



# Stream Protection Ordinance Update

Planning & Transportation  
Commission

*Presenter:*  
Kevin Gardiner, Consultant

[www.cityofpaloalto.org](http://www.cityofpaloalto.org)

October 9, 2024



# STAFF RECOMMENDATION

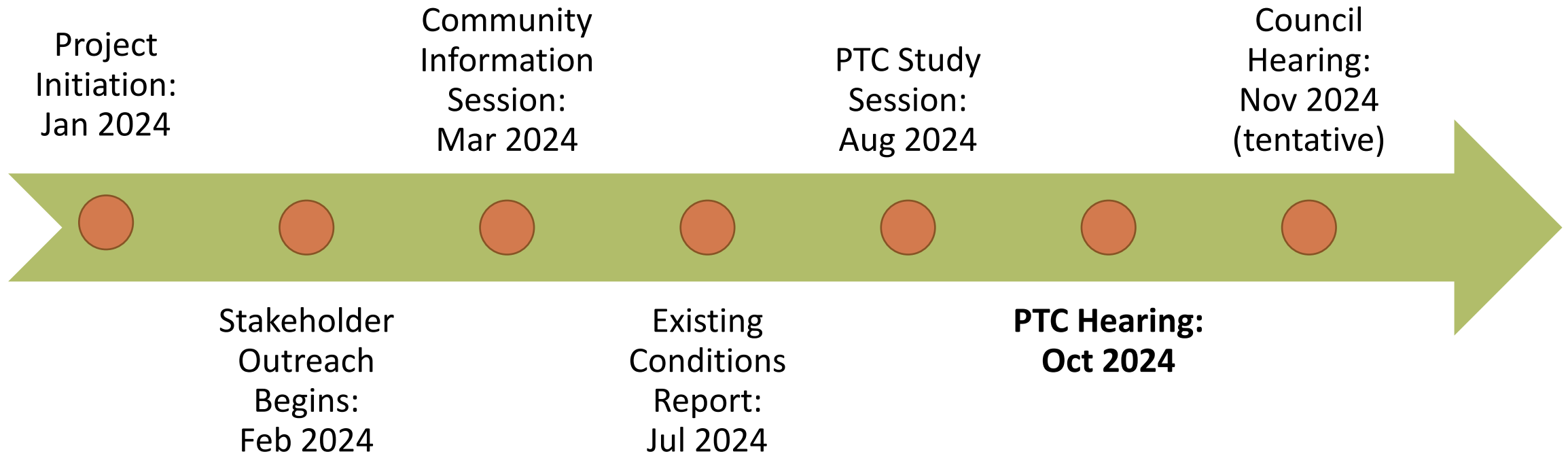
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The Planning and Transportation Commission (PTC) recommend the City Council adopt the draft Ordinance updating the Palo Alto Municipal Code (PAMC) Section 18.40.140 (Stream Corridor Protection Ordinance).



# TIMELINE AND COMMUNITY ENGAGEMENT

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# COMPREHENSIVE PLAN AND COUNCIL PRIORITY

