

**Chapter 18.79**  
**DEVELOPMENT PROJECT**  
**PRELIMINARY REVIEW PROCEDURES**

**Sections:**

18.79.010	Purposes
18.79.020	Supplemental Procedures
18.79.030	Applicability and Initiation
18.79.040	Preliminary Review
18.79.050	Preliminary Review Public Study Session Procedure
18.79.060	Voluntary Compliance

**18.79.010 Purposes**

This chapter establishes procedures for preliminary screening of development projects (“prescreening”). This chapter is intended to achieve, and shall be implemented to accomplish, the following purposes:

- (a) To maximize opportunities for meaningful public discussion of development projects, at the earliest feasible time, for the guidance of the public, project proponents and city decision makers.
- (b) To focus public and environmental review of development projects on the issues of greatest significance to the community, including, but not limited to, planning concerns, neighborhood compatibility, Comprehensive Plan consistency, economics, social costs and benefits, fiscal costs and benefits, technological factors, and legal issues. These procedures are not intended to permit or foreclose debate on the merits of approval or disapproval of any given development project.
- (c) To provide members of the public with the opportunity to obtain early information about development projects in which they may have an interest.
- (d) To provide project proponents with the opportunity to obtain early, non-binding preliminary comments on development projects to encourage sound and efficient private decisions about how to proceed.
- (e) To encourage early communication between elected and appointed public officials and staff with respect to the implementation of city policies, standards, and regulations on particular development projects.
- (f) To facilitate orderly and consistent implementation of the city’s Comprehensive Plan and development regulations.

(Ord. 4218 § 1 (part), 1994)

**18.79.020 Supplemental Procedures**

These procedures are supplemental to any other authority under state or local law which permits preliminary screening of development projects, including, but not limited to, the California

Environmental Quality Act, Public Resources Code Section 21000, *et seq.*, and the State Planning and Zoning Law, Government Code Section 65000, *et seq.*

(Ord. 4218 § 1 (part), 1994)

### **18.79.030 Applicability and Initiation**

- (a) These procedures may be applied to the following types of development projects:
  - (1) Substantial zoning regulation or district map change proposals;
  - (2) Comprehensive plan amendments, including specific plans;
  - (3) Any other development project, or permit or entitlement application, including a major alteration or expansion of existing use, which implicates major land use or other policy or planning concerns.
- (b) Development project preliminary review may be initiated by motion of the city council, with the concurrence of the project proponent, or upon request of the city manager and project proponent with the concurrence of the city council, at any time after the city has received a development project application and before the development project is noticed for public hearing on the merits of the application, if any is required.
- (c) Development project preliminary review may also be initiated prior to the filing of an application, upon the request of the project proponent with the concurrence of the city council. The project proponent shall pay a preliminary review fee as set forth in the municipal fee schedule. If the project proponent wishes to proceed with the project after preliminary review, he or she must then file an application and pay a regular application fee.
- (d) The city may from time to time establish application forms, submittal requirements, fees, and such other requirements, guidelines and informal regulations as will aid in the efficient implementation of these procedures.

(Ord. 4218 § 1 (part), 1994)

### **18.79.040 Preliminary Review**

- (a) Upon initiation as provided in Section 18.79.030, one or more noticed public study sessions will be held to solicit comments which will aid in accomplishing the purposes of these procedures.
- (b) The noticed public study session will be conducted solely by the planning commission; or by the planning commission initially and then by the city council; or solely by the city council; or as a joint meeting of the city council and planning commission, or as a joint meeting of the city council and any other city boards, commissions or committees whose participation is deemed desirable by the city council. Unless directed otherwise by the city council, the planning commission shall conduct a study session on all preliminary review matters and forward its comments to the city council. Minutes of planning commission study sessions conducted pursuant to this section shall be produced in the same manner as minutes of regular meetings.

- (c) Notice of the study session and the opportunity for public participation shall be provided in the same manner as may be required by law for action on the underlying development project application.
- (d) No formal action may be taken during preliminary review.

(Ord. 4218 § 1 (part), 1994)

### **18.79.050 Preliminary Review Public Study Session Procedure**

- (a) Preliminary review study sessions may be conducted in any manner deemed appropriate by the city council.
- (b) City staff will prepare a summary outline of the proposed project which highlights any information relevant to the purposes identified in Section 18.79.010, including but not limited to any initial study prepared for the project. In addition, the project proponent or any interested person may provide oral or written comments consistent with the purposes of these procedures during a preliminary review study session. Subsequent city staff reports on development projects which have been subject to preliminary review should summarize any comments made during the process.
- (c) Preliminary review study sessions shall not be for the purpose of taking evidence with respect to a development project. Neither the city council, nor any city board, commission, committee, or staff person may rely upon information obtained or comments made during the preliminary review process for any final decision, unless such information or comments are reintroduced during a subsequent noticed public hearing on the merits of the development project.

(Ord. 4218 § 1 (part), 1994)

### **18.79.060 Voluntary Compliance**

- (a) Compliance with any development project revisions, alterations, or conditions suggested during the preliminary review process shall be voluntary. Failure to comply with any such revisions, alterations, or conditions shall not affect consideration of the project by the city.
- (b) Nothing in these procedures is intended, nor shall any provision be construed, to constitute, permit or result in any binding determination of the rights, interests, or entitlements of the city, project proponent, or any interested person with respect to a development project upon which preliminary review is conducted.
- (c) Development project preliminary review shall be without prejudice to the ability of the city, project proponent, or any interested person to proceed with a development project in any manner, notwithstanding any suggested revisions, alterations, or conditions.
- (d) When preliminary review has been initiated, a project proponent shall have the right to withdraw a development project application at any time before commencement of a public hearing on the first discretionary permit, license, or entitlement for the project. Such withdrawal shall be without prejudice to the project proponents ability to reapply for the same or a substantially similar development project at a future date, subject to

the regulations, standards, and policies in effect upon reapplication. Upon such withdrawal, the city shall refund any application processing deposits to the project proponent which have not yet been expended.

(Ord. 4218 § 1 (part), 1994)