



## CITY OF PALO ALTO OFFICE OF THE CITY CLERK

November 16, 2015

The Honorable City Council  
Palo Alto, California

**SECOND READING: Adoption of an Ordinance Amending Chapter 18.79 of Title 18 (Zoning) of the Palo Alto Municipal Code Regarding Development Project Preliminary Review Procedures (FIRST READING: October 26, 2015 PASSED: 9-0)**

This Ordinance was first heard on October 26, 2015 and was approved by the City Council.

**ATTACHMENTS:**

- **Attachment:** Attachment A: 0131482 ORD Amending 18.79 re Development Project Preliminary Review Procedures October 29 (PDF)

Department Head: Beth Minor, City Clerk



NOT YET APPROVED

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Chapter 18.79 of Title 18 (Zoning) of the Palo Alto Municipal Code Regarding Development Project Preliminary Review Procedures

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 18.79 (Development Project Preliminary Review Procedures) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**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 ~~Reserved~~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. Prescreening is intended to focus on purpose, scope, conceptual design and other similar matters and is not intended to involve review of complete drawings and documentation.
- (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~~ City's Comprehensive Plan and development regulations.

**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.

**18.79.030 Applicability and initiation.**

- (a) ~~These procedures may be applied to the following types of development projects:~~  
Preliminary screening is required for development projects that include any of the following applications:
  - (1) Planned Community (PC);
  - (2) Development Agreement
  - (3) ComprehensiveGeneral Plan Amendment and Specific Plans, including Specific Plan Amendments
  - (4) District Map Amendment
  - (5) Zoning Text Amendment, except as provided for in section (c) below.
    - ~~(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.~~ Preliminary screening is initiated by filing an application and payment of applicable fees. Preliminary screening applications shall be scheduled for a study session before the City Council. 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. The City Council shall ~~conduct the study session.~~

~~(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. Preliminary screening is not required for zoning text amendments under the following circumstances:~~

~~(1) The project does not include a request for an application in section (a) (1) through (a)(4 ) above, and~~

~~(2) The Director of Planning and Community Environment determines the requested amendment would not have significant policy implications. Such zoning amendments include, but are not limited to, projects requiring a hotel or automobile combining district.~~

~~(d) Preliminary screening may be initiated for any application not included in section (a) (1) through (a)(4 ) above that results in 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. Any other development project, or permit or entitlement application, including a major alteration or expansion of an existing use, which implicates major land use or other policy or planning concerns, subject to the following requirements:~~

~~(1) 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.~~

~~(2) 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.~~

~~(3) The City Council will conduct the pre-screening as a noticed public study session.~~

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(4) 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)~~ (e) 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 this section these procedures.

(f) No formal action may be taken during preliminary review.

(g) Development project preliminary review under this Chapter 18.79 shall not preclude a project proponent from applying for preliminary review before the Architectural Review Board as provided in section 18.76.020(c). Project proponents shall pay the applicable fee for each type of review sought.

**18.79.040 Reserved Preliminary review.**

~~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.~~

~~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.~~

~~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.~~

~~No formal action may be taken during preliminary review.~~

**18.79.050 Preliminary review public study session procedure.**

(a) Preliminary review study sessions may be conducted in any manner deemed appropriate by the Ccity 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-City council~~Council, nor any ~~Ceity~~ 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.

**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~~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~~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~~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-City~~ shall refund any application processing deposits to the project proponent which have not yet been expended.

SECTION 2. Any provision of the Palo Alto Municipal Code inconsistent with the provisions of this chapter, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this chapter.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the chapter would be subsequently declared invalid or unconstitutional.

NOT YET APPROVED

SECTION 4. The Council finds that the adoption of this chapter is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline section 15061 because it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment in that the proposals make procedural modifications to an already existing zoning district.

SECTION 5. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Senior Assistant City Attorney

\_\_\_\_\_  
City Manager