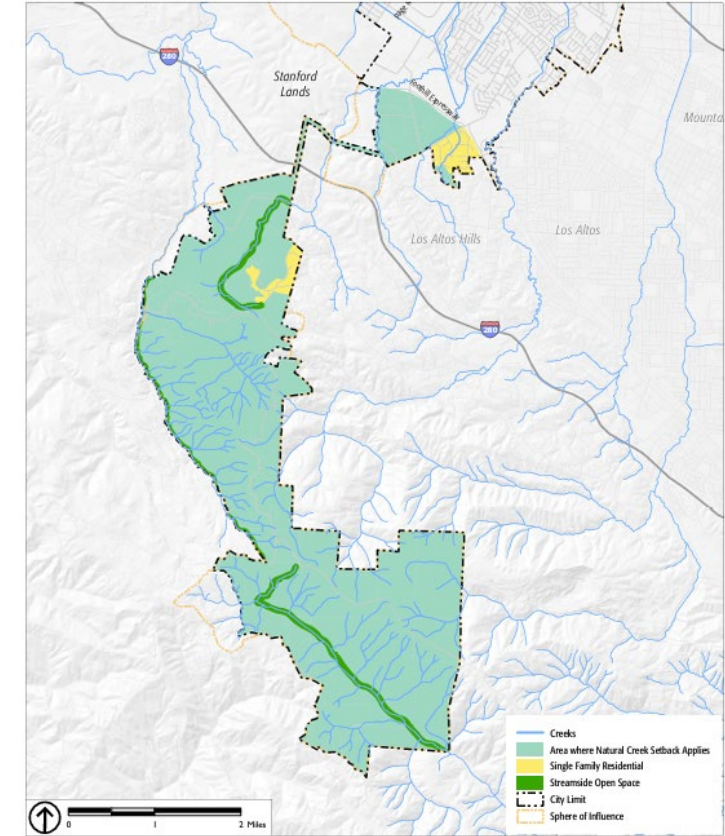
## Council Priority

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.

PALO ALTO COMPREHENSIVE PLAN  
NATURAL ENVIRONMENT ELEMENT



Source: ESRI, 2010; Tiger Lines, 2010; USGS, 2010; NHD, 2013; City of Palo Alto, 2016; PlaceWorks, 2016.

MAP N-4

AREA WHERE NATURAL CREEK SETBACK APPLIES



# STREAMS IN PALO ALTO

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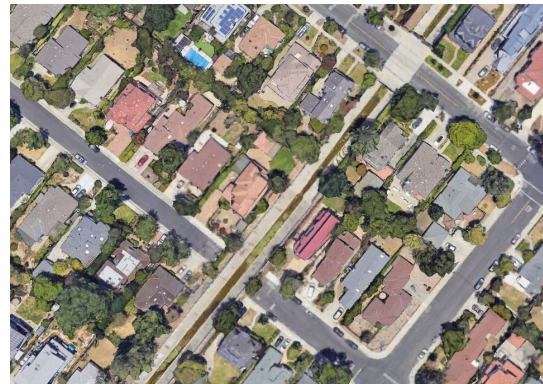
## Natural Creeks – West of Foothill Expressway



## Natural Creeks – East of Foothill Expressway



## Hardened Channelized Creeks



# COMMUNITY ENGAGEMENT

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- **Neighborhood Association Outreach**
- **Virtual Information Session, March 2024**
  - Mixed support for increased setback
  - Concerns about balancing private property development with riparian corridor improvements
  - Support for the 150-ft setback west of Foothill Expressway
- **Stakeholders Meetings**
  - SFJPA, Valley Water, Mid Pen Open Space District, Sierra Club (Loma Prieta Chapter), and Santa Clara Valley Audubon Society
- **Courtesy Mail Notices**
  - Property owners and tenants located within 300 feet of any streams



# EXISTING ORDINANCE GUIDELINES AND STANDARDS

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## 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.





