

ORDINANCE NO. 400

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
ADDING ARTICLE 6, PRELIMINARY APPLICATION REQUIREMENTS, TO
CHAPTER 22 OF THE EAST PALO ALTO ZONING CODE**

WHEREAS, the City of East Palo Alto does not currently have a Preliminary Application process in place; and

WHEREAS, the City would like to improve the community outreach process; and

WHEREAS, the City would like to provide a streamlined review of the planning process to applicants of major and/or complex projects.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENTS TO ZONING ORDINANCE

The City Council hereby amends Chapter 22 of the East Palo Alto Zoning Ordinance to read as follows sections and subsections that are not amended by this Ordinance are not included below, and shall remain in full force and effect.

CHAPTER 22- GENERAL PROVISIONS AND EXCEPTIONS

ARTICLE 6. - PRELIMINARY APPLICATION REQUIREMENTS

Section 6423. - Purpose and Intent.

The purpose of the Preliminary Application (Pre-App) is to allow the Planning Division to work with the applicant and coordinate an internal review of major and complex applications. This process is intended to provide feedback to the applicant early in the process by helping applicants understand the approval process, identifying potential issues to be addressed, and facilitating community outreach.

The Pre-App is not intended to be a comprehensive review of the project, does not result in any approvals, and is not appealable. The outcome of the Pre-App process is a comprehensive letter describing the approval process, summarizing major planning concerns and issues noted during internal review and a fee estimate. The fee estimate for the project application may differ from the Pre-App estimate.

Section 6423.1 - Applicability.

A Pre-App is required for the following types of major and/or complex projects:

(a) Major Projects:

1. New Commercial Construction - Any structure greater than 50,000 square feet.
2. New Residential Construction - Any project proposing twenty (20) or more new dwelling units.
3. Existing Non Residential Structures - An addition to any structure greater than 25,000 square feet.
4. Existing Structure - Rehabilitation, alteration, or addition to more than 25 percent of an existing multi-family structure with five (5) or more units.
5. Existing Structure - Any project that seeks to remove one or more price controlled housing units covered under the City's Rent Stabilization and Just Cause for Eviction Ordinance.
6. Existing Structure- Any project that would demolish a deed restricted affordable housing unit.
7. Any project with a Development Agreement.

(b) Complex Projects:

1. Planned Community Permit
2. Planned Unit Development
3. Zoning Text Amendment
4. Zoning Change
5. General Plan Amendment
6. Projects with Mandatory Environmental Impact Reports
7. Schools
8. Conditional Use Permit (subject to determination by the Planning Manager)
9. ABC License new request and modification (notification shall be 600 feet from the project site)

(c) Planning Manager Discretion: The Planning Manager shall have the discretion to require a Major or Complex Pre-App process for any project that is in the public interest and to require the applicant to prepare a fiscal impact analysis as part of the process

Section 6423.2 – Planning Commission Study Session and Community.

- (a) All Pre-App projects are required to provide neighborhood notification and a minimum of one Planning Commission study session to discuss the proposed project and to document community concerns.
- (b) The Planning Manager has the discretion to require community meetings prior to the Planning Commission study session. The Planning Manager may require additional meetings if additional meetings will be beneficial to the community.

- (c) Within calendar 15 days of the Planning Commission study session, any member of the City Council may request a study session with the City Council.

Section 6423.3 –Notice and Meeting Requirements

(a) Notices:

- (1) All property owners within 300 feet of the project and interested community groups must be notified of the Pre-App by way of a written notice describing the project and inviting them to the Community Meeting, Planning Commission study session, and/or other community meetings to discuss the project. Notices must be published as an ad in the local daily newspaper and 8” x11.5” notices posted on City bulletin boards. New alcohol sales or modifications to existing liquor licenses require in addition noticing within a 600 radius from the site.

- (2) The applicant is responsible for sending out the meeting notice based upon a mailing list and notice template provided by the City. Required notice shall include:
 1. Project site map;
 2. Project description; and
 3. Date, time, and location of the meeting(s).

- (3) In addition, the notice must be:
 1. Approved by Planning Manager or designee;
 2. Sent out, published, or posted according to Planning Division guidelines, at least 14 days prior to the meeting; and
 3. Mailed by USPS using a Certificate of Mailing (Form 3788), or another form of registered mail with proof of mailing provided to staff.

(b) Community Meeting:

1. The applicant is responsible for arranging the community meeting venue.
2. Attendees should be requested to sign in, and provide contact information, if further contact desired.
3. Applicant shall document questions from the community and the responses to the questions.
4. Meetings shall occur at a publicly accessible venue within the City, preferably at the project site or within a one mile radius of the site.
5. Weeknight meetings shall occur between 6:00 p.m. and 9:00 p.m.
6. Weekend meetings shall occur between 10:00 a.m. and 9:00 p.m.
7. The applicant is responsible for presenting the project to the community.

8. The Planning Manager may require additional meetings if additional meetings will be beneficial to the community.

Section 6423.4 - Preliminary Application Letter and Formal Submittal.

- (a) Within 30 days of outreach completion, the Planning Division will send to the applicant a letter summarizing major project concerns, a description of the approval process, other issues noted during internal review, and a fee estimate.
- (b) A formal project submittal will be accepted only after the Pre-App letter has been issued. The submittal should address the matters discussed in the Pre-App letter, as well as comply with all application submittal requirements.
- (c) Comments in the letter, excluding the fee estimates, are in effect for one year from the date of the letter.
 1. If a formal application is not submitted within one year, a new Pre-App will be required before project submittal.
 2. The requirement for a new Pre-App may be waived by the Planning Manager on a case-by-case basis.
 3. A new Pre-App may be required by the Planning Manager within the one year period if it is determined that the formal submittal is significantly different from the Pre-App submittal.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The adoption of the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b) (3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that this Ordinance, by itself, may have a significant adverse effect on the environment.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word 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 and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days from and after the date of its adoption.

SECTION 5. PUBLICATION.

The City Clerk is hereby directed to cause publication of this Ordinance as required by law.

Introduced at a regular City Council meeting held on October 4, 2016, and adopted at a regular City Council meeting held on October 18, 2016, by the following vote:

AYES: GAUTHIER, ROMERO, RUTHERFORD, MOODY, ABRICA

NOES:

ABSENT:

ABSTAIN:

SIGNED:



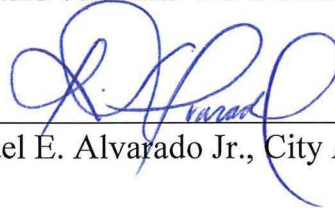
Donna Rutherford, Mayor

ATTEST:



Terrie Gillen, Deputy City Clerk

APPROVED AS TO FORM:



Rafael E. Alvarado Jr., City Attorney