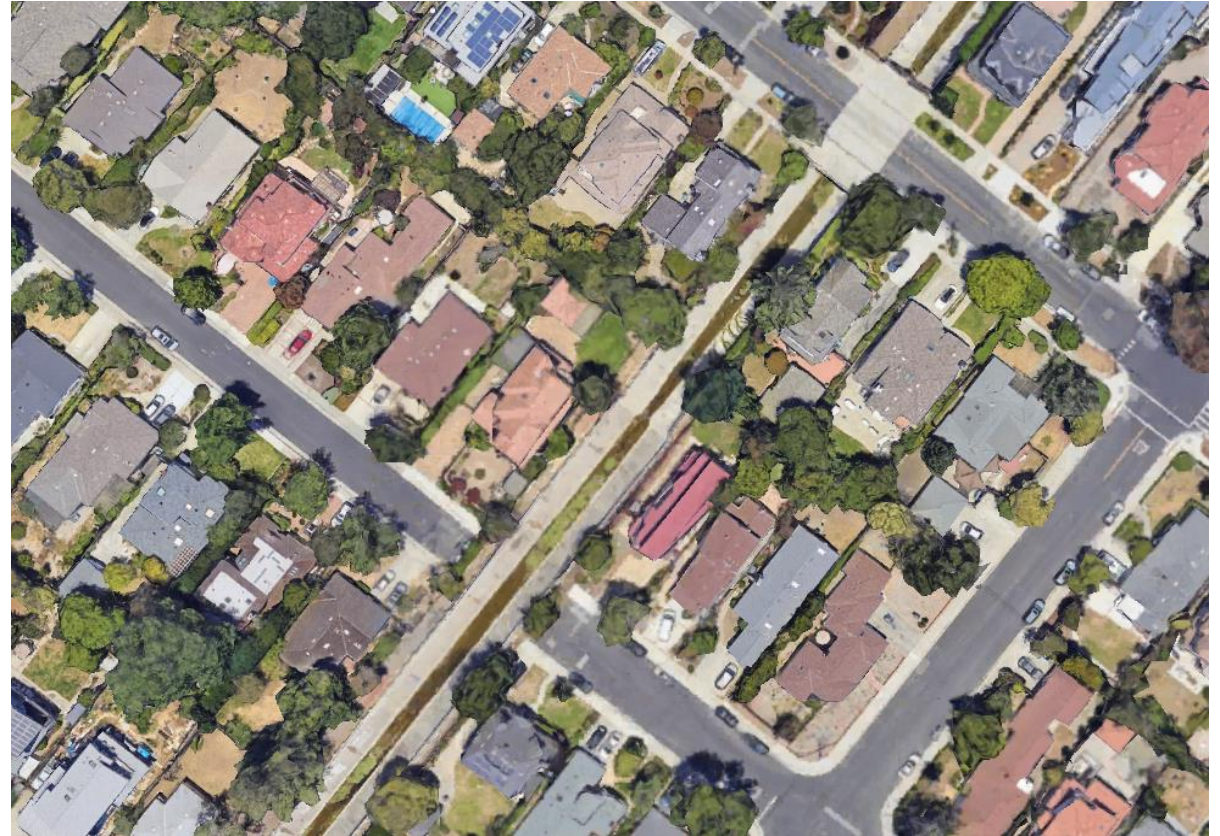
STREAMS IN PALO ALTO

Natural Creek – East of Foothill Expressway, West of Highway 101



STREAMS IN PALO ALTO

Hardened Channelized Creek



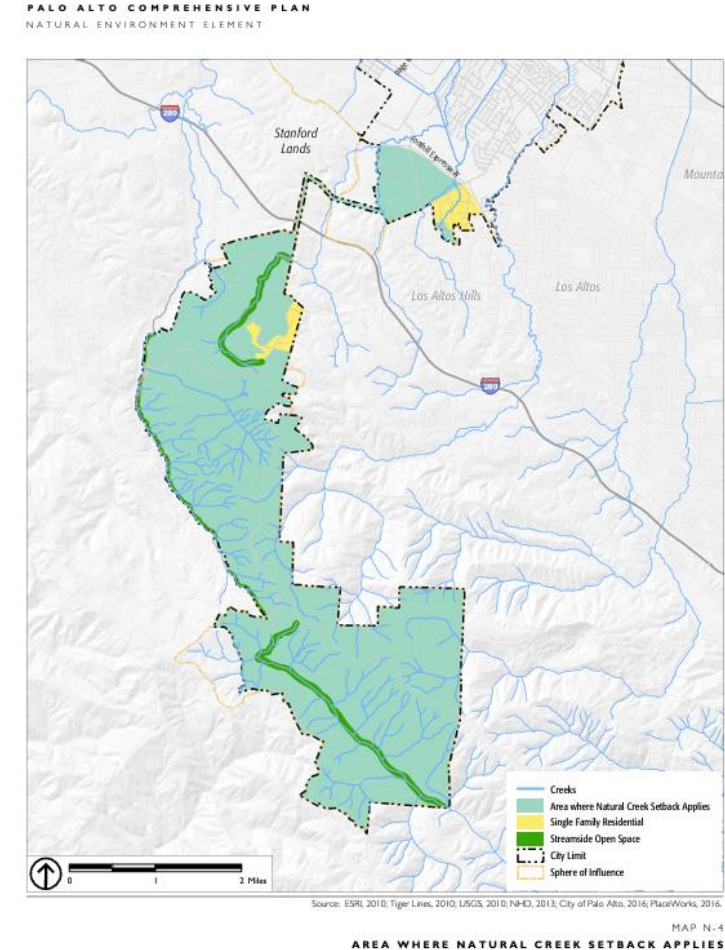
COMPREHENSIVE PLAN AND COUNCIL PRIORITY

Council Priority

Updating the Stream Protection Ordinance has been a City Council priority for over three years

Comprehensive Plan

The 2017 Comprehensive Plan, including Policy N3.3, calls for creek protections