# PROPOSED ORDINANCE

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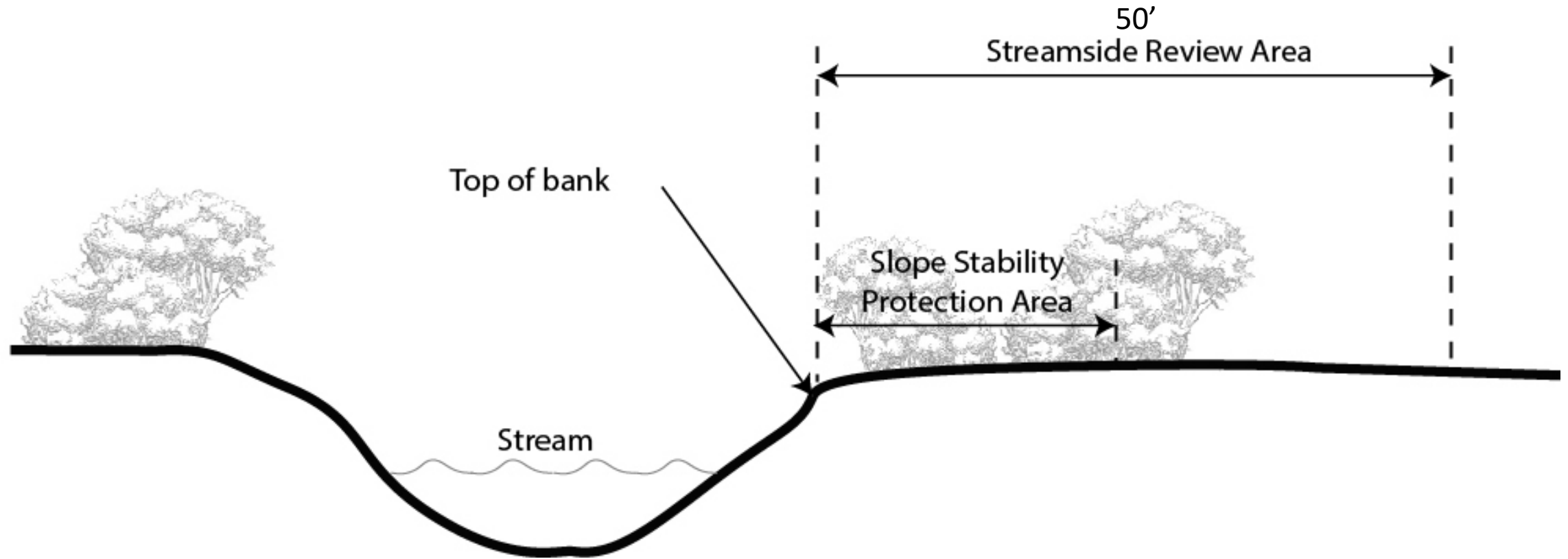
- Establish varying regulations within the setback;
- Exemption opportunities for certain improvements to single-family properties;
- Appropriate setbacks and conservation measures for undeveloped parcels; and
- Two-tiered exception processes.





