



MEMORANDUM

TO: PLANNING COMMISSION

FROM: Corey Simon, Senior Planner

DATE: October 22, 2008

RE: Workshop on possible code amendments for Planned Unit Development review and approval process; and Standards for common and private outdoor recreation spaces.

BACKGROUND and DISCUSSION:

The City's last compressive zoning code update was in 1975. For the last 33 years, most all of the City's zoning code revisions have been driven by acute concerns over relatively narrow issues (e.g.: recreational vehicle parking restrictions). Over the years, the more broad body of regulations has become increasingly "out-of-date," and while not necessarily obsolete, some of these "out-of-date" regulations and processes hamper the City's ability to efficiently address developer's applications. Given the "built-out" nature of Martinez, the problem has become most evident in requests to approve "in-fill residential developments," where economic and marketing realities have most always lead developments to seek higher densities than both the surrounding area and allowed by conventional zoning.

The past "boom" in medium and high density residential development specifically highlighted deficiencies in the City's:

- a) process in which "Planned Developments" (requiring wholesale exceptions to a zoning district's development standards) are reviewed; and
- b) the lack of standards for "outdoor recreation spaces" (as private yards, patios and balconies – as well as common playground and turf areas), as how such can be made a requirement of a "Planned Development."

Given the current lull in new development applications, staff would like to begin our discussion on needed code updates with these issues, as we should expect such applications for medium- and high- density residential development to return.

TOPIC 1: "Planned Development" review and approval process

As with most agencies, Martinez's process to allow "Planned Developments ("PD") is intended to allow multiple exceptions to normal development standards (e.g. minimum lot size, yards, maximum height etc) - not as compensation for a site specific "hardship" (as with a "variance") - but as a broad "trade-off" for a mutually agreed to "better design." (e.g. smaller lots and yards for a common recreation area). Most all Cities and Counties utilize this process through a rezoning of the subject site, treating the "PD" for what it is, a very small zoning district with development standards unique to the site. As a legislative act, requiring City Council approval, the modification of development standards with the rezoning to "PD" is seen as a policy decision, giving both the developer and reviewing agency the widest latitude and flexibility.

Martinez's "PD" existing process appears unique, in that such projects are approved as "Use Permits" by the Planning Commission, more in line with a lot specific variance to approve a reduced minimum yard or exceed a height limit. The City Attorney has advised staff that a "PD" approved with the current "use permit" process could easily be challenged, given that such broad policy changes in approving a "PD" are in fact legislative actions that are more normally reviewed and approved by a legislative body (the City Council). This "approval by use permit" process also precludes discussions on land use, as the current "PD" process only assumes residential uses, and only a "zoning district" change can modify use regulations. As the City continues to mature, creating the ability to consider mixed use projects outside the downtown core, such as on the Alhambra Avenue or Pacheco Blvd. corridors would be in the City's interest.

To begin our discussions, staff has attached a copy of the City's current "Planned Development" regulations, as well as code sections from 4 nearby Cities (San Ramon, Walnut Creek, Livermore and Brentwood). The City Attorney will be present at the workshop to participate in our discussion, and provide a review of these regulations.

TOPIC 2: Standards for common and private outdoor recreation spaces

In the City's deliberation over Trumark's "Paseos" project on Howe Road (approved but not built), issues of determining adequate "open space," "park space," "recreation space" were difficult to resolve, as the City's current regulations: a) limit requirements for such spaces to "multi-family" developments and define "open space" so broadly that much of a project "left over" and "utility" spaces can fit the definition, so that a project with only minimal *common and private* "outdoor recreation spaces" (defining term proposed by staff) can appear to be "in compliance." The City's current definition and regulations are below:

22.04.560 Usable Open Space.

"Usable open space" means outdoor area on ground, roof, balcony, deck or porch which is designed and accessible for outdoor living, recreation, utility space, pedestrian access or landscaping. Such areas:

- A. *Shall not include off-street parking space or driveways;*
- B. *Shall not include the required front yard nor the street side yard of any corner lot, except that any portion of such yard which is located beyond the first 16 feet may be included if it meets all other qualifications of usable open space;*
- C. *Shall have a minimum dimension of 12 feet in any direction and a minimum of area of 200 square feet, provided:*
 - 1. *Balconies may be included if they have a minimum dimension of 7 feet and a minimum area of 80 square feet, and*
 - 2. *Roof, deck and/or porch areas may be included if they have a minimum dimension of 10 feet and a minimum area of 120 square feet and are designed to be accessible to and usable by the occupants of the building(s). (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(55).)*

22.12.250 Usable Open Space.

The minimum usable open space per dwelling unit for multifamily residential structures in residential districts shall comply with the provisions in Table I.

TABLE I

District	Minimum Usable Open Space Per Dwelling Unit
R-1.5	400 square feet
R-2.5	450 square feet
R-3.5	500 square feet

(Ord. 822 C.S. § 2 (part), 1975: prior code § 10,103.14.)

