



CITY OF  
**PALO  
ALTO**

CITY OF PALO ALTO  
MEMORANDUM

**10**

**TO: HONORABLE CITY COUNCIL**

**FROM: CITY MANAGER**


**DEPARTMENT: PLANNING AND  
COMMUNITY ENVIRONMENT**

**AGENDA DATE: August 24, 2015**

**ID#: 5664**

**SUBJECT: PUBLIC HEARING: ORDINANCE TO AMEND CHAPTERS 18.38, PC PLANNED  
COMMUNITY DISTRICT REGULATIONS, AND 18.79, DEVELOPMENT PROJECT  
PRELIMINARY REVIEW PROCEDURES; EXEMPT FROM CEQA UNDER CEQA  
GUIDELINES 15061.**

Attachment B was not in your August 13, 2015 packet. Please find the Ordinance amending 18.38, PC Planned Community District Regulations, and 18.79, Development Project Preliminary Review Procedures to this memo for your review.

  
\_\_\_\_\_  
**HILLARY E GITELMAN**  
Director  
Planning and Community Environment

  
\_\_\_\_\_  
**JAMES KEENE**  
City Manager

NOT YET APPROVED

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

Ordinance of the Council of the City of Palo Alto Amending Chapter 18.38 and Chapter 18.79 of Title 18 (Zoning) of the Palo Alto Municipal Code Regarding Planned Community ("PC") District Regulations and Development Project Preliminary Review Procedures

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

SECTION 1. Chapter 18.38 (PC Planned Community District Regulations) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**Chapter 18.38**  
**PLANNED COMMUNITY (PC) DISTRICT REGULATIONS**

Sections:

18.38.010 ~~Specific purposes~~Intent and Purpose.

18.38.015 Definitions.

18.38.020 Applicability of regulations.

18.38.030 Permitted uses.

18.38.040 Conditional uses.

18.38.050 Establishment of districts.

18.38.060 Required ~~findings~~determinations.

18.38.065 Application process.

18.38.070 Application requirements.

~~18.38.080 Development program statement.~~

~~18.38.090 Development plan.~~

~~18.38.100 Development schedule.~~

18.38.110 Action by ~~P&T~~commission.

18.38.120 Action by council.

18.38.130 ~~Change in development schedule~~Expiration of approvals.

~~18.38.140 Failure to meet development schedule.~~

18.38.150 Special requirements.

18.38.160 ~~Inspections~~Enforcement and Monitoring.

~~18.38.170 Recycling storage.~~

**18.38.010** Intent and Purpose~~Specific purposes.~~

The planned community ("PC") district is intended to accommodate developments for residential, commercial, professional, research, administrative, industrial, or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions not otherwise attainable under other districts. The planned community district is particularly intended for unified, comprehensively planned developments which will result in substantial public benefits not otherwise attainable by application of the regulations of general districts or

~~combining districts are of substantial public benefit~~, and which conform with and enhance the policies and programs of the Palo Alto Comprehensive Plan.

### **18.38.015 Definitions**

Whenever the following terms are used in this Chapter, they shall have the meaning established by this section:

- (a) “Development Agreement” means a contract between Palo Alto and a property owner/developer regarding development of real property as provided for in California Government Code Section 65864 et seq.
  
- (b) “Public Benefit” means specific improvements or amenities for Palo Alto ~~the local community or neighborhood~~ provided by the developer in exchange for uses, densities, and/or a development configuration specific to the PC district that would be unattainable in general zoning districts or combining districts. Examples of Public Benefits ~~shall include~~ but are not limited to affordable housing, reasonable ~~significant~~ monetary or “in kind” contributions towards ~~meeting~~ goals of the City’s Comprehensive Plan ~~adopted infrastructure plan~~ or human services needs assessment ~~with a nexus to the proposed project~~, and other similar amenities or improvements identified by the City Council. ~~From time to time, the City Council may adopt by resolution a menu of public benefits that represent current priorities.~~
  
- (c) “Public Benefits Agreement” means a project-specific agreement between a property owner/developer and the City of Palo Alto that details the project’s contribution to the community and outlines a monitoring and enforcement schedule and/or program.

