



Planning & Community Development

Zoning Code Amendment Planned Development Regulations

City Council

February 27, 2023





Zoning Code Text Amendment

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- Initiated by Planning Commission in response to concerns raised regarding recent Planned Development (PD) applications:
 - > Scale and intensity of proposed PD projects
 - > Lack of consistency with General Plan, Specific Plans, and Zoning Code
 - > Limited public participation in the early development steps
 - > Balancing project requests with community benefits
 - > Lack of consideration for appropriate, contextual design



Planning Commission Review

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- Staff conducted two public study sessions with the Planning Commission on Planned Development regulations:
 - > July 28, 2021
 - > March 9, 2022
- July 28, 2022 – Public Hearing - Recommendation
 - > The City Council
 - approve the environmental determination;
 - adopt the required findings; and
 - approve the amendment to eliminate the PD application and process from the Zoning Code



Planned Developments: Background

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- PD approval is a legislative action and City Council has broad discretion:
 - > State law treats legislative actions differently than projects that comply with the Zoning Code and General Plan
- PDs are intended for sites with opportunities to achieve a particular mix of uses, appearance, land use compatibility, or special sensitivity to neighborhood character
 - > Only large sites (≥ 2 acres) eligible to encourage assembly of properties and holistic development rather than piecemeal



Planned Developments: Background

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- Each PD requires a Zoning Map Amendment and a "PD Plan" prescribing development standards and land uses
 - > Density and FAR required to be consistent with Land Use Diagram
 - > May exceed the General Plan Land Use diagram, up to 3.0 FAR and 87 du/ac with finding of “contextual, high-quality” design



Alternative Tools - Flexibility

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- **Variance/Variance for Historic Resources**
 - > Quasi-judicial
 - > Findings: Unique circumstances or preservation of Historic Resource
- **Adjustment Permit**
 - > Quasi-judicial
 - > Findings: Comprehensive plan that achieves architectural excellence and/or Historic Preservation
 - > City Council Decision
- **State Density Bonus Law (SDBL)**
 - > Package of incentives permitted by State Law
 - > Applies to housing projects proposing affordable units on-site



Recommended Approach

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- **Prohibit future Planned Developments**
 - > Eliminates ability for future PD applications to be submitted to the City
 - > Existing PDs remain in place and subject to existing PD process
 - > Active PD applications would be processed to their conclusion



Staff Recommendation

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It is recommended that the City Council:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), the “common sense rule”; and
2. Make the findings for approval of the Zoning Code Amendment to eliminate the ability to submit for future PD , as outlined in the staff report.



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Active Planned Development Projects