Some possible updates to the current regulations, to make them more viable, could be:

- Replace the defining term "*Usable Open Space*" with "*outdoor recreation spaces,*" so that the focus of such design standards is the "in lieu of traditional single family backyard" spaces that both private (patio, deck and or balcony) and common (tot lot and playfield) recreation spaces are indented to serve.
- Striking the terms "*utility space, pedestrian access or landscaping*" from the definition, so only truly "living" and "recreational" spaces quality.
- Making the standard apply to all residential project other than single family detached on minimum 5,000 sq ft lots, so the regulations apply to all "unconventional" project, whether nominally detached (such as Trumark's "Paseos"), or a more traditional "attached" product, such as the recently completed "Villa del Sol" on Berrellessa Street.
- Allowing applicants to come up with the project's appropriate balance of "private" and "common" spaces; also allowing flexibility through the "Planned Development:" by rezone process discussed above. The possible exempting of, or reducing requirements for, those projects with very small number of units and/or within the Downtown area can also be considered as part of new regulations.

RECOMMENDATION AND ACTION

Review proposal, accept public comment, provide input and direction to staff.

ATTACHMENTS

Martinez's existing and other City's Planned Development regulations

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PLANNED UNIT DEVELOPMENT

22.42.010 Defined.

A "planned unit development (PUD)" is a large scale primarily residential development to be constructed by a single owner or group of owners acting jointly involving a diversified group of residences and associated uses, planned as an interrelated entity. A planned unit development is a conditional use in all R and RR residential districts. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.0.)

22.42.020 Purposes.

The major purposes of the planned unit development are to:

- A. Implement the objectives of the General Plan;
- B. Encourage variety and amenity in the residential environment;
- C. Conserve superior natural and historical features;
- D. Reduce, when appropriate, the amount of public and private improvements required by developments;
- E. Provide more desirable public and private open spaces. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.1.)

22.42.030 Location and Site Area.

A planned unit development may be located in any residentially zoned area provided that the site area is of sufficient size; in no case shall a planned unit development use permit be granted on a site less than 1 acre. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.2.)

22.42.040 Modification of Code Requirements.

In approving a planned unit development conditional use permit, the Planning Commission may make modifications to

zoning requirements pertaining to distances between structures (Section 22.12.100); minimum site area (Section 22.12.120); frontage, width and depth of site (Section 22.12.190); dwelling units per site (Section 22.12.200); coverage (Section 22.12.210); front yards (Section 22.12.220); side yards (Section 22.12.230); rear yards (Section 22.12.240); height of structures (Section 22.12.260); and parking and loading provisions (Section 22.12.270); provided that the Planning Commission makes all the findings prescribed in Section 22.42.070 of this chapter. In no case shall modifications be made to the requirements pertaining to slope density regulations (Sections 22.12.130 through 22.12.180) and usable open space (Section 22.12.250). (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.3.)

22.42.050 Design Team.

To qualify for consideration for a planned unit development conditional use permit, the applicant must assemble and utilize a design team, generally consisting of a professional land planner, architect, landscape architect and civil engineer. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.4.)

22.42.060 Exhibits.

In addition to such exhibits as may be required elsewhere in this Code, the following exhibits shall be filed with an application for a planned unit development conditional use permit:

- A. Slope analysis as required in Sections 22.12.130 through 22.12.180 of this title;
- B. Natural factors map showing vegetation (including ground and shrub cover), including types and sizes of material, where appropriate, stream channels, areas of instability, and sun and wind effects on the site;
- C. Opportunities and constraints map, showing visual focal points; view potential; adjoining development patterns and housing types; existing utilities or roadways constraining the development of the site; and effects of topography and vegetation on site development;
- D. Comprehensive geologic report, including seismic

analysis;

- E. As-zoned land development plan; a preliminary development plan demonstrating in reasonable fashion how the site might be developed consistent with City ordinance and policy requirements in compliance with the basic zoning regulations and in the absence of a planned unit development use permit;
- F. A comprehensive planned unit development plan, displaying public and private open space areas to be retained or created, displaying residential development area, clearly displaying the relationship between the above areas; comprehensive grading plan including street and lot layout; comprehensive landscaping and visual design including such elements as fences, pathways, street, pathway and building lighting, signs and other features oriented to the public view; site development concepts; building grouping and clustering; and street sections;
- G. Preliminary floor plans and architectural elevations, indicating materials and colors of all building types proposed to be developed;
- H. Environmental impact report prepared in accord with the provisions of Title 20 of this code. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.5.)