### **18.38.020 Applicability of regulations.**

(a) Overlay District. The Planned Community (“PC”) ~~Zoned~~ district is an overlay zoning district that supersedes any conflicting regulations required by the underlying base zone or combining district applicable to the property. To the extent the underlying base or combining ~~zoned~~ district regulations are consistent with this Chapter and the specific PC district, those regulations shall also apply to such property. ~~The specific regulations of this chapter, and the additional regulations and procedures established by Chapters 18.54 to 18.99, inclusive, shall apply to all planned community districts. Notwithstanding the regulations of Chapters 18.54 to~~

~~18.99, inclusive, where specific regulations are adopted pursuant to Sections 18.38.110 and 16.68.120, the specific regulations so adopted shall apply to that planned community district.~~

(b) Special Requirements Applicable to all PC districts. Notwithstanding Section 18.38.020(a), all PC districts shall conform to the Special Requirements set forth in Section 18.38.150.

(c) Development Agreement. A Development Agreement may be used in lieu of or in addition to a PC district when the applicant anticipates phased development over multiple lots or when the applicant or City anticipates extended negotiations regarding public benefits beyond those contemplated by this Chapter.

(d) Density Bonus. A project seeking a residential density bonus or zoning concession or incentive under Section 18.15 shall not be eligible for a ~~Planned Community Zone~~PC district.

(e) Consistency with Comprehensive Plan. A use proposed for a PC district must be consistent with the Comprehensive Plan Land Use designation in effect at the time of application.

#### 18.38.030 Permitted uses.

Any use may be permitted in any specific PC district provided such use shall be specifically listed as a permitted use and shall be located and conducted in accord with the approved development plan and other applicable regulations adopted pursuant to this chapter to govern each specific PC district.

#### 18.38.040 Conditional uses.

Any use may be established as a conditional use in any specific PC district provided such use shall be specifically listed as a conditional use subject to the provisions of Chapter 18.76 (Permits and Approvals), and shall be located and conducted in accord with the approved development plan and other applicable regulations adopted pursuant to this chapter to govern each specific PC district.

#### 18.38.050 Establishment of districts.

~~Planned community~~PC districts may be established, modified, or removed from the zoning map, and the regulations applicable to any specific PC district may be established, modified, or deleted in accord with Chapter 18.80.

All PC districts shall be identified on the zoning map with the letter coding "PC" followed by a specific reference number identifying each separate district. All use regulations, development plans, development schedules, and other regulatory provisions adopted pursuant to this chapter, or pursuant to Chapter 18.80, which apply to any specific PC district, shall be considered to be a part of this title as if fully set forth in this title, and shall be identified by reference to the corresponding designation of each specific PC district on the zoning map.

**18.38.060 Required ~~finding~~ determinations.**

The ~~P~~lanning ~~and T~~ransportation ~~C~~ommission ("~~P&TC~~"), prior to recommending approval of any PC district application, and the ~~city~~ City ~~council~~ Council, prior to approving an ordinance designating and regulating any PC district, shall make all of the following required findings with respect to the application, in addition to findings required by Chapter 18.80:

(a) The site is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development.

(b) Development of the site under the provisions of the PC ~~planned-community~~ district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. In making the findings required by this section, the ~~planning commission and city~~ City ~~council~~ Council, ~~as appropriate~~, shall specifically cite the public benefits expected to result from use of the ~~planned-community~~ PC district.

(c) The use or uses permitted, and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan as it existed at the time of application, and ~~is shall be~~ compatible with existing and potential uses on adjoining sites or within the general vicinity.

