

TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: OCTOBER 5, 2009 CMR: 395:09

REPORT TYPE: CONSENT CALENDAR

SUBJECT: 2nd Reading Adoption of an Uncodified Ordinance 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

RECOMMENDATION

Staff recommends that the City Council adopt the attached ordinance upon second reading, reflecting the revisions made by the Council on September 21, 2009. The revisions are redlined in the ordinance.

The ordinance includes the Planning and Transportation Commission (PTC) recommendation revised to include staff's recommendation of an automatic one-year extension for Site and Design and Planned Community projects with subsequent one-year extensions for those project types requiring PTC review and Council approval. The changes enumerated below are in order of appearance in the ordinance, and include:

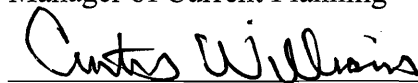
- Deletion of Item (a)(3) which states: "Site and Design Review approvals and Planned Community zoning approvals may only be extended with City Council approval pursuant to item (c) below;
- Amendment of Item (b)(3) to add "after Automatic Extension(s)" after the word "extended" and before "with"; and
- Amendment of (c) to replace "a maximum of two (2) years" with "one (1) additional year."

PREPARED BY:



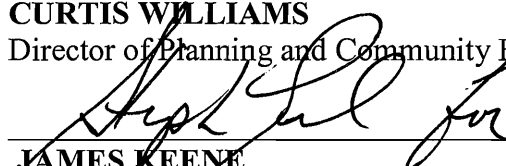
AMY FRENCH, AICP
Manager of Current Planning

DEPARTMENT HEAD REVIEW:



CURTIS WILLIAMS
Director of Planning and Community Environment

CITY MANAGER APPROVAL:



JAMES KEENE
City Manager

ATTACHMENTS

Attachment A: Proposed Ordinance

NOT YET APPROVED

Ordinance No. _____

Uncodified Ordinance of the Council of the City of Palo Alto Extending the Life of Specific Permits Which Are Currently Active Pursuant to Title 18 (Zoning) of the Palo Alto Municipal Code

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

SECTION 1. Recitals.

A. 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

B. 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

C. 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

D. 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

E. 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; and

F. On July 22, 2009, the Planning and Transportation Commission conducted a public hearing to consider this ordinance and on July 29, 2009, the Commission recommended approval to the City Council.

SECTION 2. Permit Extensions - Uncodified Ordinance.

(a) All permits, 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 granted an additional one (1) year Automatic Extension in which to exercise the permit, subject to the following limitations:

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(1) Automatic Extensions may only be applied after all other existing extensions available in the zoning code have been exhausted and the project would otherwise expire;

(2) Project approvals that involve historic structures (including those identified as potentially eligible for California Register designation) may only be extended with approval of the Director pursuant to item (b) below; and

~~(3) Site and Design Review approvals and Planned Community zoning approvals may only be extended with City Council approval pursuant to item (c) below.~~

(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 permit approved by the Director of Planning and Community Environment or City Council that is valid as of the adoption of this ordinance through June 30, 2010, may be granted up to an additional one (1) year (Additional Extension) by the Director of Planning and Community Environment if approved before the pending expiration date of the permit, subject to the following limitations or allowances:

(1) The Director must find that the project would not adversely affect public health or safety and would not substantially conflict with any applicable Zoning Code or Comprehensive Plan changes that have been adopted by the City Council since the original application was deemed complete, and may otherwise adjust project conditions to address minor changes. The Director shall deny an extension request if either of these findings are not made.

(2) The Director may grant two one (1) year extensions for project approvals that involve historic structures (including those identified as potentially eligible for California Register designation) and did not receive an Automatic Extension; and

~~(3) Site and Design Review approvals and Planned Community zoning approvals may only be extended after Automatic Extension(s) with City Council approval pursuant to item (c) below.~~

~~(c) Site and Design Review approvals and Planned Community zoning approvals may be extended for a maximum of two (2) years one (1) additional year with City Council approval after review and recommendation by the Planning and Transportation Commission. In order to grant such an extension, the City Council must find that the project would not adversely affect public health or safety and would not substantially conflict with any applicable Zoning Code or Comprehensive Plan changes that have been adopted by the City Council since the original application was deemed complete, and may otherwise adjust project conditions to address minor changes. The City Council shall deny an extension request if either of these findings are not made.~~

(d) All Additional Extensions shall be subject to compliance with the City's Green Building Requirements set forth in PAMC Chapter 18.44 as further defined in Green Building requirements adopted by Council Resolution.

NOT YET APPROVED

(e) Fees for all extensions shall be collected to recover staff costs of processing such extensions.

(f) This ordinance shall be reviewed by the Planning and Transportation Commission and City Council not later than March of 2011 and annually thereafter to determine whether it should remain in effect, be repealed or further extended.

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

SECTION 3. 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 4. This ordinance shall be effective upon the thirty-first (31st) day after its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

NOT PARTICIPATING:

ABSENT:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED:

Mayor

City Manager

Director of Planning and
Community Environment