22.42.070 Findings.

- A. A conditional use permit for a planned unit development shall not be granted unless the Planning Commission makes the following findings:
 - 1. The planned unit development as proposed, or as recommended for approval, will result in a significantly better environment than otherwise would have occurred in a reasonable development in strict accord with the zoning regulations;
 - 2. The planned unit development is compatible with and has a meaningful relationship to the neighborhood in which it is located;
 - 3. The planned unit development will not result in significant adverse environmental impacts;

4. The planned unit development is in accord with the objectives of the General Plan in all its elements.
- B. In considering whether the preceding findings are appropriate and can be made, the Planning Commission shall consider the following features of the proposed planned unit development:
1. Natural Open Space. Quantity and quality of natural open space areas; retention of significant natural areas; prominent features of the land; existing vegetation; and existing watercourses;
 2. Usable Open Space. Quantity and quality of usable open space areas; retention or creation of usable open space areas in locations accessible to residents of the proposed project; trail systems; and recreation facilities;
 3. Landscape Design. Streetscape; open spaces; plazas, use of existing landforms and tree masses, etc.; treatment of pedestrian ways and areas; and design and equipment of recreational areas;
 4. Site Factors. Visual focal points; use of existing topography; view potential; sun and wind orientation; physical environment; building orientation grouping clustering coverage; and balance between individual units and overall variety;
 5. Design Features. Street sections; street furniture; architectural styles; use of materials; design and landscaping of vehicular circulation and parking areas; variety of housing types; suitability of housing designs to topography; environmental quality of design; privacy; usable open space; and individuality;
 6. Other Features. Such other features as the Planning Commission may deem appropriate. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.6.)

22.42.080 Dedication of Open Space and Streets.

Open space areas and/or streets preserved or created in planned unit developments may be required to be dedicated to the City as permanent open space and as public right-of-way or may be required to be permanently reserved by dedication of a visual open space easement across the lands and emergency access rights on the roadways to the City. The City may elect to require formation of a maintenance district to recover the costs of such maintenance.

The decision shall be made by the City Council, based upon a recommendation of the Planning Commission, and shall be based upon a determination as to the use and benefits of such area, as to whether they are local or general in nature. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.7.)

22.42.090 Procedures.

Conditional use permits for planned unit developments shall conform to the requirements for application, notice, public hearings and appeal provided for other conditional use permits in Chapter 22.40 of this title. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,118.8.)

CITY OF BRENTWOOD

Chapter 17.450 PLANNED DEVELOPMENT ZONES—GENERAL REGULATIONS

17.450.001 Title and purpose of provisions.

- A. Title. The provisions of this article shall be known as the “planned development zoning regulations” of this title.
- B. Purpose. The purpose of planned development zones include the following:
 - 1. To allow a mixture of uses, unusual building intensity or design characteristics, or variations in density including density between the midrange and upper end of land use designated by the general plan, which would not normally be permitted in a single use zone;
 - 2. To implement specific plans prepared for specific plan areas designated by the community development plan of the city of Brentwood, and to implement other specific plans which may be adopted by the city council, by providing regulations for the adoption of planned development zones for all or part of the area encompassed by each adopted specific plan. (Ord. 857 § 2, 2008)

17.450.002 Applicability of provisions.

The provisions of this chapter shall be applicable to the following properties:

- A. To any property in the city at such time an application for rezoning for a planned development zone is made and to any property for which planned development zoning is approved;
- B. To all or part of any area in the city for which a specific plan has been approved;
- C. Rezoning to the planned development zone may be allowed through the approval by the city of a development plan showing the design of the project, the interrelationship of uses, their relation to the surrounding area and conformance of the plan to the community development plan and any applicable specific plan or following the adoption of an applicable specific plan. (Ord. 857 § 2, 2008)

17.450.003 Permitted uses.

Any and all compatible uses are permitted within the zoning regulations adopted for the specific planned development zone; provided, however, no use shall be authorized which does not conform to the community development plan of the city of Brentwood and to any applicable specific plan. (Ord. 857 § 2, 2008)

17.450.004 Conditionally permitted uses.

Any use not listed as a permitted use or listed as conditionally permitted in the specific planned development zone may be permitted subject to approval of a conditional use permit pursuant to Chapter 17.830. (Ord. 857 § 2, 2008)

17.450.005 Regulations for lot area, density, yards, height and related matters.

The development regulations shall be specified within the regulations adopted for the specific planned development zone. Deviation from those regulations shall be permitted only through zoning text amendment or the grant of a variance. (Ord. 857 § 2, 2008)

17.450.006 Rezoning procedure.

- A. In addition to the rezoning procedure set forth in Chapter 17.870 the creation of a PD zone shall require the adoption of zoning ordinance text specifying the regulations applicable to the newly created zone.
- B. In addition to the information required by Section 17.800.007, application for the creation of a PD zone shall require submittal of plans and supporting data as may be appropriate to the size, nature and specificity of the proposed development and the specificity of any applicable specific plan. Plans and data may include any of the following as may be required by the planning director.
 - 1. A map showing the proposed street system and lot design, if any, and areas proposed to be dedicated or reserved for interior circulation, parks, school sites, public buildings and other such uses;
 - 2. A map showing the topography of the proposed zone, with contour intervals sufficient to meet all the requirements of the city;
 - 3. A land use plan, precisely indicating the area or areas to be used for each particular land use;
 - 4. A professionally prepared site plan which shall be drawn to scale and shall show the location of all proposed buildings, including notation of minimum distances between buildings, and between buildings and building site, and/or use boundaries;
 - 5. An off-street parking and loading plan showing the ratio between off-street parking and loading spaces and building floor areas, and/or the ratio of parking spaces to anticipated employees, or other criterion required by the city. Such plan shall be supported by data demonstrating the adequacy of the parking for the demand generated by the use to which it pertains;
 - 6. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development, and to and from any adjacent public thoroughfares;