**18.38.065 Application process.**

(a) ~~The applicant for a PC district shall initially submit to the planning commission City Council a development program statement, development plan, and a development schedule which are described in Sections 18.38.080, 18.38.090, and 18.38.100. request for preliminary screening as set forth in Chapter 18.79. Once the City Council has conducted a preliminary screening, the applicant may submit an application for a PC district which shall be calendared for a public hearing by the P&TC. The plot plans, landscape development plan, and design plan in the development plan should only be preliminary during this phase of review by the planning commission.~~

(b) Following preliminary screening review by the City Council, an application for a PC district may be submitted. The P&TC shall conduct an initial public hearing(s) subject to the

~~requirements of this Chapter and Chapter 18.80. The P&TC shall conduct a separate public hearing(s) and final review of the proposed project after the Architectural Review Board ("ARB") has conducted a noticed public hearing(s) on the findings for architectural review in Section 18.76.020 (d) and forwarded a recommendation to the City Council. If the planning commission acts favorably in its initial review of the PC application, the development plan shall be submitted to the architectural review board for review, except in the case of single family and accessory uses. In this phase, a detailed plot plan, landscape development plan, and design plan of the development plan are required. The architectural review board shall make a recommendation on the development plan based on the findings for architectural review in Section 18.76.020 (d).~~

~~Notwithstanding the above, projects consisting of a single family home or accessory structure that would otherwise be exempt from ARB review shall not go to the ARB for recommendation and shall only require one public hearing by the P&TC.~~

~~(c) The City Council shall conduct a noticed public hearing pursuant to this Chapter and Chapter 18.80 after the ARB and P&TC have completed their review and forwarded recommendations to the City Council. development plan as approved by the architectural review board is then returned to the planning commission for final planning commission review and recommendation before being submitted to the city council for final action.~~

#### **18.38.070 Application requirements.**

~~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 Chapter. These submittals shall include an independent economic analysis quantifying the amount of proposed public benefit and a financial comparison between the likely projects under base zoning and the proposed PC district and any other economic analysis as prescribed by the Director.~~

~~In addition to the provisions of Chapter 18.80, each application for a PC district shall be accompanied by a development program statement, a development plan, and a development schedule.~~

~~The development plan shall, as approved by the city council, become a part of the zoning regulations applicable within the respective PC district. Subsequent changes in the development plan shall be made in accord with Chapter 18.80, or, for minor changes, through the architectural review process, as set forth in Section 18.76.020 (b)(3)(D).~~

~~The development schedule shall, as approved by the city council, become a part of the zoning regulations applicable within the respective PC district. Subsequent changes in the development schedule, if included as part of the regulations, shall be made in accord with Chapter 18.80 or, for minor changes, through the architectural review process, as set forth in Section 18.76.020 (b)(3)(D); provided, that specifically authorized changes may be made by the director pursuant to Section 18.38.130.~~

**~~18.38.080 — Development program statement.~~**

~~———— The purpose of the development program statement shall be to describe the proposed use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted uses, conditional uses, site use and development regulations, off-street parking and loading requirements, and other special regulations which may be appropriate to govern development, use, and maintenance of the site or sites included within the PC district.~~

~~———— The development program statement shall include the following:~~

~~———— (a) — A statement by the applicant demonstrating the necessity of the application for the PC district, including information demonstrating the compliance of the proposed development with the required determinations set forth in Section 18.38.060;~~

~~———— (b) — A complete listing of all uses proposed, or potentially to be included, within the PC district, incorporating insofar as possible the terminology used in other parts of this title to define, describe, and regulate permitted uses and conditional uses, and the definitions pertinent thereto;~~

~~———— (c) — A complete description of the nature of uses proposed, and the conditions or characteristics of occupancy, use, or operation, with particular reference to those conditions or characteristics which may warrant regulation differing from those regulations which might apply to such uses if located in one or more general districts within the city;~~

~~———— (d) — A schedule or statement indicating number, type, floor area, number of bedrooms, and projected sale or rental price of all housing units proposed in the district;~~

