



STAFF REPORT

TO: PLANNING COMMISSION

FROM: Corey Simon, Senior Planner

DATE: December 8, 2009

SUBJECT: Public hearing to review proposed zoning text amendments to the Martinez Municipal Code, replacing the current Chapter 22.42; Planned Unit Development. Proposed changes include: a) replacing the current process of allowing a Planned Unit Development (PUD) as a conditional use, subject to Use Permit approval by the Planning Commission, with one defining a PUD as a specific Overlay Zoning District, subject to approval of a Zoning Map Amendment by the City Council; and b) for projects within either the Downtown Specific Plan or Downtown Overlay District areas, reducing the minimum size for a PUD from 1 acre (43,560 square feet) to 7,000 square feet. The Planning Commission will make its recommendations to the City Council, which will consider the possible amendments at a future date to be announced.

RECOMMENDATION:

Adopt PC Resolution No. 09-09 recommending to the City Council adoption of an Ordinance amending the Zoning Ordinance, Title 22, Chapter 42 (Planned Unit Development) of the Martinez Municipal Code.

BACKGROUND for ZONING TEXT UPDATES:

The City's last compressive zoning code update was in 1975. Since that time most of the City's zoning code revisions have been concerned with 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 Over the years, the more broad body of regulations has become increasingly out-of-date and while not necessarily obsolete, some of these regulations and processes hamper the City's ability to efficiently address the review of development 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 often led developers to seek higher densities than exist in the surrounding area and is allowed by the current zoning.

In October 2008, the Planning Commission held a study session to address two issues in need of review:

- The process by which a Planned Unit Development (PUD), requiring wholesale exceptions to a zoning district's development standards, is reviewed; and
- The establishment of meaningful standards for Usable Open Space (such as private yards, patios and balconies, as well as common playgrounds and playfields) within multi-family projects and PUDs of various densities.

Based on anticipated new applications, the issue of open space standards appeared to be the more pressing of the two issues. Staff returned to the Planning Commission with a study session regarding Usable Open Space standards in June 2009, and in September 2009 the Commission reviewed a final draft ordinance, and recommended that the City Council approve new standards for Usable Open Space. Since the issues of Usable Open Space and the PUD review process are often interrelated, staff has deferred the Council's review of the recommended changes to the City's Open Space regulations until the Planning Commission can make its recommendations on a new PUD process as well. In addition, recent applications have revealed that the City's requirements for Off-Street Parking for multi-family housing outside the Downtown Overlay District may also be out of sync with actual demand. Therefore staff intends to return to the Commission shortly with proposed revisions to the Off-Street Parking requirements, and then ultimately bundling the recommended changes to Usable Open Space standards, PUD processing and Off-Street Parking requirements into one enacting ordinance for the City Council's consideration in early 2010.

DISCUSSION:

Topic 1: Shortcomings of current Planned Unit Development (PUD) review and approval process

As with most local agencies, Martinez's process PUD process 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 with developers to engender better and more creative designs, such as allowing smaller lots and yards in trade for a common recreation area. Most all cities and counties implement the PUD entitlement through a rezoning of the subject site, creating 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 a specific PUD is seen as a policy decision, giving both the developer and reviewing agency the widest latitude and flexibility.

Martinez's existing PUD process appears to be unique among California local agencies, in that PUDs here are approved as use permits by the Planning Commission, not as Zoning Map Amendments by the City Council. The current process of adjusting development standards is more similar to a lot specific variance to approve a reduced

minimum yard or use permit for a building to exceed a height limit. But while the granting of such exceptions for a specific lot are typically made by findings unique to that specific parcel or circumstance, a wholesale change to such development standards made with approval of a PUD is actually a policy decision, more typically made by an agency's legislative body (e.g. City Council). The City Attorney has advised staff that a PUD approved with the current use permit process could easily be challenged, in that these broad policy changes are currently made by the Planning Commission and not the City Council. Another limitation of the current process of approving PUDs as use permits is that it largely precludes discussions on land use. Currently, a PUD can only be considered as a conditional use in a Residential Zoning District. 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 Boulevard corridors, would be in the City's interest.

