



PLANNING AND TRANSPORTATION DIVISION

STAFF REPORT

TO: PLANNING AND TRANSPORTATION COMMISSION

FROM: Amy French
Planning Manager

DEPARTMENT: Planning and
Community Environment

AGENDA DATE: July 29, 2009 (continued from July 22, 2009)

SUBJECT: Un-Codified Ordinance - Time Extensions affecting the expiration and allowed extensions of various planning entitlements as permitted through the Palo Alto Municipal Code, Title 18, Zoning Code

BACKGROUND:

On July 22, 2009, the Planning and Transportation Commission (PTC) heard from three speakers on this item and continued the public hearing after taking a “straw poll” of PTC members. The consensus vote by PTC members was for:

- No automatic extensions;
- Up to two, one-year extensions by the Director;
- Green Building requirements apply to extended projects;
- Director can add conditions to address changes to Zoning Code and Comprehensive Plan;
- No demolitions before issuance of building permits for extended projects, unless unsafe;
- Site & Design and Planned Community approvals extended by Council after PTC review.

One Commissioner requested information about approved major entitlements having exceptions, noted past practice for extending approved entitlements, and corresponded with staff after the PTC hearing regarding her concern about extending approvals for historic properties which may not have been previously subject to CEQA review.

RECOMMENDATION AND DISCUSSION:

Staff recommends that the PTC recommend Council approval of the attached ordinance (Attachment A), revised to address the July 22, 2009 PTC comments. The attached ordinance as revised does not include any automatic extensions; however, staff continues to advocate for at least a one year automatic extension for all permits *except* Site and Design Reviews and Planned Communities, to facilitate workload and address financial issues of applicants for smaller projects approved within the past several years.

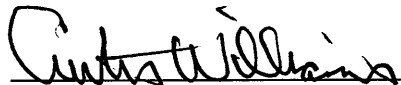
The revised ordinance provides for up to two additional one-year extensions by Director of Planning and Community Environment (Director) approval, except for Site and Design Review and Planned Communities, in addition to current code regulations for extensions. For Site and Design Reviews and Planned Communities, the revised ordinance proposes an additional extension up to two years by Council upon recommendation by the PTC, beyond the one-year Director's extension currently allowed for Planned Community approvals but not allowed for Site and Design Review approvals. The revised table (Attachment B) attached to the Ordinance provides further specificity.

ATTACHMENTS:

Attachment A: Revised Draft Ordinance Extending Valid Planning Entitlements
Attachment B: Revised Time Extensions for Valid Planning Entitlements

PREPARED BY: Amy French, AICP, Current Planning Manager

DEPARTMENT HEAD APPROVAL:



Curtis Williams, AICP, Director

ATTACHMENT A

(REVISED) DRAFT ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALO ALTO EXTENDING THE LIFE OF VALID PERMITS WHICH ARE CURRENTLY ACTIVE OR ARE APPROVED BY JUNE 30, 2010, PURSUANT TO TITLE 18 (ZONING) OF THE PALO ALTO MUNICIPAL CODE

WHEREAS, Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) establishes permit types, specific plan districts and general procedures including approval process, life of permit and extensions, and

WHEREAS, PAMC Title 18 provides that permits shall become null and void if not exercised within one (1) year from the date of approval by the final review authority, with the exception of Site and Design Review Permits which shall become null and void if not exercised within two (2) years of such approval; and

WHEREAS, PAMC Title 18 allows the Director of Planning and Community Environment to approve extensions of time up to one (1) year to exercise certain permits if requests for an extension of time are received and approved prior to the expiration of the original permit; and

WHEREAS, the City of Palo Alto has approved numerous permits of varying scale pursuant to Title 18 of the Municipal Code. Such permits have been reviewed and approved by the Director of Planning and Community Environment or City Council. Current timelines established by Title 18 will result in the expiration of such permits within the near future; and

WHEREAS, the Planning and Transportation Commission conducted two hearings, on July 22 and July 29, 2009, to discuss and recommend modifications to the proposed ordinance; and

WHEREAS, due to the current economy and uncertainty of funding needed to accommodate many permits the current timeline established for these permits is an undue hardship on applicants and property owners. The City Council finds that it is desirable to extend the life of such permits.

THE CITY COUNCIL OF THE CITY OF PALO ALTO DOES ORDAIN AS FOLLOWS:

Permit Extensions - Uncodified Ordinance

The current economic climate caused many construction projects to be deferred until adequate financing can be secured by applicants and property owners. The current timeline established for permits issued by the City of Palo Alto is an undue hardship on these applicants and requires interim local government assistance.

(a) All permits, except approvals of Planned Communities and Site and Design Reviews, approved pursuant to the provisions of the City of Palo Alto Municipal Code, Title 18, that are valid as of July 1, 2009 through June 30, 2010, are eligible for two (2) additional one (1)-year

extensions by the Director of Planning and Community Environment (Director) to enable the applicant to exercise the permit, if the request for extension is submitted before the pending expiration date of the permit. The Director may adjust project conditions via these Additional Extensions to address any applicable Zoning Code and Comprehensive Plan changes that have been adopted by City Council since the original approval.

(b) In addition to the provisions in (a) above and all other extensions of time that are allowed (Allowed Extensions) pursuant to Title 18 of the Palo Alto Municipal Code, any Council-approved Site and Design Review approval and Planned Community approval may apply for a two year extension by City Council, upon review and recommendation by the Planning and Transportation Commission, if the request is submitted prior to the pending expiration date of the permit. Fees for such extensions shall be collected to recover staff costs in processing such extensions.

(c) All projects benefitting from the above Additional Extensions shall be subject to meeting the City's Green Building Requirements set forth in PAMC Chapter 18.44 as further defined in Green Building requirements adopted by City Council Resolution. Minor projects initially approved prior to the effective date of Chapter 18.44 may not be required to meet these requirements.

(d) For projects receiving Additional Extensions from the Director or City Council, no existing buildings may be demolished prior to building permit issuance unless the building(s) have been determined by the Chief Building Official to be unsafe.

Nothing in this ordinance shall affect other performance or time requirements imposed or associated with the subject permit (Conditions of Approval).

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. CEQA COMPLIANCE. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Palo Alto and to cause publication once in The Palo Alto Weekly, the official newspaper for publication of legal notices of the City of Palo Alto, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2009, and adopted as an uncodified ordinance of the City of Palo Alto at a regular meeting of the City Council held on _____, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTACHMENT B

Time Extensions for Valid Planning Entitlements

Permit Type	Current Code Requirements			Proposed Ordinance	
	Initial Permit Life	Allowed Extension(s) ²	Automatic Extension	Additional Extension ²	Maximum Permit Life ³
	ARB, DEE, CUP, VAR, IR, HIE, NPE	1 year	1 year	0 years	(2) 1-year extensions by Director
Site and Design Review	2 years unless associated with a Vesting Tentative Map	0	0 years	One extension by Council up to two additional years	Up to 4 years unless associated with a Vesting Tentative Map
Planned Community	Per development schedule	1 year	0 years	One extension by Council up to 2 additional years	Up to 3 years + timeline in development schedule

1. The proposed ordinance would apply to column one permit types valid from ordinance adoption through June 30, 2010.

2. Project applicants must apply for any extension prior to the permit expiration date.

3. Maximum permit life may be acquired through a combination of initial permit life, allowed extensions, and additional extensions.