7. Any special engineering features and traffic regulating devices needed to facilitate or insure the safety and efficiency of the circulation pattern;
 8. A landscaping and tree-planting plan and an irrigation plan prepared by a licensed landscape architect;
 9. Elevations and/or perspective drawings of all proposed major structures prepared by a licensed engineer or architect. Such drawings need not be the result of final architectural plans, but must be in detail sufficient to enable the commission to determine, within reasonable limits, the height, bulk and arrangement of the proposed buildings and their general appearance;
 10. A development schedule indicating the date on which construction is to begin, the anticipated rate of development, and the anticipated date of completion. The development schedule, shall become a zoning regulation which, if not adhered to, will constitute a violation of the zoning and grounds for initiation of rezoning by the city;
 11. Any proposed conditions, covenants or regulations including provisions for a homeowners association for the purpose of operating and maintaining any common facilities or spaces included in the development and requiring all homeowners to maintain membership in such association.
- C. In addition to the plans and data submitted pursuant to this section, application for the creation of a PD zone which is established to implement a specific plan adopted or proposed for adoption by the city shall require the submittal of a copy of the specific plan, or any amendment thereof, which has been adopted by the city, or a draft of a specific plan, or an amendment thereof, which has been submitted or is concurrently submitted to the city for its ultimate adoption. (Ord. 857 § 2, 2008)

17.450.007 Findings for approval.

Rezoning for a PD zone shall only be granted when the city can make the following findings:

- A. That the proposed development will clearly result in a more desirable use of land, and a better physical environment than would be possible under any single or combination of zones;
- B. That the PD zone proposed is on property which has a suitable relationship to one or more thoroughfares; and that such thoroughfares are adequate to carry any traffic generated by the development;
- C. That the plan for the proposed development presents a unified and organized arrangement of buildings and service facilities which are appropriate in relation to adjacent or nearby properties and that adequate landscaping and/or screening is included if necessary to insure compatibility;
- D. That the natural and scenic qualities of the site are protected, with adequate available public and private open spaces designated on the development plan;

- E. That the development of the subject property, in the manner proposed by the applicant, will not be detrimental to the public welfare, will be in the best interests of the city and will be in keeping with the general intent and spirit of the zoning ordinance and with the city's community development plan, including all relevant elements thereof, and with any applicable specific plan adopted by the city. (Ord. 857 § 2, 2008)

17.450.008 Conditional use permit—Supplemental use of.

A conditional use permit may be granted in the following circumstances:

- A. If in the opinion of the city certain aspects of the planned development do not lend themselves to zoning regulations the city may require the applicant for rezoning to apply for a conditional use permit for consideration concurrent with the rezoning.
- B. If provided for in the adopted PD zoning regulations, the conditional use permit procedure may be utilized for the approval of subsequent more detailed plans; provided, that such subsequent plans conform to the PD zoning regulations. (Ord. 857 § 2, 2008)

17.450.009 Enforcement.

- A. From time to time, the zoning administrator shall compare the actual development accomplished in any PD zone with the approved development plan and shall report his findings to the planning commission.
- B. If, in the opinion of the planning commission the owner of the property in any PD zone is failing to conform to the approved development plan, the commission may initiate proceedings to remove the PD zone designation from the zoning map or may initiate proceedings for an amendment to the zoning regulations. (Ord. 857 § 2, 2008)

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CITY OF LIVERMORE

Chapter 2-76

PD – PLANNED DEVELOPMENT DISTRICT

Sections:

2-76-020 Purpose.

2-76-040 Uses permitted.

2-76-060 Procedures for rezoning or amendment.

2-76-080 Requirements for residential PD zones.

2-76-100 Requirements for commercial and industrial PD zones.

2-76-120 Zoning map designation – District file.

2-76-140 Existing PUD permit – Existing PD designation with PUD permit.

2-76-020 Purpose.

- A. **Residential.** The intent and purpose of a PD district for primarily residential uses is to permit more imaginative and flexible designs for residential development projects than would otherwise be permitted under the more conventional residential zoning designations. This flexibility may include such concepts as the flexibility in the location of structures; clustering; variation in yards and setbacks; the reservation of open space; and provision of neighborhood amenities. The flexibility also allows a developer to address geologic, topographical and environmental factors. At the same time, a PD district must conform to the requirements of the general plan and the intent of this code and municipal code in requiring adequate standards necessary to protect the public health, safety and general welfare.
- B. **Commercial and Industrial.** The intent and purpose of a PD district for primarily commercial and industrial uses is to guide the development of commercially and industrially designated land, particularly (but not necessarily) near a freeway or freeway interchange, near a major entrance to the city, or adjacent to residential uses. Both the community serving general commercial (CSGC) and the business and commercial park (BCP) general plan designations require implementation through a PD district. The flexibility allowed in design in a PD district also allows a developer to address geologic, topographical and environmental factors. At the same time, a PD district must conform to the requirements of the general plan and the intent of this code and municipal code in requiring adequate standards necessary to protect the public health, safety and general welfare
- C. **South Livermore Valley Specific Plan Area.** This chapter, including LPZC 2-76-020 through 2-76-140, does not apply to the South Livermore Valley Specific Plan Area. The regulations in Chapter 2-82 LPZC, Planned Development – South Livermore Valley Specific Plan (PDSLVS), apply to development within the South Livermore Specific Plan Area. (Ord. 1561 § 2, 1999; Ord. 1543 § 3, Exh. A § 19.02, 1999)