from future structures and improving habitat connectivity corridors



EXISTING ORDINANCE GUIDELINES AND STANDARDS

Existing ordinance requirements

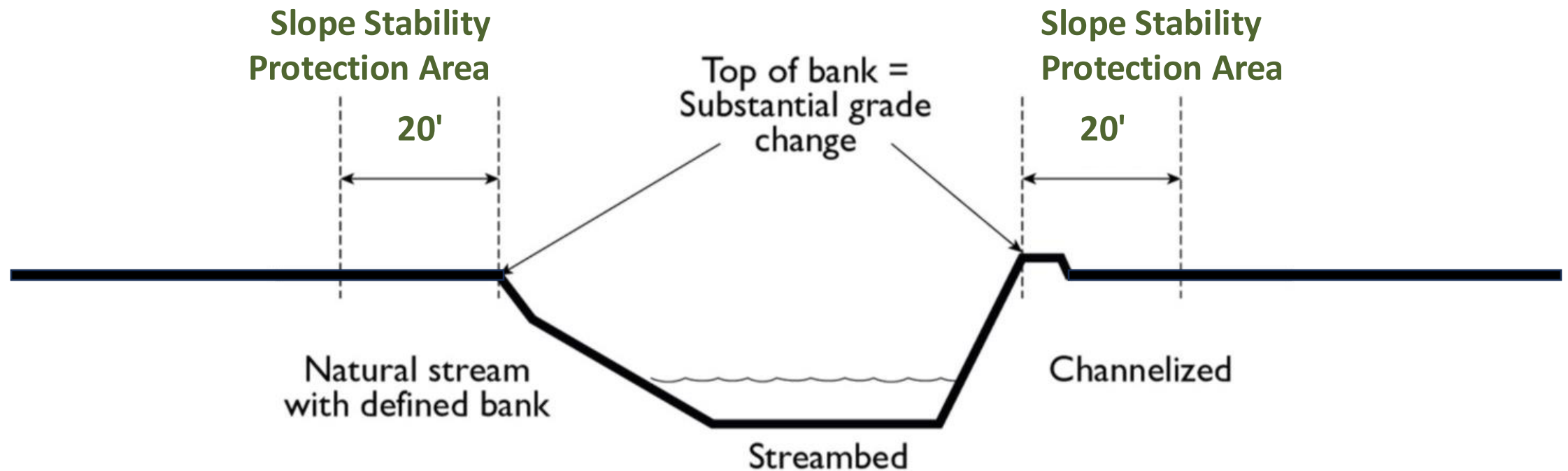
- Streamside review for properties within 50 feet from top of bank
- Requires a “slope stability protection area,” 20 feet landward of top of bank (or a 2:1 ratio from toe of bank)

Valley Water Resources Protection Collaborative’s Guidelines and Standards for Land Uses Near Streams

