

ORDINANCE NO. 288

AN ORDINANCE OF THE CITY OF EAST PALO ALTO ADDING A NEW SECTION 6422 TO CHAPTER 22 OF ORDINANCE NO. 197 (COMPREHENSIVE ZONING ORDINANCE) REGARDING STREET IMPROVEMENT AND DRAINAGE IMPACT ADMINISTRATIVE FINDINGS AND RESERVATION OF AUTHORITY TO REQUIRE DEDICATION OF PRIVATE PROPERTY FOR PUBLIC RIGHTS-OF-WAY; APPEALS.

BE IT ORDAINED by the City Council of the City of East Palo Alto as follows:

Section 1:

A new Section 6422 is hereby added to Chapter 22 of Ordinance No. 197 ('Comprehensive Zoning Ordinance') to provide as follows:

Section 6422. Street and Drainage improvements; Administrative Findings; Reservation of Authority to Require Dedications for Private Property for Public Right-of-Way; and Appeals.

- a. Upon application to the City for development of any parcel of land within the City abutting a street or containing a watercourse, such application shall be referred to the City Engineer for a determination of what street and drainage impact improvements are required in connection with and directly attributable to said application. The City Engineer may in his/her discretion also require the dedication of private property for public Right-of-Way.
- b. For the purpose of this section, development means any of the following:
 1. The construction of any structure for human use or occupancy onto a previously unoccupied space;
 2. The moving of any structure for human use or occupancy onto a previously unoccupied space;
 3. The enlargement, modification or reconstruction of any existing building or any parcel of land in which the new habitable space created on reconstructed is more than fifty percent (50%) of the existing habitable floor space; or
 4. Subdivisions

- c. Upon review of the development application the City Engineer may require installation of improvements as specified below, if the City Engineer makes all of the following findings in a written determination:
1. The public welfare would be materially affected if such improvements are not installed.
 2. The improvements are necessary to accommodate the increased storm water and traffic burdens occasioned by the development.
 3. The increased storm water and traffic burdens are specifically attributable to the development and should be borne by the development rather than the general public
 4. The Installation of such improvements are consistent with and immediately adjacent to existing improvements such as sidewalks, curbs and gutters, or the installation of such would substantially enhance drainage or pedestrian safety on the street segment
- d. The City Engineer may, in his/her discretion, require any or all of the following improvements:

1. Widening and paving the adjacent street at the location of abutting property and the installation of sidewalks, curbs, gutters, driveways, storm drainage facilities, street lighting, street trees and related surveying, testing, plans, construction staking and inspection to the that parcels about subject streets.
2. General street specifications, whether specific to a particular street or general specifications in the absence of street specific specifications, are as follows:
 - i. Concrete curb and gutter, five feet wide concrete sidewalk,
 - ii. Concrete driveway approach,
 - iii. Street lighting (based on an average spacing of two hundred (200) feet on each side of the street),
 - iv. Street trees (one per lot or one per twenty five (25) feet of frontage, exclusive of driveways, whichever is greater),

- v. Street pavement (consisting of sixteen (16) feet wide street base) and pavement (measured from the lip of gutter, and designed to carry a traffic load based on a "traffic index" of six and transitions from improved frontage to adjacent less improved frontage)
 3. Storm drainage facilities specific to the location of the site will be installed prior to occupancy thereof.
 4. Plans for such street improvements and storm drainage facilities will be based on a topographic survey by a licensed surveyor, soil testing by a legally qualified soils expert and be prepared by a legally qualified soils expert and be prepared by a registered civil engineer and approved by the City Engineer, pursuant to the City's encroachment ordinance and fee schedule associated therewith. The city engineer may waive requirements for topographic surveys, soil testing and/or plans if he/she finds that existing available information and/or plans sufficient for the design and construction of the improvements
- e. The City Engineer may in his/her discretion, require any or all of the following dedications, if the City Engineer makes a written determination:
1. If the portions(s) of a street or streets upon which the parcel fronts has a center line to right-of-way width of thirty (30) feet for a local two-lane collector, forty (40) feet for a four-lane undivided collector, or fifty (50) feet for a four-lane divided collector, as identified in the circulation element of the East Palo Alto general plan, together with corner radii at street intersections, such additional right-of-way widths and radii shall be irrevocably offered for dedication to the City. If an existing street has a center line to right-of-way of less than thirty (30) feet, the original dedication shall preserve the current alignment of the right-of-way, unless an official plan line has been adopted by the City Council establishing a different right-of-way line.

2. If additional public utility easements are necessary to encompass utility facilities (to be installed for the benefit of the applicant or for the benefit of nearby properties), such easements shall be irrevocably offered for dedication to the City.
 3. If additional storm drainage easements are necessary to encompass storm drainage facilities (to be installed for the benefit of the applicant or for the benefit of nearby properties), such easements shall be irrevocably offered for dedication to the City.
- f. The City Engineer's written determination may be appealed to the Planning Commission in the same fashion and pursuant to the appeal procedures of administrative decisions as set forth in Chapter 30, Sections 6581.1 of the Zoning Regulations.

Section 2.

This Ordinance shall take effect and be in effect thirty (30) days after the date of passage. The City Clerk is hereby directed to post and/or publish this ordinance, as required by law, prior to its passage and final adoption.

* * *

Passed and adopted at a regular meeting of the East Palo Alto City Council held on November 16, 2004 , by the following vote:

AYES: RUTHERFORD, WOODS, BAY, FOSTER

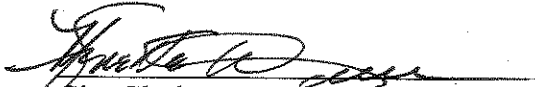
NOES: 0

ABSTAIN: 0

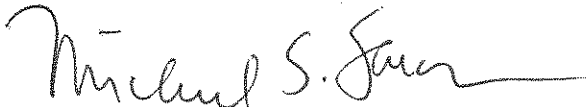
ABSENT: 0


Donna Rutherford, Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


Michael S. Lawson, City Attorney