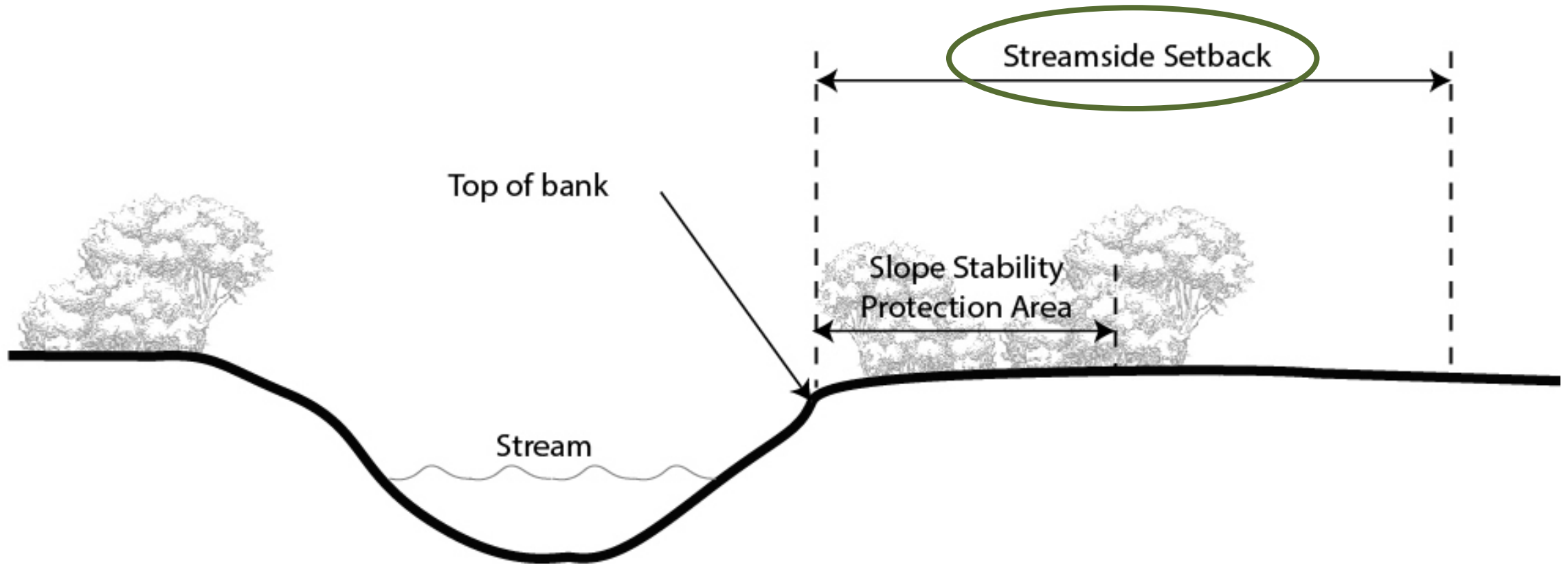
# EXISTING ORDINANCE

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# PROPOSED ORDINANCE

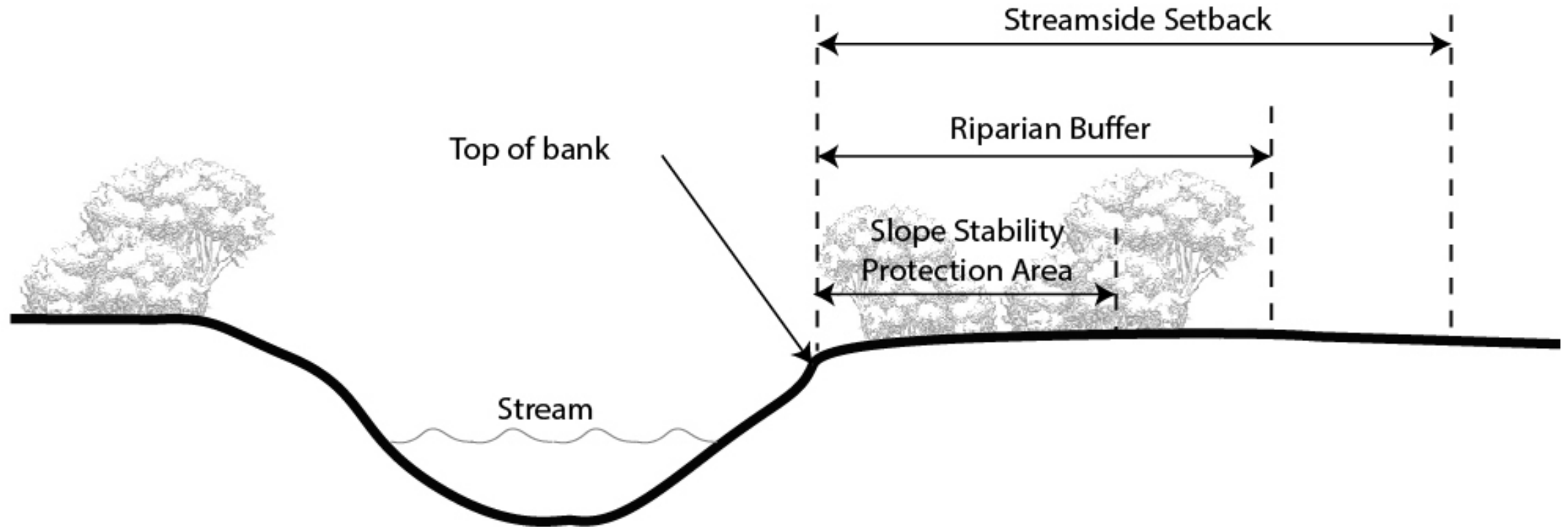
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# PROPOSED ORDINANCE