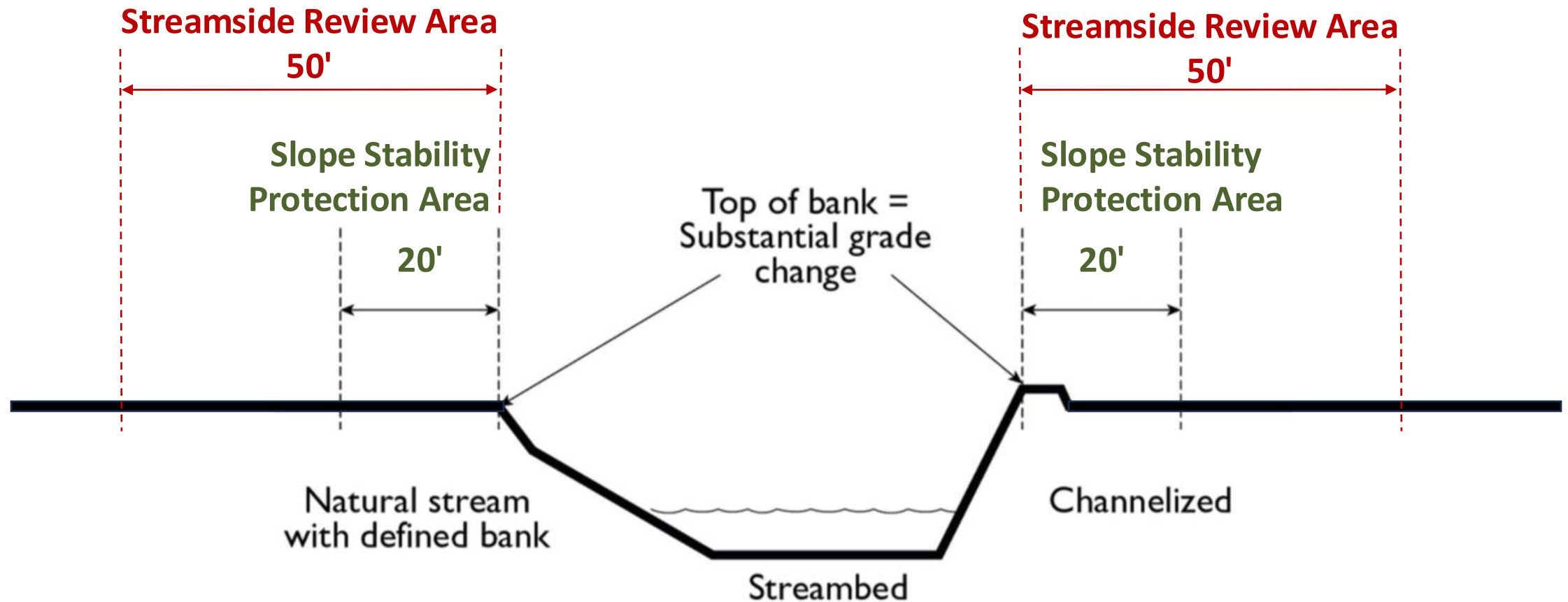
Developed as streamside review transitioned from Valley Water to local jurisdictions