2-76-040 Uses permitted.

- A. **Where Specific Regulations Adopted.** In a PD ordinance adopted under this chapter, the PD ordinance shall specify the uses permitted and the uses conditionally permitted, if any. In a PD zoning district where regulations have been established, the uses permitted are those uses authorized by the PD ordinance (or formerly issued PUD permit, if such a permit is still in effect).
- B. **No Specific Regulations Yet Adopted.** In a PD zoning district where no specific regulations have been established, the uses permitted and development standards are those set forth below:

Type of PD District (based on general plan designation)	Uses and Standards Allowed Where No Specific Regulations Have Been Adopted
PD-R (residential)	Uses and density shall conform to the density specified in the general plan and to the residential zoning district which is the closest to that density: <ul style="list-style-type: none"> ○ Single-family up to 6 du/ac – (RS) ○ Multifamily up to 14 du/ac – (RM) ○ Multifamily 14.1 and up du/ac – (RH)
PD-C (commercial), including property designated CSGC in the general plan	Uses allowed in the CB zoning district. Development standards of the I-1 zoning district.
PD-I (industrial), including property designated BCP in the general plan	Uses and development standards of the I-1 zoning district, plus uses allowed in the CHS zoning district in BCP areas.
PD-OS (open space)	Uses and development standards of the OS-A zoning district.

- C. **For All PD Zoning Districts.** Except as otherwise set forth in the PD ordinance, property in a PD zone is subject to other generally applicable zoning regulations (in LPZC Part 3, such as parking requirements, sign regulations, second unit standards, etc.) as they exist at the time of a PD ordinance and as they may be amended in the future. (Ord. 1543 § 3, Exh. A § 19.04, 1999)

2-76-060 Procedures for rezoning or amendment.

- A. **Rezoning.** To create or amend a PD district, the procedures in this section apply, in addition to the procedures for a zoning amendment set forth at Chapter 5-20 LPZC.
- B. **Application – Required Information.**
1. **Application.** The property owner(s) shall file an application for a rezoning to a PD district (a PD ordinance) with the community development department. The submittal shall include the application fee established by council resolution, and as soon as an estimate is available, a deposit for the cost of environmental review. The city may also initiate an application.

2. **Required Information.** The applicant shall include the following information with the PD ordinance application. For each element, the applicant shall include a reference to the zoning district and zoning code section most nearly equivalent to the proposed use or standard.
 - a. Statement of purpose.
 - b. Permitted uses.
 - c. Conditional uses, if any.
 - d. Accessory uses.
 - e. Development standards, including:
 - i. Minimum lot size, lot width, yards and lot street frontage;
 - ii. Maximum coverage or floor area ratio;
 - iii. Maximum building height;
 - iv. Off-street parking standards (or reference to Chapter 3-20 LPZC);
 - v. For commercial and industrial developments, add:
 - (A) Sign standards (or reference to Chapter 3-45 LPZC);
 - (B) Required landscaping, fencing or lighting;
 - (C) Proposed hours of operation; regulation of noise, vibration or odors; and exterior storage and screening.
 - f. Architectural standards, if applicable.
 - g. A general site plan showing the general distribution of uses, i.e., commercial, industrial, residential.
 - h. Any proposed exceptions to LPZC Part 3, Development Standards.
 - i. For a residential PD, a description of design features which exceed those required by the city under a typical zoning district (see LPZC 2-76-080(D)).
 - j. Other pertinent information to establish that the proposed project meets the requirements set forth in LZPC 2-76-080 or 2-76-100, whichever is applicable.

C. **Planning Commission Hearing and Recommendation Application.** The planning commission shall hold a noticed public hearing to consider the application. The commission shall recommend to the city council either approval, conditional approval or disapproval of the application.

D. **City Council Hearing and Decision.** The city council shall hold a noticed public hearing to consider the application and the commission's recommendation. The council shall by ordinance approve, approve subject to conditions or deny the application. The zoning administrator shall notify the applicant in writing of the council's decision.