Topic 2: The Planned Unit Development (PUD) as an Overlay Zoning District

Based on the October 2008 study session, staff began looking at draft PUD regulations that would establish each PUD as a unique zoning district unto itself. Such PUD Districts have no underlying use or development standards, so all such typical zoning regulations need to either be spelled out within each specific PUD, or the standards of a specific Zoning District must be referenced (e.g. making R-6.0 standards apply in all areas where the specific PUD regulation is silent). While this approach is actually the most common in California, such an approach would be problematic in the implementation of Martinez's Hillside Development Regulations (MMC Chapter 22.33). Specifically, the quantitative standards of the Hillside Development Regulations (Section 22.33.020; Maximum Allowable Density Calculations, which are commonly referred to as the "Slope Density" provisions) are based on the allowable development densities of the City's various Residential Zoning Districts, ranging from R-1.5 (29 units per gross acre), down to R-100 (0.4 units per gross acre). For residentially zoned properties with slopes of 10% or greater, the Slope Density provisions reduce the allowable density of a property in inverse proportion to the steepness of the property's slope. Therefore, the City's PUD process would need to retain an underlying "base" Residential Zoning District (ranging from R-1.5 to R-100) for the Slope Density provision to be applied.

Any debate over substantive changes to the Hillside Development Regulations is beyond the scope of a technical update of the City's PUD review and adoption process. The application of the PUD as an Overlay Zoning District that modifies – but does not replace – the underlying Residential zone will resolve the City Attorney's concern that PUD level development policies be approved by the Council while preserving the City's ability to implement the current Slope Density provisions.

Finally, it should be noted that the proposed PUD process could more easily accommodate a mixed use development than the current approach, which is limited to only Residential Zoning Districts. But unlike a residential PUD, which would only require approval of an Overlay Zoning District over an existing Residential Zoning District, a mixed use PUD with both residential and commercial uses would require the concurrent approval of a rezone to a Mixed Use Zoning District as per MMC Chapter

22.26. Such Mixed Use Zoning Districts are already used within the City, and can combine the allowed use of both R- and C- base zoning districts. For a mixed used PUD, the PUD Overlay Zoning District could modify the development standards of a Mixed R- and C- District in the same way the development standards for a single use R-District could be modified.

Topic 3: Outline of other changes proposed for new PUD process

Beyond the substantive change of requiring City Council action on a PUD as a Zoning Map Amendment, the application materials needed and scope of review is generally unchanged from current processes. The noteworthy exceptions where changes are proposed from current practices, are outline below:

- A PUD of less than one acre in size would be allowed Downtown. The current regulations were not indented to be applied to sites of less than one acre (MMC 22.42.030). Because the Planning Commission has made special findings to allow PUDs on smaller sites, such as 1111 Haven on a 20,000 square foot site, Villa del Sol (Berrellesa Street and Marina Vista) on a 10,000 square foot site and Harbor Vista (unbuilt, lot at 513 Talbart Street) on a 9,000+ square foot site, a provision to formalize the City's acceptance of such small-site PUDs is being proposed. The proposed regulations would retain the original requirement for a one acre site, but allow for a PUD on a site not less than 7,000 square feet if located in either the Downtown Specific Plan area or within the Downtown Overlay Zoning District.
- New PUD process can be used to adjust Usable Open Space requirements, but not Slope Density provisions. The current regulations do not allow applicants to adjust the requirements for minimum Usable Open Space and Slope Density provisions with a PUD use permit (MMC Section 22.42.040). Given that the Slope Density provisions set an acceptable maximum number of units given topographical constraints, but do not limit design flexibility, modifications to the Slope Density provisions will not be permitted through the new PUD Overlay process either. Adjustments to Slope Density requirements will still require a separate variance application, approval of which will require findings of special circumstances unique to that site. The recently proposed requirements for Usable Open Space do prescribe specific design solutions, some of which may not be appropriate for a specific site or development program. Therefore, just as with other quantifiable development standards, such as requirements for minimum yards and lot sizes, staff recommends that the PUD process provide a similar flexibility in addressing Usable Open Space requirements.
- City Council approval will be required for all entitlements integral to a PUD. Under current regulations, the Planning Commission's approval of a Subdivision Map and PUD use permit is a final action, even if approval of general plan and/or zoning map amendment is needed from the City Council. At the City Attorney's request, staff has proposed a pass through provision in the proposed PUD regulations so that the Planning Commission will make its recommendations to the City Council regarding all entitlements integral to the PUD. Such a provision will allow the Council the