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# PROPOSED ORDINANCE

## Baylands Area (east of Highway 101) & Open Space and Rural Areas (West of Foothill Expressway)

	Existing		Proposed	
	Stream Review Area	Slope Stability Protection Area	Streamside Setback (feet)	Riparian Buffer (feet)
Natural Stream	50 feet	20 feet or 2:1	150	30
Channelized Stream			150	none
Culverted/Underground Stream			none	none



# PROPOSED ORDINANCE

## Urbanized Areas (east of Foothill Expressway, west of Highway 101)

	Existing		Proposed	
	Stream Review Area	Slope Stability Protection Area	Streamside Setback (feet)	Riparian Buffer (feet)
Natural Stream	50 feet	20 feet or 2:1	40	20
Channelized Stream			40	none
Culverted/Underground Stream			none	none



## APPLICABILITY

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- Development in all zoning districts except the R-1, R-2, and RMD districts
- Development in the R-1, R-2, and RMD zoning districts that:
  - Require discretionary review; or
  - Propose to encroach further into the Streamside Setback than the existing condition





## EXEMPTIONS

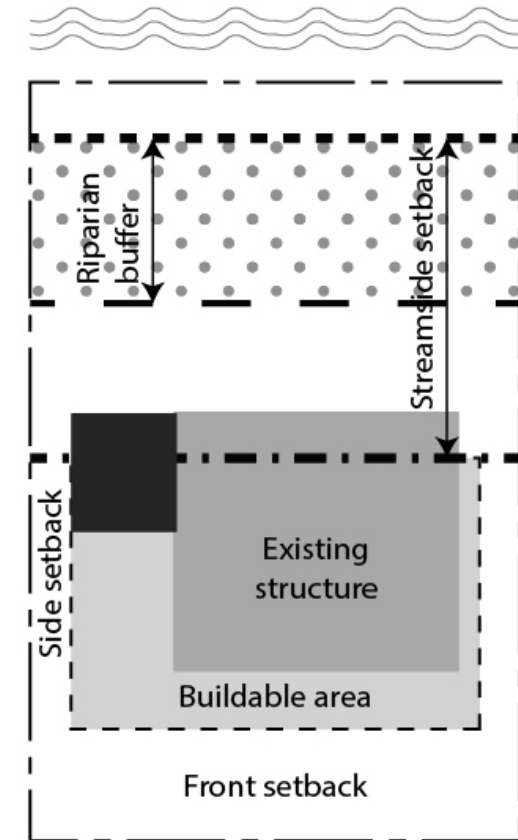
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- Properties separated from the stream by a public street.
- Some earthwork for landscaping or stream bank stability.
- Interior construction or alterations.
- Utility service lateral replacements where necessary.
- Retaining walls.
- Small storage buildings.
- Building improvements that are not encroaching further into the Stream Review Area (including rebuilding the same footprint).
- Expansion of existing development along channelized streams in Urbanized Areas.

# EXCEPTION PROCESS

## Minor Exceptions

- Modeled on the Home Improvement Exception (HIE) process.
- Provided for low-density residential development in the R-1, R-2, or RMD zoning districts, as long as certain criteria are met.
- Up to 15-foot encroachment into the required streamside setback.
- Average of the existing setbacks of the adjoining properties.
- Some horizontal and vertical (e.g. height of an existing wall) extensions.