E. **Amendments.** The property owner may submit an application for an amendment to the PD ordinance, or the city may initiate a zoning amendment. The procedures for amending a PD ordinance are the same as those set forth in this section. If a PD ordinance is later amended, the amending ordinance shall restate all the standards and requirements for the district, including the amendment, and shall then supersede any prior PD ordinances for that district. (Ord. 1543 § 3, Exh. A § 19.06, 1999)

2-76-080 Requirements for residential PD zones. The planning commission may recommend and the city council may approve a PD ordinance for residential uses only when all of the following requirements are met:

A. **Consistency with General Plan.** The proposed PD-R district is consistent with the Livermore general plan, including its uses and residential density.

B. **Development Standards.** The PD ordinance includes clear development standards, including:

1. Uses permitted;
2. Conditional uses, if any;
3. Site requirements: lot sizes, yards, site coverage, height of structures, off-street parking, open space requirement;
4. Other district regulations.

Development standards shall not include exceptions to other, nonzoning requirements in the municipal code (such as street, storm drain or other utility standards), unless the other, nonzoning code section authorizes such an exception.

C. **Site Plan and Design Review.** The PD ordinance includes the following requirement:

Site plan approval and design review. Before a building permit is issued for any new structure, or a grading permit for grading, the property owner shall obtain site plan approval under Chapter 4-10 LPZC and design review under LPZC 5-05-110. In addition to any requirements under Chapter 4-10 LPZC, the site plan approval for property within this PD-R district may include development conditions not limited to building design and arrangement, circulation, access, lighting, fencing, landscaping and screening, and maintenance of common areas.

D. **Additional Design Features To Justify Variation from Conventional Zoning.** The proposed PD-R district reflects additional design features and common open areas, related to the proposed development, sufficient to justify the variation from more conventional zoning regulations:

For each variation from the conventional regulations, the applicant shall describe a design feature which is in proportion to the degree of variation, and shall explain why the variation is appropriate. The city shall consider only those design features which exceed what is otherwise legally required by the city or by the California Environmental Quality Act

Any design feature approved under this subsection shall be assured and implemented through a development agreement or tentative map condition of approval, or both. Any development agreement shall be approved concurrently with the PD ordinance.

Following are examples of the types of additional design features which may be considered:

1. Reservation of open space;
2. Parks, trails, bicycle paths or playgrounds beyond those required under the parkland dedication ordinance;
3. Clustering of homes (in order to provide greater open space, or more parks, trails, neighborhood amenities, etc.);
4. Inclusion of more affordable (low- and very-low-income) housing, above what is required by the general plan and state law;
5. Provision of public, neighborhood amenities;
6. Diversification of building sizes and types; or
7. Other public features not generally available in the neighborhood of a standard zoning district

E. **Environmental Design.** If there are any geologic, topographical and environmental factors and constraints on the site, the proposed design addresses these in a manner that could not be achieved in a more conventional zoning district. (Ord. 1543 § 3, Exh. A § 19.08, 1999):

[2-76-100 Requirements for commercial and industrial PD zones.]

2-76-120 Zoning map designation – District file. A PD district shall be noted on the zoning map by one of the following designations, followed by the given district number:

PD-R-__ (residential)

PD-I-__ (industrial)

PD-C-__ (commercial, including BCP and CSGC)

PD-OS (open space)

The ordinance(s) adopting, or amending, the PD district shall not be codified, but shall be kept on file in the community development department offices as a permanent reference file under the PD district number. (Ord. 1543 § 3, Exh. A § 19.12,

2-76-140 Existing PUD permit – Existing PD designation with PUD permit. A PD district with a PUD permit existing on the effective date of the ordinance codified in this chapter shall remain in effect until the property owner initiates an application for a PD ordinance under this chapter.

If a property owner proposes any amendment (major or minor) to a PUD permit existing on the effective date of the ordinance codified in this chapter, that amendment may only be approved by an amendment under this chapter. If such an amendment is approved, it shall only be adopted as part of a new PD ordinance containing all the relevant terms of the original PUD permit, plus the amendment.

If the city initiates and adopts a zoning amendment which affects a PUD permit, a structure or use covered by the PUD permit which is inconsistent with the new zoning shall become a legal non-conforming structure or use, subject to LPZC 3-05-010 and 3-05-020. (Ord. 1709 § 6, 2004; Ord. 1543 § 3, Exh. A § 19.14, 1999)

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CITY OF SAN RAMON

D2-23 - Purposes of Special Purpose Zones

The purposes of the Special Purpose zones and the manner in which they are applied are as follows.

I. PD (Planned Development) zone. The PD zone is applied to large parcels of land in order to reduce or eliminate the rigidity, delays, and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small parcels, and to:

1. Ensure orderly and thorough planning and review procedures that will result in quality urban design;
2. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity;
3. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities;
4. Encourage allocation and improvement of common open space in residential areas, and provide for open space maintenance at the expense of those who will directly benefit from it; and
5. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

Building intensity may be up to the maximum required by the General Plan land use classification applicable to the site. The PD zone is consistent with and implements all land use classifications of the General Plan.