EXISTING ORDINANCE GUIDELINES AND STANDARDS



EXISTING ORDINANCE GUIDELINES AND STANDARDS

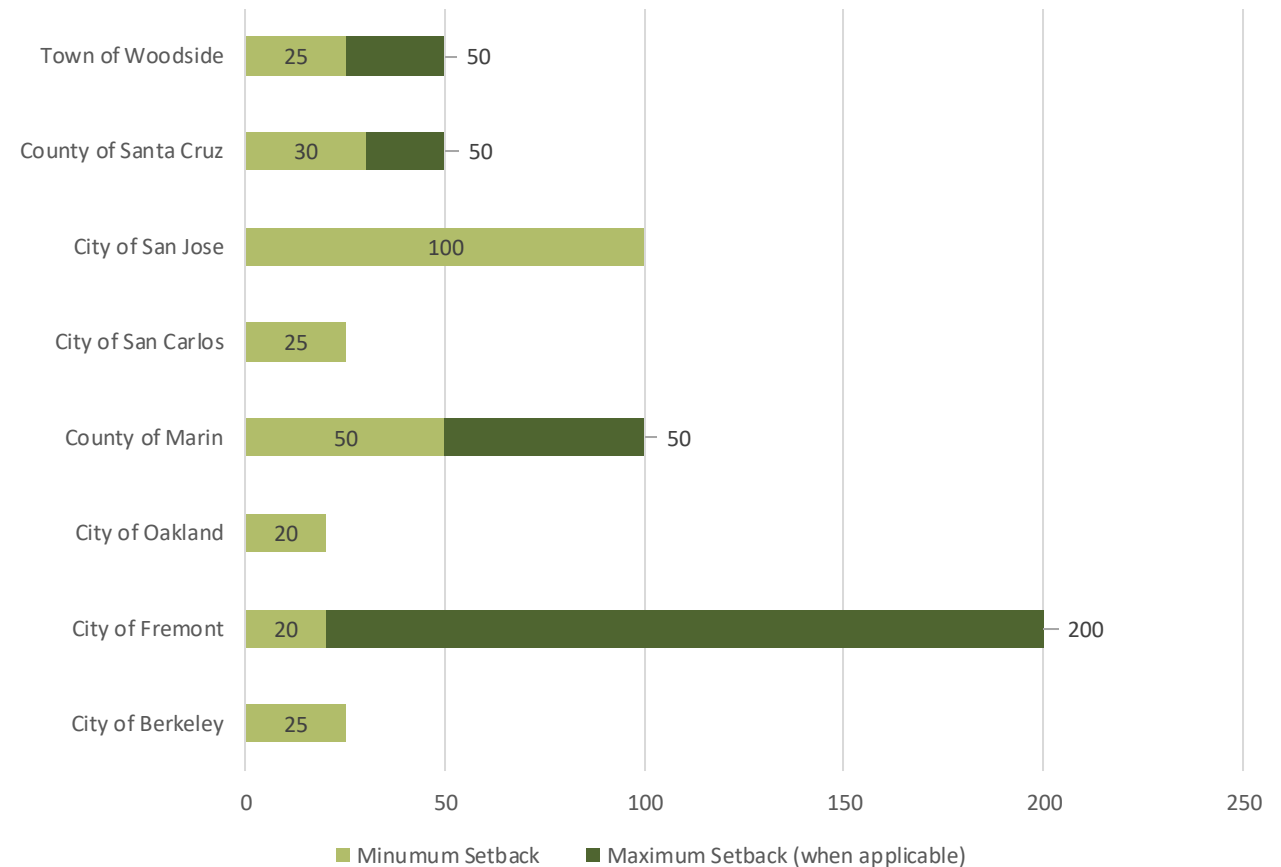


BEST PRACTICES AND COMPARATIVE ANALYSIS

Analysis of best practices and the policies of other jurisdictions reveals:

- Typically measured from the top of bank or centerline
- Many of the jurisdictions have setbacks between 20 to 25 feet
- Some have broader setbacks between 100 to 200 feet
- Riparian vegetation and buffers are also addressed in some regulations

Minimum and Maximum Setback Distances of Selected Cities



DISCUSSION QUESTIONS

- **Applicability/Types of Development:** Which types of development and land uses should be subject to the updated ordinance?
- **Exemptions:** Should single-family zoning districts be exempted from the regulations?
- **Setback Distances:**
 - Should properties west of Foothill Expressway follow the 150-foot setback distance from creeks suggested in the Comp Plan?
 - What setback should properties east of Foothill Expressway follow?
- **Stream Conditions:** Should urban streams have riparian vegetation requirements?
- **Deviation Process:** Should there be a tiered process modeled after existing processes?



1. APPLICABILITY/TYPES OF DEVELOPMENT

Which types of development and land uses should be subject to the updated ordinance?

- **Staff recommendation:** Apply regulations to all types of development, but with exceptions for some single-family home projects.
- **Alternative A:** *Apply regulations to all types of development regardless of zoning district.*
- **Alternative B:** *Apply regulations to multifamily residential and commercial development.*





2. EXEMPTIONS

Should single-family zoning districts be exempted from the regulations?

- **Staff recommendation:** Exempt properties in R-1, R-2, RMD zoning districts and existing development only along channelized/urban streams east of Foothill Expressway and west of Highway 101.
- **Alternative A:** *Exempt properties in R-1, R-2, RMD zoning districts and existing development only east of Foothill Expressway and west of Highway 101, including those along natural streams.*
- **Alternative B:** *Exempt properties in R-1, R-2, RMD zoning districts and existing structures from the streamside setback.*

3. SETBACK DISTANCES

Should properties west of Foothill Expressway follow the 150-foot setback distance from creeks suggested in the Comp Plan, and what setback should properties east of Foothill Expressway follow?

- **Staff recommendation:** Require a 150-foot setback for properties west of Foothill Expressway and east of Highway 101, and a 40-foot setback for properties east of Foothill Expressway and west of Highway 101.
- **Alternative A:** *Maintain the 20-foot slope stability protection area but allow greater flexibility within the rest of the setback.*
- **Alternative B:** *Enable variable setbacks for properties east of Foothill Expressway and west of Highway 101.*





4. STREAM CONDITIONS

Should urban streams have riparian vegetation requirements?