~~———— (e) — Such additional information as the director may prescribe as necessary, in his judgment, to facilitate review and action on the application by the planning commission, the architectural review board, and the city council.~~

**~~18.38.090 — Development plan.~~**

~~———— The development plan submitted with the application for a PC district shall include the following, unless waived by the director for cause:~~

~~———— (a) — An aerial photograph of the site and adjacent land within two hundred fifty feet of the site, at a scale to be prescribed by the director. The director may specify that information required by subsections (b) through (i) be superimposed on the aerial photograph, or a duplicate copy thereof;~~

~~———— (b) — A map showing any public or private streets, proposed building sites, and any areas proposed to be dedicated or reserved for parks, parkways, paths, playgrounds, school sites, public buildings and other such uses. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision code in Title 21, or any other applicable ordinances of the city;~~

~~———— (c) — A map showing the existing and proposed topography of the proposed district at contour intervals as determined appropriate by director;~~

~~———— (d) — A land use plan for the proposed district indicating the areas proposed for each use or combination of uses identified by the development program statement;~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ A plot plan or plans for each building site in the proposed district, or any portion thereof, in such form as required by the director. The required plans shall show the location of all proposed buildings and principal site improvements, shall indicate dimensions of buildings, site lines, and improvements, and shall indicate the location of physical or natural site features, including trees, and any changes proposed thereto.~~

~~\_\_\_\_\_ (f) \_\_\_\_\_ A landscape development plan, showing the boundaries and location of proposed landscaped areas and exterior site improvements, including but not limited to lights, swimming pools, and service and refuse areas.~~

~~\_\_\_\_\_ (g) \_\_\_\_\_ A circulation plan, indicating the proposed movement of vehicles, goods, and pedestrians within the district, and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to insure safety or to facilitate ease of access and circulation, whether on or off the site, shall be shown.~~

~~\_\_\_\_\_ (h) \_\_\_\_\_ A parking and loading plan, showing the number of spaces and the location, internal circulation and dimensions of all parking and loading areas. The parking and loading plan shall be based upon the requirements of Chapter 18.54, unless requested modifications to meet the needs of the individual project are supported by traffic engineering studies or relevant data, as may be required by the director, demonstrating the feasibility and adequacy of the plan.~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ Preliminary design plans, including such schematic floor plans, schematic exterior elevations and sections, and/or perspective drawings, as may be necessary to indicate the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and will be compatible with existing and proposed neighborhood development. Such drawings need not show final architectural detail. Construction drawings and contract plans, subsequently submitted with applications for required permits or other construction approvals pursuant to approved PC district regulations, shall conform substantially to the preliminary design plans, and shall be subject to all applicable review and permit requirements in effect at the time of approval and permit issuance.~~

#### **~~18.38.100 \_\_\_\_\_ Development schedule.~~**

~~\_\_\_\_\_ The development schedule submitted with the application for a PC district shall include the following:~~

~~\_\_\_\_\_ (a) \_\_\_\_\_ A schedule, indicating to the best of the applicant's knowledge, the approximate date on which construction or development is expected to begin, the duration of time required for completion of the development, and the approximate date or dates of occupancy;~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ A phasing program, indicating, in the event the proposed development within the district is expected to require more than two years for completion and occupancy, a logical or programmed sequence of phases and incorporating a schedule as described in subsection (a) for each phase of development.~~

#### **18.38.110     Action by P&TCcommission.**



In addition to the requirements of Chapter 18.80, the ~~planning commission~~P&TC shall review and consider all materials submitted by the applicant pursuant to this chapter, and shall prepare and recommend to the ~~city~~City councilCouncil, as appropriate, the specific regulations to be applied within the proposed ~~planned community~~PC district. The specific regulations may modify those regulations contained in ~~Chapters 18.54 to 18.99, inclusive~~ the underlying base zoning, as is appropriate ~~to meet the individual district~~ and shall include the following:

(a) Permitted Uses. A listing of all uses to be permitted generally within the PC district, or the uses to be permitted in specific locations within the PC district as shown on the development plan;

(b) Conditional Uses. A listing of all uses to be conditionally allowed within the PC district, or the uses to be permitted in specific locations within the PC district as shown on the development plan;

(c) Site Development Regulations. Maximum or minimum regulations, as appropriate, governing site dimensions, required yards and distances between buildings, site coverage, building height, residential density, and floor area ratio, open space requirements, accessory facilities and uses, and other aspects of the proposed development within the PC district. The regulations may be in text, or by reference to the development plan, or both. In no event shall the maximum height exceed fifty feet except as provided in Chapter 18.76 (Permits and Approvals);

(d) Parking and Loading Requirements. Regulations establishing off-street parking and loading requirements for the PC district, and governing design, location, screening, landscaping and operation of parking and loading activities. The regulations may be by reference to Chapters 18.52 and 18.54, or in text if the regulations of Chapters 18.52 and 18.54 are modified for the individual PC district, or both;

(e) Special Requirements. Additional regulations, as may be appropriate to assure a harmonious relationship between uses within the PC district, and a compatible relationship with existing or potential uses within adjoining PC districts, may be recommended by the commission. Such regulations may include additional height limitations, yard requirements, landscaping and screening, provisions governing outdoor activities, and other requirements;

~~(f) ——— (f) ——— Development Plan and Development Phasing Schedule. The development plan submitted pursuant to Section 18.38.090 and the development schedule if the PC district contains a phasing schedule, such schedule shall require the public benefit to be constructed or provided before the development of the other components of the project where feasible. If not feasible the schedule shall contain a date for delivery of the public benefit submitted pursuant to Section 18.38.100, as amended or approved by the planning commission, shall be recommended for inclusion in the regulations applicable to the PC planned community district;~~

(g) Definitions. Definitions applicable specifically to the regulations recommended for the PC district may be included.

**18.38.120 Action by council.**

In the event the ~~city~~ City council ~~Council~~ adopts an ordinance pursuant to Chapter 18.80 establishing a specific PC ~~planned community~~ district, the ~~council~~ Council shall include the regulations described in Section 18.38.110, either as recommended by the ~~planning commission~~ P&TC or as modified by the ~~council~~ Council.

**18.38.130 Expiration of approvals.~~Change in development schedule.~~**

The approval granted under this Chapter shall be governed by the time limits and extension procedures set forth in Section 18.77.090. If the applicant fails to exercise its permit in accordance with the time periods set forth in Section 18.77.090, the PC district shall expire and the base zoning regulations shall control.

If an extension granted under this section shall affect the delivery date of the public benefit, the extension shall provide a new public benefit delivery date.

~~For good cause shown by the property owner in writing and unless otherwise specified by the specific applicable regulations for the district, prior to the expiration of the original time schedule for the development, the director may, without a public hearing, modify the time limits imposed by any adopted development schedule; provided, that such modification shall not extend the schedule by more than one year; and provided, that only one such modification may be made.~~

**~~18.38.140~~ Failure to meet development schedule.**

~~Sixty days prior to the expiration of the development schedule, the director shall notify the property owner in writing of the date of expiration and advise the property owner of Section 18.38.130. Failure to meet the approved development schedule, including an extension, if granted, shall result in:~~

~~(a) The expiration of the property owner's right to develop under the PC district. The director shall notify the property owner, the city council, the planning commission and the building official of such expiration; and~~

~~(b) The director's initiating a zone change for the property subject to the PC district in accordance with Chapter 18.80. The property owner may submit a new application for a PC district concurrently with the director's recommendation for a zone change.~~

**18.38.150 Special requirements.**

Sites abutting or having any portion located within one hundred fifty feet of any RE, R-1, R-2, RM, or any PC district permitting single-family development or multiple-family development shall be subject to the following additional height and yard requirements:

(a) Parking Facilities. The maximum height shall be equal to the height established in the most restrictive adjacent zone district.