D2-24 - Special Purpose Zone Land Uses and Permit Requirements

B. PD zone. Any permitted or conditional use allowed by this Zoning Ordinance may be authorized on a site in the PD zone through the approval of a Planned Development Permit in compliance with Section D6-25 (Planned Development Permits), or a Specific Plan, consistent with the General Plan land use designations applicable to the site. Prior to the approval of a Planned Development Permit or Specific Plan, the use of a site within the PD zone shall be limited to the uses existing as of the date the site was rezoned to apply the PD designation.

D6-25 - Planned Development Permits

A. Purpose. Planned Development Permits are intended to promote and encourage quality development within the City's residential, commercial, industrial, and other zones, while protecting the public health, safety, general welfare, integrity, and character of the City, and ensuring conformance with the General Plan and any applicable specific plan.

1. **Comprehensive development.** Planned Development Permits are encouraged and expected to produce comprehensive development incorporating more

enhanced environmental and architectural excellence than would normally be possible under more standard zone development requirements.

2. **Project review.** The Review Authority shall determine whether the Planned Development Permit should be approved by weighing the public need for, and the positive benefits to be derived from, the proposed project against any of the potential unavoidable negative effects it may cause.

B. Applicability. An application for a Planned Development Permit shall be required before the issuance of any nondiscretionary building, grading, or other required permits. For a major project that also requires other discretionary permits, these permits shall be processed concurrently.

1. **Minimum site area.** A Planned Development Permit application may be approved only for a site of 10 acres or larger.
2. **Allowable land use.** A Planned Development Permit may only authorize a land use that is allowed in the applicable zone by Division D2 (Allowable Land Uses and Zoning Standards).
3. **General Plan conformance required.** Conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan shall be required.
4. **Modify standards.**
 - a. A Planned Development Permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope [coverage, height, and setbacks], fence and wall heights, landscaping, off-street parking and loading [design and ratios], open space, street layout, etc.) identified in this Zoning Ordinance, with the exception of an increase in the applicable density or intensity provisions.
 - b. A Planned Development Permit may allow for the density to be averaged on parcels divided by two or more zones
 - c. Residential development projects with increased density standards may only be approved in compliance with the City's density bonus procedure in the Municipal Code.

C. Application filing and processing. An application for a Planned Development Permit shall be completed, filed, and processed in compliance with Division D6, Chapter I (Permit Application Filing and Processing), and any requirements of the applicable zone. The application shall be accompanied by the information identified in the Department handout for Planned Development Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G. (Findings and decision), below.

D. Review authority. Planned Development Permits may be granted by the Commission.

E. Criteria for approval. The review authority may approve a Planned Development Permit only when the following criteria are met:

1. The site shall be a minimum of 10 acres, unless the Commission reduces this requirement in lieu of a substantial public benefit received.

2. The proposed development shall be in conformance with the General Plan and any applicable specific plan, and shall result in a comprehensive development incorporating a more enhanced environment and architectural excellence than would normally be possible under more standard zone development requirements.
3. The various elements of the proposed plan, including structures, grounds, and open space, shall relate to one another in a manner that forms a comprehensive plan of sufficient unity to justify exceptions, if any, to the standard zone development requirements identified in this Zoning Ordinance.
4. The proposed development shall not adversely affect adjacent properties.

F. Project review, notice, and hearing. Each application shall be reviewed by the Zoning Administrator to ensure that the proposal is consistent with the purpose and intent of this Section.

1. **(Major) Planned Development Permit.** The Commission shall conduct a public hearing on an application for a (Major) Planned Development Permit before a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter D7-IV (Public Hearings).
2. **(Minor) Planned Development Permit.** Before a decision on a (Minor) Planned Development Permit, the City shall provide notice in compliance with Chapter D7-IV (Public Hearings).
 - a. **Public notice.** The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the (Minor) Planned Development Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
 - b. **If hearing is requested.** If a public hearing is requested, the Zoning Administrator shall refer the application to the Commission for a hearing and decision to be conducted in compliance with Chapter D7-IV (Public Hearings).
 - c. **If no hearing is requested.** If no public hearing is requested, the Zoning Administrator shall render a decision on the date specified in the notice referred to in Subparagraph 2.a, above

G. Findings and decision. The review authority may approve or disapprove an application for a Planned Development Permit only after first making all of the following findings:

1. The proposed development is:
 - a. Allowed within the subject zone;
 - b. In conformance with the:
 - (1) Criteria identified in Subsection E. (Review authority criteria), above;
 - (2) General Plan and any applicable specific plan; and
 - (3) Applicable provisions of this Zoning Ordinance relating to both on and off site improvements that are necessary to accommodate flexibility in site planning

and property development and to carry out the purpose and intent of the subject zone.

2. The proposed project would produce a comprehensive development incorporating a more enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than would normally be possible under more standard zone development requirements;
3. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located;
4. The site is:
 - c. Physically suitable for the type and density/intensity of development being proposed;
 - d. Adequate in shape and size to accommodate the proposed development; and
 - e. Served by streets of adequate capacity to carry the quantity and type of traffic expected to be generated by the proposed development.
5. The public need for, and the positive benefits to be derived from, the proposed project clearly outweigh any of the potential unavoidable negative effects it may cause.