- **Staff recommendation:** Require riparian vegetation to be maintained along natural creeks, but not along channelized streams.
- ***Alternative A:*** *Require introduction of riparian vegetation within the streamside setback for new development along all types of streams.*

5. DEVIATION PROCESS

Should there be a new process modeled after: the Standard Staff Review process (e.g. Conditional Use Permit (CUP)/Variance), Low Density Residential Review process (Individual Review (IR)/Home Improvement Exceptions (HIE) and 'other' permits), or Architectural Review (AR, including the Design Enhancement Exception (DEE))? Or should specific creek setback exception eligibility criteria and findings be added to those existing processes?

- **Staff recommendation:** Provide clear provisions in the ordinance update for allowing deviations from requirements, particularly if larger setbacks are adopted. Furthermore, allow for a tiered approach with both minor and major deviations from setback requirements, based on the Home Improvement Exception (HIE), Design Enhancement Exception (DEE), and Variance frameworks.
- **Alternative A:** *Allow for only minor deviations from setback requirements.*



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NEXT STEPS

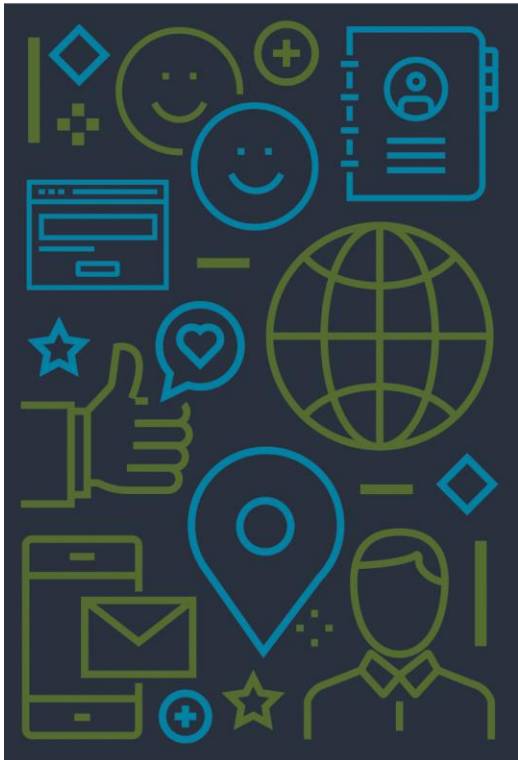
Suggested next steps:

- **August:** Staff incorporate feedback from PTC study session and prepare draft ordinance update for consideration
- **September:** PTC recommendation hearing (tentative)
- **October:** Council adoption hearing (tentative)





CONTACT US



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Backup Slides



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IR AND HIE PROCESSES

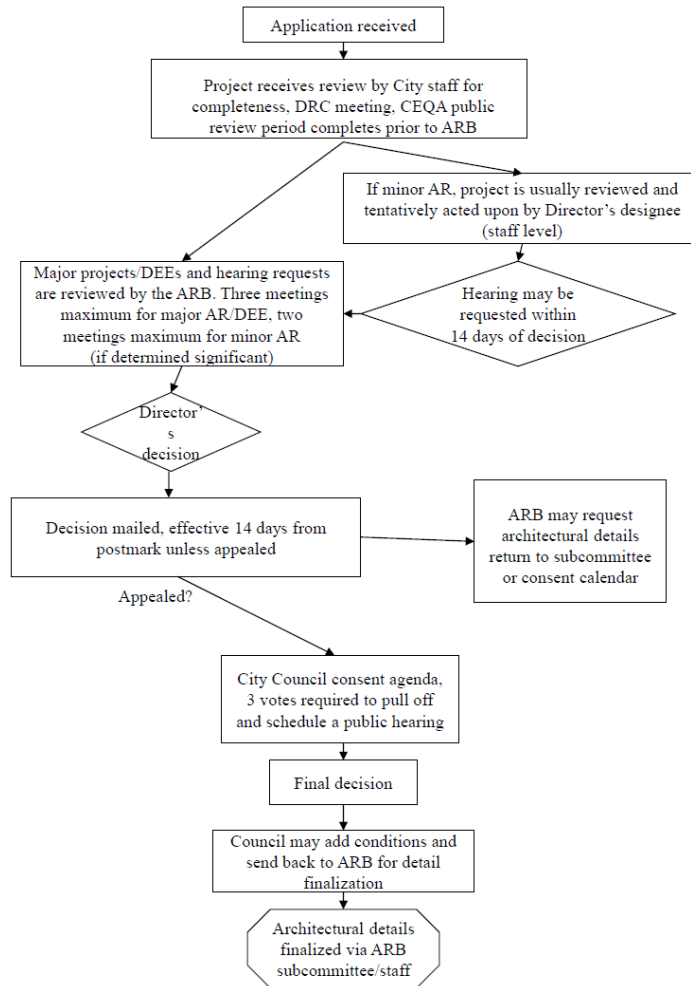


*Public engagement and input opportunities are denoted in green

*Notices are mailed to adjacent properties in accordance with PAMC 18.77.075 and only adjacent neighbors may request a hearing and/or appeal a project