# EXCEPTION PROCESS

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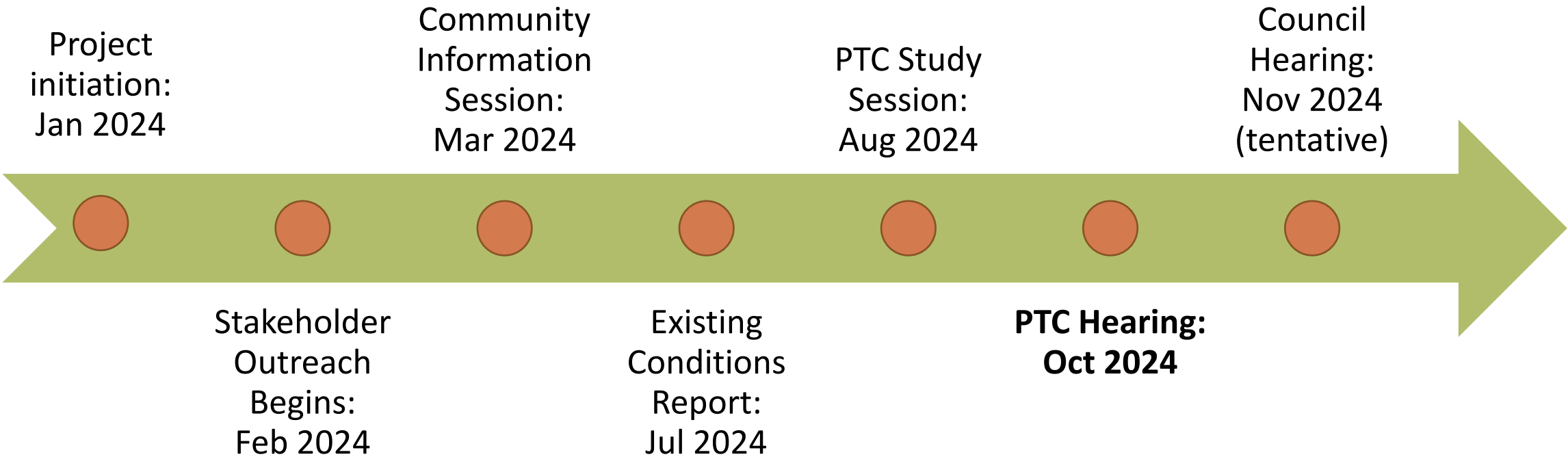
## Major Exceptions

- Requests not accommodated by the minor exception process.
- Director approval required.
- Required Findings:
  - Absence of a reasonable alternative to avoid encroaching into the setback area;
  - Encroachment will not significantly harm the streamside environment; and
  - Granting the exception will not negatively impact nearby properties.



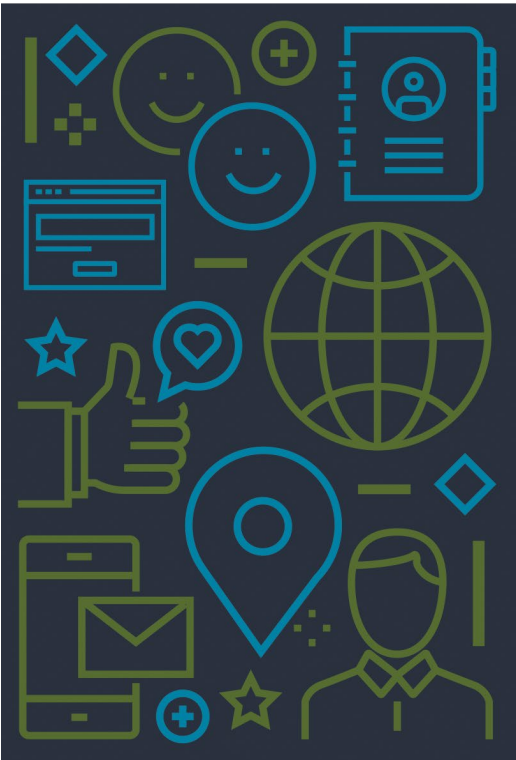


# RECOMMENDATION TO CITY COUNCIL





# CONTACT US



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