greatest flexibility in making adjustments to a proposed PUD plan and assure that an accompanying subdivision map will be concurrently adjusted to match.

- Clarifying that Design Review approval is a distinct entitlement from PUD approval. The current practice has been to view the Design Review approval of specific building designs as a distinct entitlement from PUD approval. The proposed new regulations formalize such an approach, allowing applicants the option of either: a) deferring final Design Review approval until after Council approval (which may be appropriate for larger projects that may be sold as a package to a home builder) or b) requesting concurrent Design Review approval, which may be appropriate for small projects such as the three downtown area projects discussed above.

ATTACHMENT:

Draft Resolution, with proposed Zoning Text Amendment

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RESOLUTION NO. PC #09-09 [DRAFT]

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE
ZONING ORDINANCE, TITLE 22, CHAPTER 42 OF THE MARTINEZ MUNICIPAL
CODE, RELATING TO PLANNED UNIT DEVELOPMENTS**

WHEREAS, Section 22.42.020 of the Martinez Municipal Code states that the major purposes of the planned unit development (PUD) are to: implement the objectives of the General Plan; encourage variety and amenity in the residential environment; conserve superior natural and historic features; reduce, when appropriate, the amount of public and private improvements required by developments; and to provide more desirable public and private open spaces; and

WHEREAS, in order to facilitate development plans which accomplish the above objectives, the current planned unit development process allows wholesale modifications to the zoning requirements of Title 22 of the Martinez Municipal Code, including but not limited to minimum site area requirements, minimum yard requirements, maximum building height limitations and on-site parking requirements; and

WHEREAS, the current PUD regulations, which were initiated with the City's last compressive zoning code update in 1975, allow the Planning Commission to approve such modifications to the City's zoning requirements with the approval of a Use Permit; and

WHEREAS, over the years, such a process has become increasingly out-of-date and while not necessarily obsolete, court cases since 1975 challenging local agencies' approval of planned units development have become more common; and

WHEREAS, the current process of allowing the Planning Commission to approve a PUD with the granting of a Use Permit is especially vulnerable to a court challenge, in that the broad policy changes made by the Planning Commission in approving a PUD are in fact legislative actions that are more commonly reviewed and approved by a local agency's legislative body, such as the City Council; and

WHEREAS, all Zoning Map Amendments are considered legislative acts, requiring City Council approval; and

WHEREAS, the proposed regulations would consider each PUD as a distinct Overlay Zoning District, to be applied to an underlying base Zoning District with the approval of Zoning Map Amendment by the City Council; and

WHEREAS, the use of a Overlay Zoning District will appropriately reduce the City's vulnerability to challenge of a PUD approval, while preserving the underlying maximum

residential density prescribed by the base Residential Zoning District; and

WHEREAS, preserving the underlying maximum residential density prescribed by the base Residential Zoning District allows the City to implement, without any changes from the existing PUD approval process, the slope density provisions of its Hillside Development Regulations (MMC 22.33.020); and

WHEREAS, the adoption of the proposed text amendments is categorically exempt from the requirements of CEQA, under Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines; and

WHEREAS, the Planning Commission held a public hearing on December 8, 2009, and listened to testimony from the public.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the City Council adopt an ordinance amending Title 22, Zoning Ordinance of the Martinez Municipal Code to incorporate said revisions as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 8th day of December 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: _____
Frank Kluber
Planning Commission Chair