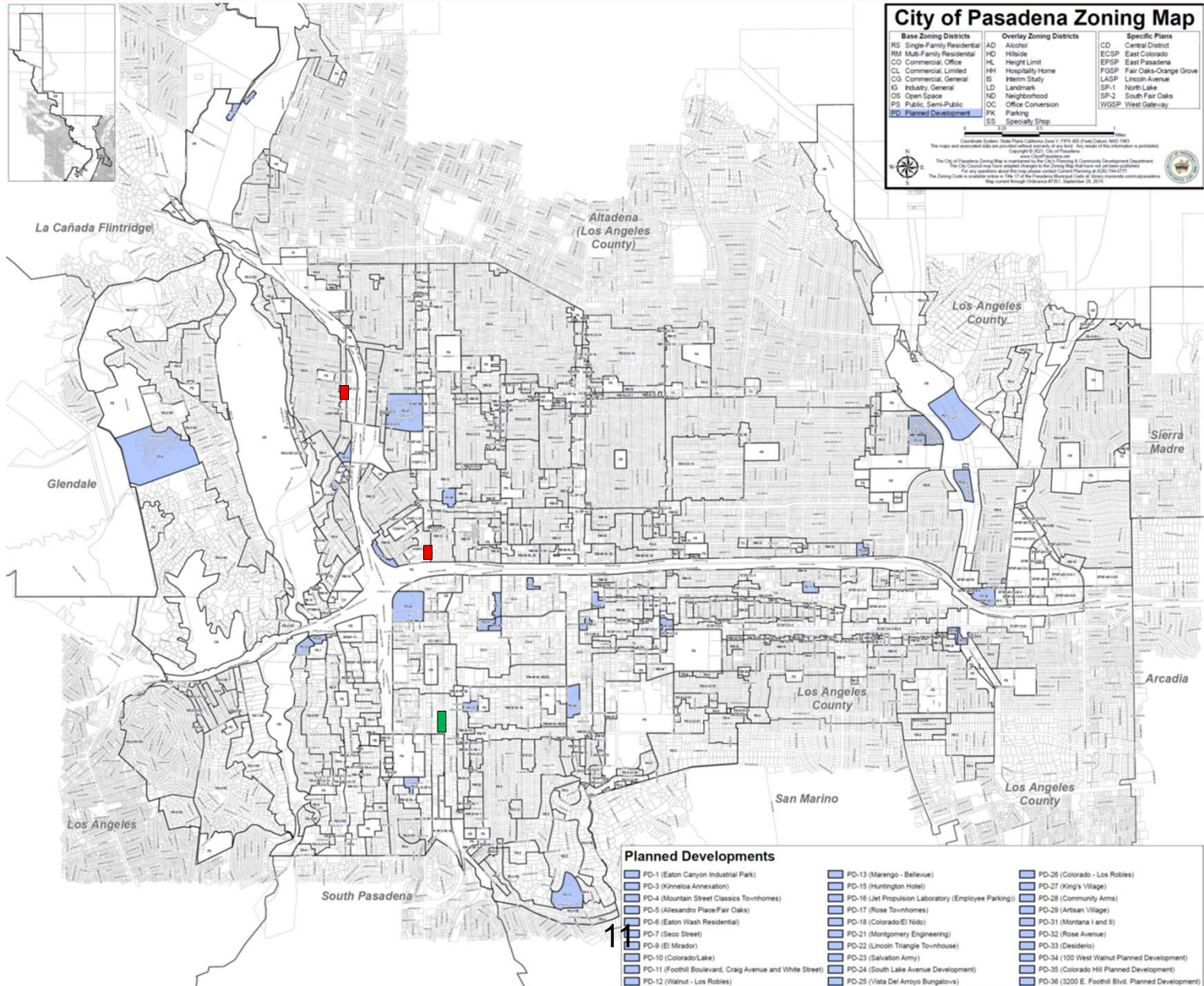
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Project	Description	Status
PD 38: Lincoln Townhome 1307-1355 Lincoln Ave	New construction of a multi-family residential development, consisting of 59 three-bedroom townhome units located within 13 buildings.	In Process. Applicant redesigning project
PD 40: Throop 444 N. Fair Oaks and 425 N. Raymond Ave	New construction of a 213,826 square-foot mixed-use with 3,000 square feet of commercial space and 206 multi-family units.	Planning Commission Recommended Denial (9/14/22) Pending City Council hearing



Existing PDs

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Findings: Variance

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- There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district;
- Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship;
- Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare;
- Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district; and
- Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.



Findings: Variance for Historic Resources

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- The Variance for Historic Resource is necessary to facilitate the appropriate use of an existing historic structure;
- The Variance for Historic Resource would not adversely impact property within the neighborhood or historic district; and
- Granting the Variance for Historic Resource application would be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.



Findings: Adjustment Permit

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- The proposed development is:
 - > Allowed within the subject base zoning district;
 - > In conformance with the:
 - Review authority criteria;
 - Goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan; and
 - Applicable provisions of this Zoning Code 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 base zoning district.
- 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 district development requirements;
- 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 base zoning district in which the property is located;
- The subject site is:
 - > Physically suitable for the type and density/intensity of development being proposed; and
 - > Adequate in shape and size to accommodate the proposed development.
- 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; and
- Where applicable, the Adjustment Permit provides the flexibility in development standards necessary to preserve a significant historic landmark, resource, site, or structure.



Adjustment Permit - Regulations

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- **Site Size:** Minimum of ½ acre
- **Land use activity:** May only authorize a land use activity that is allowed in the base zoning district
- **Modify standards:**
 - > An Adjustment 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 [design and ratios], open space, street layout, etc.) identified in this Zoning Code, with the exception of an increase in the applicable density/FAR provisions
 - > An Adjustment Permit may allow for the density to be averaged on lots divided by two or more zoning districts
 - > Increased density may only be approved in compliance with State Density Bonus Law



Adjustment Permit - Process

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- **Public Notice:**
 - > Mailing to property owners within 500' radius
 - > Posting on every public street within a 500' radius
 - > Posting on each street frontage
- **Public hearings:**
 - > Planning Director may refer the application to a City Commission or Committee
 - > Planning Commission (recommendation)
 - > City Council (decision)



General Plan and PDs

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- **General Plan Policy 4.13**

Planned Developments. Incentivize high-quality, contextual, architectural design in Planned Developments through a discretionary process by allowing for an increase in the allowable Floor Area Ratio for a project, not to exceed a total of 3.0 , and an increase in the allowable residential density not to exceed 87 dwelling units per acre.