H. Conditions of approval. In approving a Planned Development Permit, the review authority may impose any conditions deemed reasonable and necessary to:

1. Ensure that the approval will comply with the findings required by Subsection G. (Findings and decision), above;
2. Ensure compliance with applicable requirements of this Zoning Ordinance (e.g., allowable land uses and density/intensity) to ensure compatibility with surrounding properties);
3. Accommodate flexibility in site planning and property development;
4. Mitigate all project related adverse effects, unless a statement of overriding considerations is adopted in compliance with Public Resources Code Section 15093; and
5. Protect the public health, safety, and general welfare.

I. Post decision procedures. The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/modification located in Division D7 (Zoning Ordinance Administration), shall apply following the decision on an application for a Planned Development Permit.

CITY OF WALNUT CREEK

Article 17. Planned Development District (P-D)

Sec. 10-2.2.1701. Purpose & Intent.

The purpose of the Planned Development District is to allow diversification in the relationship of various buildings, land uses, structures, and open spaces in order to be relieved from the rigid standards of conventional zoning. A Planned Development District shall comply with the regulations and provision of the General Plan and any applicable specific plan and shall provide adequate standards to promote the public, health, safety and general welfare without unduly inhibiting the advantages of modern building techniques and planning for residential or commercial purposes.

Sec. 10-2.2.1702. Applicability.

The Planned Development District (P-D) may be applied to parcels of land of any size. Any such proposed development shall be in conformity with the General Plan and any applicable specific plan and the requirements of this chapter as they relate to land use designated in the General Plan.

Sec. 10-2.2.1703 Initiation of Zone Change.

An application for a zoning amendment under this article may be initiated in accordance with (Part IV, Article 13. **Amendments (Rezoning)**) by the City Council, Planning Commission, or one or more of the property owners or the owner's authorized agent or lessee of the property involved.

Sec. 10-2.2.1704. Planned Development Permit.

Approval of development within the Mixed Use Planned Development and High Density Residential Planned Development zoning districts shall be by planned development permit in accordance with (Part IV, Article 10. **Planned Development Permits**). A planned development permit is not required for development within a Planned Development (P-D) zoning district.

Sec. 10-2.2.1705. Data Required.

In requesting approval of a zoning amendment to Planned Development, the applicant shall provide the Planning Commission and the Council with:

- A. A complete proposed street and lot lay-out;
- B. Elevations of all buildings proposed ;

- C. A contour map with five (5) foot intervals where the slope is five (5) percent or more and one foot intervals where the slope is less than five (5) percent;
- D. Proposed use designations;
- E. A comparison of anticipated differences between existing zoning ordinance standards and the proposed plan, where applicable; and
- F. Such other data as required.

Sec. 10-2.2.1706. Approval of Plans.

In considering approval of a zoning amendment to Planned Development, the Planning Commission and Council shall view the proposed development and its neighborhood as an entirety and its conformity to the General Plan and applicable Specific Plans. The Council may require that areas be set aside for school and recreational facilities to serve the development and its immediate neighborhood as provided in the General Plan. Approval of the proposed Planned Development zoning may be given if the spirit of this article and the General Plan are complied with and if the health, safety, welfare and general prosperity of the residents of the City will be served by such adjustment in land use districts in the terms of this article as may be required.

Sec. 10-2.2.1707. Zoning.

Upon approval of such development, the area therein concerned shall be zoned Planned Development District, and the uses and the development standards thereof shall be as stated in such approval.

Sec. 10-2.2.1708. Grading.

The grading of land and maximum height of graded slopes shall be governed by provisions of Chapter 8, Title 9 of the Walnut Creek Municipal Code.

Sec. 10-2.2.1709. Design Review Required.

Upon receipt of a request for P-D zoning or for the amendment of any existing P-D zoning, the following steps shall be followed:

- A. A preliminary site plan of the development and architectural renderings together with any other data (see Part IV, Article 12. **Design Review**) required by the Community Development Director shall be submitted to the Planning Division.
- B. The data obtained shall be submitted to the Design Review Commission for preliminary review of the site plan, landscaping, grading and building design. The Design Review Commission shall advise the Planning Commission in writing of any

comments it desires to make and any changes to the site plan or building design which it deems appropriate as a result of its preliminary review.

C. Upon completion of the Design Review Commission's analysis, the planned development request shall be processed pursuant to the provisions of this article.

D. Upon completion of final zoning approval by the City Council, the approved development plan shall be referred to the Design Review Commission for processing pursuant to the provisions of (Part IV, Article 12. **Design Review**).

Sec. 10-2.2.1710. Private Storage Space.

Each residential unit shall have at least 200 cubic feet of enclosed, weatherproofed and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided. Such space may be provided in any location approved by the Community Development Department, but shall not be divided into two or more locations.

Sec. 10-2.2.1711. Building Height.

The maximum building height for commercial development in the Core Area is shown on the Building Height Zone Map. The maximum building height for all residential development, and commercial development outside the Core Area, shall be determined by the City Council, consistent with Measure A.

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