Corey M. Simon
Senior Planner

EXHIBIT A

PLANNING COMMISSION RESOLUTION 09-09; DECEMBER 8, 2009

DRAFT ZONING CODE CHANGES – PUD’S

PROPOSED DELETED CODE SHOWN AS: ~~Text to be deleted~~

PROPOSED NEW CODE SHOWN AS: Proposed new rules

~~CHAPTER 22.42~~

~~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.)~~

Chapter 22.42

PLANNED UNIT DEVELOPMENTS (PUDS)

22.42.010 Purpose

The purposes of this chapter are to:

- A. Implement the objectives of the General Plan in a manner that will provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations.
- B. Encourage the design of well-planned facilities which offer a variety of housing or other land uses through creative and imaginative planning.
- C. Ensure orderly and through planning and review procedures, that will result in high quality urban design.
- D. Encourage variety and avoid monotony in development.
- E. Conserve superior natural features
- F. Encourage the preservation of serviceable existing structures determined by the City to be of historic value by providing the opportunity for imaginative re-use, rehabilitation and where appropriate expansion.
- G. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.
- H. Provide more desirable public and private open space and encourage allocation and improvement of common open space in residential areas. Provide for maintenance thereof at the expense of those who will directly benefit from it.

- I. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
- J. Encourage the provision of superior amenities in development.

22.42.020 General Provisions

- A. General Criteria and Intent. In administering the provisions of this chapter, the extent to which the proposed planned unit development (PUD) generally promotes the purposes of this chapter shall be taken into consideration.
 - 1. It is intended that this chapter be utilized for developments capable of achieving the distinct characteristics intended by the PUD criteria set forth in this chapter, among them the following types of development:
 - (a) Residential. Residential subdivision developments which may include a variety of housing types and site plans, accessible open “green spaces,” or common recreational areas, an attractive and well-oriented community meeting place or recreational facility, and other features of substantial benefit to a viable and balanced community.
 - (b) Residential- Mixed Use Development. Mixed residential-commercial developments combining among other things, multiple family residential, retail, hotel, office, commercial recreation facilities, or other compatible uses grouped in a well-designed and coordinated site development.
 - (c) Industrial Development. Well-designed and controlled groupings of research, service, or light industrial uses within an area containing visual and operational amenities and features, such as selective occupancies, setbacks, landscaping, and bulk and building material controls.
- B. Limitations on Use of PUD. It is not intended that this Chapter:
 - 1. Encourage or permit a property owner to increase the development potential of his or her property merely by increasing the density of his or her project, contrary to the regulations imposed by the zoning applicable to the property.
 - 2. Be used solely to create a development potential for small or difficult parcels of property created or remaining as a result of subdividing, freeway

construction, or other contributing factors.

3. Be applied to projects of less than 1 acre in size, except projects within the boundaries of either the Downtown Specific Plan or Central Martinez Specific Area Plan, in which case the minimum size project for a PUD application is 7,000 square feet.

22.42.030 PUD District

- A. Application—Procedure—Notice—Fees. A zoning amendment to rezone property to a PUD Overlay District may be initiated by a property owner or authorized agent, or by the City. If initiated by the property owner and the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of the ownerships shall be submitted. The PUD zoning designation shall be adopted or removed in the same manner as a rezoning as set forth in this title. An application for a PUD zoning designation shall be subject to application fees as set forth by resolution of the city council.
- B. Areas in Multiple Ownership. The PUD designation of property that is not all in the same ownership may only be initiated by a petition submitted on behalf of the owners of all of the property within the area.
- C. Effect of PUD Designation. A PUD designation constitutes an overlay zoning district. The PUD designation appearing on the official zoning map indicates that the property within such overlay zone is subject to the requirements and restrictions set forth in this chapter in addition to the indicated underlying zoning district.