(b) All Other Uses. The maximum height within one hundred fifty feet of any RE, R-1, R-2, RM, or applicable residential PC district shall be thirty-five feet; ~~provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent residential, the maximum height within one hundred fifty feet of an RM-4 or RM-5 district shall be fifty feet.~~

(c) Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM or applicable residential PC district, a minimum interior yard of 10 feet shall be required, and a solid wall or fence between 5 and 8 feet in height shall be constructed and maintained along the common site line. Where a use in a PC district where the gross floor area, excluding any area used exclusively for parking purposes, is at least sixty percent residential, the interior yard shall be at least as restrictive as the interior yard requirements of the most restrictive residential district abutting each such side or rear site line. The minimum interior yard shall be planted and maintained as a landscaped screen.

(d) On any portion of a site in the PC district which is opposite from a site in any RE, R-1, R-2, RM or ~~applicable residential~~ PC district, and separated therefrom by a street, alley, creek, drainage facility or other open area, a minimum yard of 10 feet shall be required. Where a use in a PC district where the gross floor area, excluding any area used exclusively for parking purposes, is at least sixty percent residential, the minimum yard requirement shall be at least as restrictive as the yard requirements of the most restrictive residential district opposite such site line. The minimum yard shall be planted and maintained as a landscaped screen, excluding areas required for access to the site.

(e) Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM or any residential PC district shall be subject to a maximum height established by a daylight plane beginning at a height of ten feet at the applicable side or rear site lines and increasing at a slope of three feet for each six feet of distance from the side or rear site lines until intersecting the height limit otherwise established for the PC district; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent residential, the daylight planes may be identical to the daylight plane requirements of the most restrictive residential district abutting each such side or rear site line until intersecting the height limit otherwise established for the PC district. If the residential daylight plane, as allowed in this section, is selected, the setback regulations of the same adjoining residential district shall be imposed.

(f) Recycling Storage. All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. The design, construction and accessibility of recycling areas and enclosures shall be subject to ARB approval pursuant to Chapter 18.76 (Permits and Approvals).

**18.38.160 Enforcement and Monitoring~~Inspections.~~**

Each PC district shall ~~be inspected by the building division at least once every three years for remain in~~ compliance with the PC district regulations and the conditions of the ordinance under which the PC district was created for the life of the project or until modified by ordinance.

(a) A Public Benefits Agreement is required as part of the PC Overlay District approval.

(b) A Public Benefits Agreement containing all requirements of the ordinance shall be executed between the City and the applicant following approval of a new PC district and shall be recorded as a covenant on the affected property.

(c) The Public Benefits Agreement shall contain a monitoring and enforcement plan, appropriate to the development project that may include the following components: frequency of inspections, establishment of a funding mechanism for inspections; penalties for violations, procedures for replacement of lost or diminished community benefits and other similar provisions. Council may elect to waive enforcement costs for non-profit developers.

**~~18.38.170 Recycling storage.~~**

~~All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. The design, construction and accessibility of recycling areas and enclosures shall be subject to architectural review approval pursuant to Chapter 18.76 (Permits and Approvals).~~

SECTION 2. 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.
- (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) General 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 may include in the study session, or refer a preliminary screening application to, any board, commission or committee.~~

~~(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 noticed public study session will be conducted solely by the planning and transportation commission ("P&TC"); or by the P&TC initially and then by the City Council; or solely by the City Council; or as a joint meeting of the City Council and P&TC, 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 P&TC shall conduct a study session on all preliminary review matters and forward its comments to the City Council. Minutes of P&TC study sessions conducted pursuant to this section shall be produced in the same manner as minutes of regular meetings.~~

~~(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.~~

**18.79.040 ReservedPreliminary 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 councilCouncil, nor any Ccity 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 cityCity.
- (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 cityCity, 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 3. 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 4. 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.

SECTION 5. 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 6. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT YET APPROVED

ATTEST:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

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

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