- **PMC Section 17.26.020.3.c:**

- (1) The FAR of a PD shall not exceed the FAR allowed on the Land Use Diagram for the project site unless approved by the City Council, but only as high as 3.0, and only when it can be shown the architectural design of the PD is contextual and of a high-quality.
- (2) The residential density of a PD shall not exceed the residential density allowed on the Land Use Diagram for the project site unless approved by the City Council, but only as high as 87 dwelling units per acre, and only when it can be shown the architectural design of the PD is contextual and of a high-quality. The residential density may also exceed that of the Land Use Diagram if the project is complying with the Density Bonus provisions of [Chapter 17.42](#) (Affordable Housing Incentives and Requirements).



PMC Section 17.26.020.c.3 (existing)

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Adoption of a PD zoning district and accompanying PD plan.

- a. Initiation.** An amendment to reclassify property to a PD zoning district or to amend an existing PD shall be initiated in compliance with [Chapter 17.74](#) (Amendments).
- b. Land use regulations.** No use other than an existing use as of the effective date of the ordinance enacting this Subsection shall be allowed in a PD zoning district except in compliance with a valid PD plan. Any allowed or conditionally allowed use authorized by this Subsection may be included in an approved PD plan, but only when it is deemed consistent with the General Plan.
- c. Development standards.**
 - 1) The FAR of a PD shall not exceed the FAR allowed on the Land Use Diagram for the project site unless approved by the City Council, but only as high as 3.0, and only when it can be shown the architectural design of the PD is contextual and of a high-quality.
 - 2) The residential density of a PD shall not exceed the residential density allowed on the Land Use Diagram for the project site unless approved by the City Council, but only as high as 87 dwelling units per acre, and only when it can be shown the architectural design of the PD is contextual and of a high-quality. The residential density may also exceed that of the Land Use Diagram if the project is complying with the Density Bonus provisions of [Chapter 17.42](#) (Affordable Housing Incentives and Requirements).
 - 3) In the CD district, no PD plan may authorize a greater height than that permitted by Figure 3-8 - Central District Maximum Height.
 - 4) The performance standards of [Section 17.40.090](#) shall apply.
 - 5) Other development regulations shall be as prescribed by the PD plan.



PC – Approach #2 - Summary

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- Expand findings related to the Specific Plan vision, goals and policies
- Require a community benefit for PDs
- Require additional public outreach
- Modify PD site size requirement
- Modify policy for exceeding General Plan density and FAR



PC - Approach #2

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- **Proposed Modifications to PD Regulations**
 - > Add new finding for sites within a Specific Plan to demonstrate consistency
 - > Expand required findings to include consistency with purposes of PD District, which are required for PD renewal applications (time extensions)



PC - Approach #2

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- > Require Development Agreement with defined Community Benefits and menu of options
 - Affordable housing
 - Publicly accessible parking
 - Publicly accessible open space
 - Community meeting space
 - Adaptive re-use of existing site structures
 - Sustainability features
 - Public Art



PC - Approach #2

Planning & Community Development

- > Expand public outreach requirement
- > Require meeting with Planning Commission sub-committee prior to any public hearing
- > Eliminate ability to exceed density and FAR specified in the Land Use designation
 - Residential limited to density in Zoning Code, and as permitted by State Law; and
 - Non-Residential limited to FAR specified in Land Use designation, plus 25%. At no time exceed 3.0 FAR.



PC - Approach #2

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- > Require preliminary approval by the Design Commission for height increase requests, which would be limited to two stories for non-residential projects
- > Require that PD parcels be contiguous and cannot cross a public street
- > Require that all PD parcels be owned (or in escrow) by same entity for minimum 2 years prior to PD application



PC - Approach #2

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- > For sites with a General Plan Designation of Low Density or Low-Medium Density Residential, develop those areas consistent with specified intensities.