22.42.040 PUD Plan

No land use entitlement or development for property located within a PUD Overlay Zone shall be approved until a PUD Plan for the property subject to the Overlay has been approved by the City Council in accordance with this Chapter.

22.42.050 Required Contents of PUD Plan.

- A. The approval of a PUD Plan shall constitute a rezoning of the property and zoning text amendment applicable to the property and shall establish the specific requirements for development and use of the site consistent with the General Plan and any applicable Specific Plan. In approving a PUD Plan, the city council may modify zoning regulations prescribing development standards, including but not limited to those relating to maximum building height, minimum yard, open space area and lot size requirements, parking and loading, and other provisions of this title otherwise applicable to the property, excepting those prescribed by the Hillside

Development Regulations; Chapter 22.33, which include but are not limited to Maximum Allowable Density Calculations; Section 22.33.020.

B. The PUD Plan shall contain a schematic plan and development standards applicable to development within the PUD and shall include specific details, elements, conditions and restrictions as the council may deem warranted to carry out the purpose of this chapter, including conditions and restrictions related to size, timing and sequence of development.

C. The PUD Plan shall at a minimum contain:

1. Allowable Density Standards. The allowable density and intensity of development, including: the total number and type of dwelling units that may be allowed for residential development (attached or detached and product type) and or the total square footage, maximum floor area ratios and building massing requirements for nonresidential development. Maximum allowable density shall not exceed the maximum density permitted by the General Plan, any applicable Specific Plan and the underlying zoning district in which the property is located.
2. Allowable Land Uses. The allowable land uses, including accessory uses, and any subsequent land use permit requirements that shall apply after the approval of the PUD Plan.
3. Streets and lots. The proposed street and lot pattern. The creation of lots is subject to compliance with the subdivision ordinance.
4. Lot Size and Coverage Requirements. Minimum lot sizes and site coverage requirements.
5. Setbacks and Height Limits. Minimum setback requirements and structure height limits.
6. Parking. Off street parking requirements and identification of the location for required off street parking.
7. Landscaping. Landscaping requirements.
8. Sign Program. If signs are proposed, an integrated consistent sign program.
9. Such other information required by the review authority.

22.42.060 Effect of Approval, and Administration of Approved Plans.

After the PUD Plan approval, the land uses allowed on the site and the proposed development shall comply with:

- A. The standards of the PUD Plan to the extent that those provisions differ from the standards of this title, and
- B. The provisions of this title where the PUD Plan is silent on any aspect of land use or development that is otherwise regulated by this title.
- C. In any case where a PUD Plan is silent on an aspect of land use or development otherwise regulated by this title, the allowable land use requirements and development standards of the underlying zoning district shall apply.

22.42.080 PUD Plan Application and Approval Procedures

PUD Plans shall be prepared, filed, processed, and approved or disapproved as follows.

- A. Application Filing and Processing. An application for PUD Plan approval shall be filed and processed as an amendment to the zoning text and map in compliance with this title. The PUD Plan application shall include the following information and materials.
 - 1. Graphic documents (one or more maps or drawings) accurately drawn to scale and sufficiently detailed to show:
 - (a) Boundaries and area of the site;
 - (b) A site plan for the conceptual and completed project showing each type of land use and the maximum allowable density or building intensity identified, areas designated for open space, all buildings/structures, streets, parking, pathways, patios, decks, pools, accessory buildings, fences, walls and similar improvements;
 - (c) Preliminary utility plan including storm drainage system;
 - (d) Topography, with existing and proposed contours shown at a minimum interval of 10 feet;
 - (e) Site slopes, calculated and classified as per Section 22.33.020; Hillside Development Regulations, Maximum Allowable Density Calculations.
 - (f) All existing structures and improvements on the site;
 - (g) All water areas (ponds, lakes, streams, wetlands, and drainage ways);