- The IR and HIE processes are in the umbrella 'low density residential review process'.
- PAMC 18.77.075 (a)(2) is a ready-made umbrella to enable low density residential 'other permits' that might be introduced, such as 'minor residential stream setback deviation' permit.

ARB/DEE PROCESS



- PAMC 18.77.070 on the ARB/DEE process umbrella has an open item (3) that enables 'other permits and approvals' to follow the process – which could be 'minor non-residential or multi-family residential stream setback deviation' permit.

VARIANCE PROCESS

Review and Decision process:

1. Submitted plans and attachments are routed to all concerned City departments and outside agencies for review/plan check. Notices will be mailed to property owners and occupants within 600 feet of the property to inform them of the project submittal. The City has 30 days to determine the application complete or incomplete.
2. Following review/plan check of the application, a tentative decision of the Director will be mailed to property owners and occupants within 600 feet of the property.
3. The Director's decision will become final fourteen days after the tentative decision is mailed, unless a request for a hearing is filed.
4. If a hearing request is received, the Planning and Transportation Commission (PTC) will review the project and make a recommendation to the City Council. The City Council can vote to approve the PTC's recommendation or vote to hear the project and render a decision. In either case, the City Council decision is the final decision.

DATA AVAILABLE

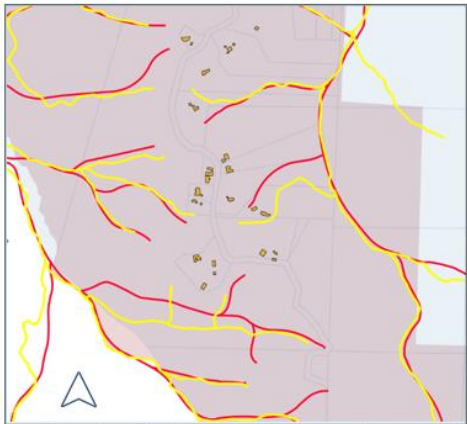


Figure 2. Comparison of Creek Layers along Los Trancos and Adobe Creeks (red lines show mapped creeks from the City's GIS layer, yellow lines show alignments available from data from SCVWD)