- (h) Contiguous properties, their zoning and existing uses and structures and other improvements;
 - (i) Surrounding street pattern, with design capacities and current traffic counts;
 - (j) Either: 1) conceptual architectural floor plans and elevations, sufficiently detailed to show conceptual height, bulk, and their relationship to the topography and indicating materials and colors of all building types proposed to be developed, or 2) comprehensive design standards and guidelines, as to be applied to all development within the PUD, prescribing the maximum building envelope for each structure; and minimum standards for and/or limitations on ranges of exterior materials, landscaping, fencing and any other applicable limitations on site development, including but not limited to grading or tree removal.
 - (k) Designation of projected density and/or intensity of development. Density in gross and net figures for residential uses and, lot and building coverage, and total square footage of floor area for nonresidential uses;
 - (l) Geologic map graphically identifying areas of potential geologic problems or hazards;
 - (m) Opportunities and constraints map, showing visual focal points, view potential and existing utilities;
 - (n) Subdivision proposals with minimum lot sizes and lot pattern;
 - (o) Comprehensive landscape plans including the location, trunk diameter and type of all existing trees more than three inches in diameter measured 24 inches above ground level within the development area noting which, if any, are to be removed. These plans shall also show areas to be planted with trees, shrubs, groundcover, and hydroseeding and whether such trees or shrubs are to be evergreen or deciduous and shall include visual design including such elements as fencing, pathways, lighting, and other features;
 - (p) A comprehensive grading plan with a contour interval of at least five feet, showing area, height and slope of all cut or fill banks, earth quantities of import or export, street and lot layout;
2. Written development standards and statements as they apply to the following subjects:
- (a) Density/intensity of development proposed including: the total number and type of dwelling units that may be allowed for residential development (attached or detached and product type)

- and or the total square footage, maximum floor area ratios and building massing requirements for nonresidential development;
- (b) The proposed allowable land uses, including all accessory uses and approximate land area and square footage of floor areas and number of bedrooms for residential uses;
 - (c) Provisions dealing with ongoing physical development or use limitations such as, minimum lot size, height limitations for structures, required yard areas, maximum fence heights, coverage limitations, maximum floor area ratios, accessory structures, home occupations, parking requirements, landscaping requirements and signs;
 - (d) A description of subsequent land use permit requirements that shall apply after the approval of the PUD Plan;
 - (e) Professional analysis and report on soils, flooding, geologic hazard, seismic hazard, wildlife, vegetation, noise, traffic safety, historic or archeological considerations;
 - (f) Utilities plan (gas, electric, water, sanitary sewer, telephone, storm drainage);
 - (g) Public services (police, fire, schools, mail);
 - (h) Public conveniences (solid waste, TV, newspapers);
 - (i) Public facilities (streets, library, public transportation and parks, including a proposal for meeting section 9-20 of this code);
 - (j) Traffic analysis (auto, bike, pedestrian, equestrian), including trip generation figures for vehicular traffic (auto/truck/service);
 - (k) Parking computations and ratios (per unit for residential and per square foot in nonresidential);
 - (l) If the project is in a high fire hazard area, as determined by the fire district, then a fire management plan shall be included. The fire management plan shall describe the terrain, vegetation, fire service, access, and water availability and proposed method to reduce fire hazards, including long-term maintenance standards and management practices and identification of the responsible party and funding source.
 - (m) Any proposed exceptions to development standards of this code;
 - (n) Management plans including standards for maintenance of any open space, common areas, scenic easements, or other non-developed areas, and all waterways or wetlands including identification of responsible party and long-term funding source for maintenance activities; and