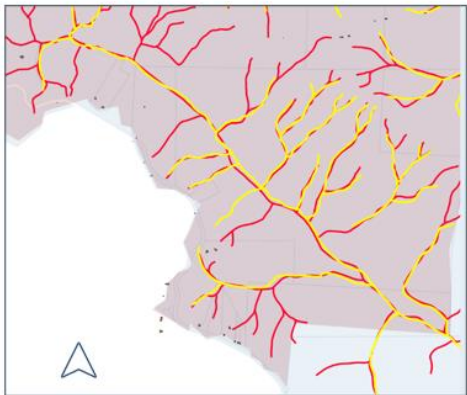
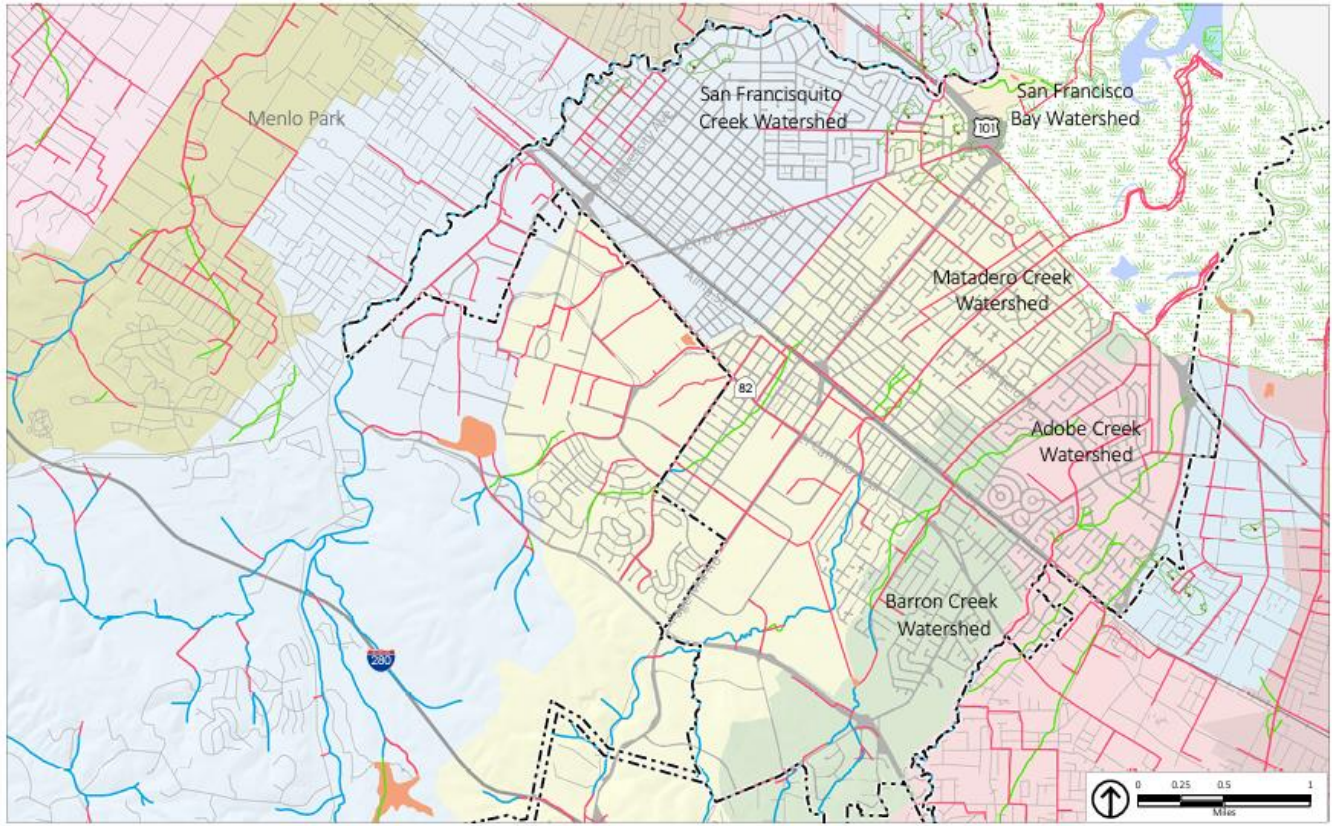


Figure 3. Comparison of Creek Layers along Stevens Creek (red lines show mapped creeks from the City's GIS layer, yellow lines show alignments available from data from SCVWD)

PALO ALTO COMPREHENSIVE PLAN NATURAL ENVIRONMENT ELEMENT



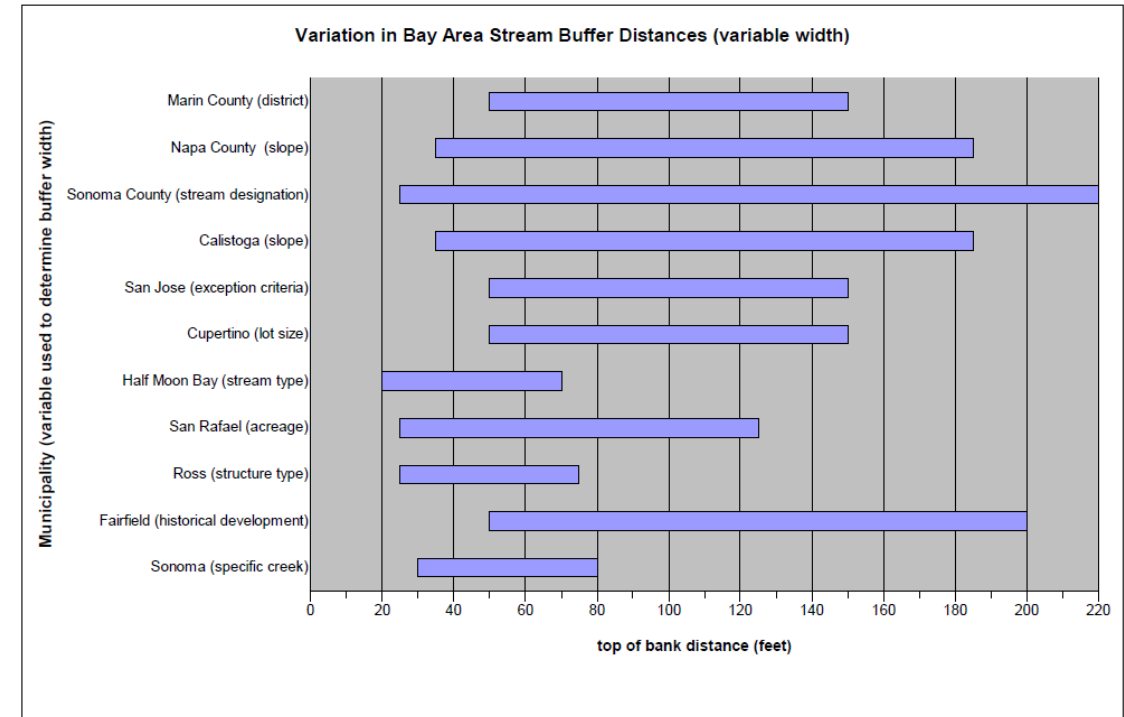
- Creeks
- Underground culverts & storm drains
- Engineered channels
- Historical creeks
- Tidal marsh, circa 1850
- Flood control channels
- Tidal marsh, now water
- Freshwater marsh, modern
- Willow groves, circa 1850
- City Limit
- Artificial bodies of water
- Bay or slough