- (o) Information provided as required by the director to allow a determination on environmental review to be made in accordance with the California Environmental Quality Act).
- 3. A list of all property owners included on the PUD Plan and a map depicting the parcel ownership.
- B. Design Review Committee Recommendation on Site Plan Required. Prior to review by the Planning Commission, PUD Plans shall first be reviewed by the Design Review Committee for a site plan design recommendation. Design Review Committee recommendations shall be advisory and shall be transmitted to the Planning Commission with the staff evaluation. The Planning Commission shall consider the staff evaluation and the Design Review Committee's recommendation in making its findings and recommendations to the council on the PUD Plan.
- C. Commission Action on PUD Plan. Following a public hearing in compliance with this title, the commission may recommend that the council approve, conditionally approve, or disapprove the PUD Plan. The commission may recommend approval of a PUD Plan only after first making all of the following findings:
 - 1. The proposed PUD Plan development is in conformance with the applicable goals and policies of the general plan and any applicable specific plan;
 - 2. The proposed PUD Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities;
 - 3. Streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development;
 - 4. The proposed PUD Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood and the site is physically suitable for the type and density/intensity of development being proposed, adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title;
 - 5. The proposed PUD Plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and 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 might otherwise occur from more traditional development applications;

6. The location, access, density/building intensity, size and type of uses proposed in the PUD Plan are compatible with the existing and future land uses in the surrounding neighborhood.

D. Council Action on PUD Plans.

1. After a commission recommendation for the approval of a PUD Plan, or an appeal of a commission disapproval of a PUD Plan, council shall review the PUD Plan in a noticed public hearing in compliance with this title.
2. Following the public hearing, the council may approve, conditionally approve, or disapprove the PUD Plan. The council may approve the PUD Plan only after first making all of the findings required by subsection (C) of this section.
3. Disapproval shall be by motion. Approval or conditional approval shall be by the adoption of an ordinance.

22.42.090 Council Action Required for Applications Integral to PUD Plan.

Applications for development entitlements made concurrently with an application for approval of a PUD Plan, including but not limited to a request for approval of a subdivision map, variance to the provisions of the Hillside Development Regulations (Chapter 22.33) and Design Review (pursuant to Section 22.42.100.B below), the Planning Commission will make its recommendation to the Council on such applications, who will take action to approve, conditionally approve, or disapprove such applications. concurrently with its consideration of the PUD Plan pursuant to Section 22.42.080.D

22.42.100 Design Review Approval and Issuance of Building Permits.

- A. Design Review Approval Subsequent to Council Action No building permit shall be issued for any building or structure within the boundaries of property zoned PUD overlay until a Design Review application, per Section 22.34.030-070, has been approved for the finalized architectural and landscape plans, and it is determined that the plans conform to either the: 1) conceptual architectural floor plans and elevations or 2) comprehensive design standards and guidelines adopted for the PUD. No building or structure within a PUD may be occupied until an inspection of the project has been made by the Community Development and Economic Director to see that all conditions of the plan review have been complied with. Modifications to previous Design Review approvals may be subject to Design Review Committee and/or Planning Commission review per Section 22.34.030-070.
- B. Design Review Application may be Concurrent with Council's approval of PUD. Notwithstanding Section 22.42.080.B and 22.42.090.A, an applicant may choose to apply for Design Review approval concurrently with the application for a PUD. In such cases, Design Review Committee's site plan review, as required by Section 22.42.080.B, will be expanded to include a review of

finalized architectural and landscape plans as normally required by Sections 22.34.030-070. The Design Review Committee's recommendation will be made to the Planning Commission, who will make its recommendation to the Council, who will take action as provided in Section 22.42.090 above.

22.42.110 Amendments to an Approved PUD Plan.

Any proposed deviation from an approved PUD Plan, other than those limited to Design Review approval(s) per Section 22.42.090, are to be considered a potential amendment to the PUD Plan. Amendments to a previously approved PUD Plan may be applied for by the property owner or the City. The authority of the commission and council to act upon a PUD Plan amendment application is limited to considering and taking action with respect to only: (i) the changes in the plan proposed by the amendment; (ii) the direct and indirect effects on the balance of the plan caused by said amendment; and (iii) the environmental consequences of, and any necessary mitigation measure applicable to said changes. The commission and council shall follow the same procedures as were required for the city's consideration and action on the original (or previously amended) PUD Plan.

22.42.120 Map of Approved PUDS

The City shall prepare and maintain on file in the planning division a map which delineate the designated PUD's in the city.

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