Source: Janet M. Sowers, William Lettis & Associates, Inc., and the San Francisco Estuary; PlaceWorks, 2015.

MAP N-3
CREEKS AND WATERSHEDS

ADDITIONAL ANALYSIS OF OTHER JURISDICTIONS

City of Berkeley	25 ft. minimum setback generally, measured from centerline of creek
City of Fremont	200 ft. (hill area only); 30 ft from centerline or 20 ft. from top of a bank
City of Oakland	20 ft.
County of Marin	100 ft. minimum setback from top of bank and 50 ft from edge of riparian vegetation
City of San Carlos	25 ft from top of bank
City of San Jose	100 ft. minimum setback generally, measured from top of bank or outside dripline of riparian corridor vegetation
County of Santa Cruz	50 ft. (perennial) and 30 ft. (intermittent) minimum setback generally, measured from the mean rainy season bankfull flowline, plus all riparian woodlands
Town of Woodside	25 ft. from top of bank or 50 ft. from centerline



COMP PLAN AND COUNCIL PRIORITY

CREEKS AND RIPARIAN AREAS

GOAL N-3 Conservation of both natural and channelized creeks and riparian areas as open space amenities, natural habitat areas and elements of community design.

Policy N-3.1 All creeks are valuable resources for natural habitats, connectivity, community design, and flood control, and need different conservation and enhancement strategies. Recognize the different characteristics along creeks in Palo Alto, including natural creek segments in the city's open space and rural areas, primarily west of Foothill Expressway; creek segments in developed areas that retain some natural characteristics; and creek segments that have been channelized. Pursue opportunities to enhance riparian setbacks along urban and rural creeks as properties are improved or redeveloped.

Policy N-3.2 Prevent the further channelization and degradation of Palo Alto's creeks.

Policy N-3.3 Protect 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.

COMP PLAN

Program N 3.3.1 Update the Stream Corridor Protection Ordinance to explore 150 feet as the desired stream setback along natural creeks in open space and rural areas west of Foothill Expressway. This 150-foot setback would prohibit the siting of buildings and other structures, impervious surfaces, outdoor activity areas and ornamental landscaped areas within 150 feet of the top of a creek bank. Allow passive or intermittent outdoor activities and pedestrian, equestrian and bicycle pathways along natural creeks where there are adequate setbacks to protect the natural riparian environment. Within the setback area, provide a border of native riparian vegetation at least 30 feet along the creek bank.

The update to the Stream Protection Ordinance should establish: Design recommendations for development or redevelopment of sites within the setback, consistent with basic creek habitat objectives and significant net improvements in the condition of the creek; Conditions under which single-family property and existing development are exempt from the 150-foot setback; Appropriate setbacks and creek conservation measures for undeveloped parcels.

Program N3.3.2 stakeholder involvement to establish appropriate setback requirements that reflect the varying natural and channelized conditions along creeks east of Foothill Expressway. Ensure that opportunities to provide an enhanced riparian setback along urban creeks as properties are redeveloped or improved are included in this evaluation.

Program N3.3.3 For all creeks, update the Stream Corridor Protection Ordinance to minimize impacts on wildlife by: Limiting the development of recreational trails to one side of natural riparian corridors; Requiring careful design of lighting surrounding natural riparian corridors to maximize the distance between nighttime lighting and riparian corridors and direct lighting away from the riparian corridor.

POLICY N-3.3 AND PROGRAMS N3.3.1 – N3.3.3

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