

ORDINANCE NO. 621 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
 AMENDING THE ZONING CODE TO REVISE CHAPTERS 21.16A AND 21.23A
 (PLANNED DEVELOPMENT DISTRICT/ DECISIONS, HEARINGS AND APPEALS)

WHEREAS, at its meeting of July 9, 1991 and August 13, 1991, the Planning Commission took the following actions regarding this ordinance:

a. Considered the facts and analysis, as presented in the staff report prepared for this project;

b. Conducted a public hearing to obtain public testimony on the proposed ordinance; and

c. On July 9, 1991, recommended on a 6-0-1 vote (Commissioner Crockett absent) that the City Council adopt an ordinance amending the Planned Development District regulations Chapter of the Zoning Ordinance to clarify the purpose, authority and application of the PD district regulations; and

d. On August 13, 1991, recommended that the City Council amend the original ordinance to include a provision to streamline the processing of Planned Development applications.

WHEREAS, at its meeting of January 21, 1992, the City Council took the following actions regarding this ordinance:

a. Considered the facts and analysis, as presented in the staff report prepared for this project;

b. Considered the discussions of the Planning Commission regarding this ordinance; and

c. Considered public study session discussions and public testimony on the proposed ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of El Paso De Robles, California to adopt this ordinance to amend the zoning code, adopted by Ordinance 460 N.S., to revise Chapters 21.16A (Planned Development District) and 21.23A (Decisions, Hearings and Appeals) as follows:

Section 1: Existing Chapter 21.16A adopted by Ordinance 460 N.S. shall be repealed and replaced by the attached Exhibit A.

Section 2: Existing Chapter 21.23A adopted by Ordinance 460 N.S. shall be amended per the attached Exhibit B.

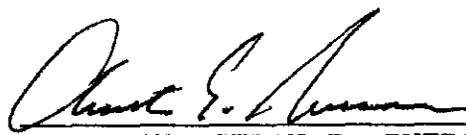
Section 3: This ordinance shall apply to all Planned Development applications, and to their related applications for tentative subdivision and parcel maps, that were formally filed with the Community Development Department after January 1, 1992.

PASSED AND ADOPTED THIS 4th day of February, 1992 by the following roll call vote:

AYES: Martin, Picanco, Reneau, Russell and Iversen

NOES: None

ABSENT: None


 MAYOR CHRISTIAN E. IVERSEN

ATTEST:

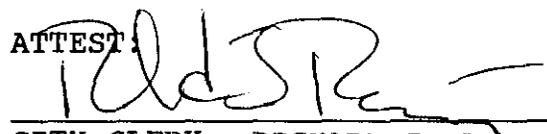

 CITY CLERK, RICHARD J. RAMIREZ

EXHIBIT "A"Chapter 21.16A
Planned Development District21.16A.010 Purpose and Intent:

The purpose and intent of the Planned Development (PD) District zoning overlay is to provide for innovation and flexibility in the design of residential, commercial and industrial developments. Approval of a Planned Development can allow modification of certain development standards (as specified in Section 21.16A.030). Such modification shall be permitted only when it can be demonstrated to the satisfaction of the Planning Commission and City Council that it would result in better design or greater public benefit.

The Planned Development District functions as a negotiated exchange through which the City can offer flexibility of certain development standards in exchange for specific project amenities (i.e., recreational facilities, usable open space, special design features). The planned development process shall not be utilized to change the nature of the permitted land uses or increase project density.

The intent and purpose of the Planned Development District are to:

- a. Encourage development which is sensitive to the natural topography of the site, minimize alterations to the land, and maintain and enhance significant natural resources (including, but not limited to, oak woodlands, natural drainage ways and open space preservation);
- b. Encourage creative and higher quality development design through allowed flexibility in project design while providing for essential development standards;
- c. Ensure quality of overall project design, architectural treatment, and appropriate use of color and materials;
- d. Encourage projects which are compatible with surrounding development;
- e. Ensure that the project's vehicular, bikeway and pedestrian circulation system is designed to be efficient, and well integrated with the overall city circulation system;
- f. In commercial and industrial zones, to limit the types and intensities of land uses within any zone through requiring a Conditional Use Permit to be obtained before any new use may be established;
- g. To implement General Plan policies that apply to specific issues not addressed by the base zoning district regulations;
- h. Discourage/prevent premature subdivision of commercial and industrial land before a master development plan has been approved.

It shall be the discretion of the Planning Commission (or, upon appeal, the City Council) to determine whether a proposed Planned Development complies with the Purpose and Intent stated in this chapter.

21.16A.020 Permit Requirements:

In combination with any base zone, the Planned Development District overlay shall require approval of a Planned Development application by the Planning Commission before any physical development of the site may occur.

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21.16A.030 Density and Use Limitations:

The Planning Commission may allow different development standards to be applied within the Planned Development District than are required for any zoning district as follows:

- (1) Can be used to provide flexibility in minimum lot sizes, width, and depths which are specified by the base zone district (example: to cluster lots to preserve natural resources);
- (2) Can be used to modify setback requirements (example: to permit zero lot line development design);
- (3) Can be used to modify the descriptive non-numerical grading standards of the R-1 District Regulations for properties located within the R-1 and Hillside Development Districts if it can be demonstrated that such modifications will still preserve the integrity of the existing topography and basic land form of the site; it must also be demonstrated that such modifications will meet the intent of preservation of natural resources and/or conserve/provide for open space;
- (4) Can be used to modify Zoning Code building heights, but not to override Building Code requirements;
- (5) Can be used to limit the types and intensities of land uses within any base zone;
- (6) Can be used to discourage/prevent premature subdivision of commercial and industrial land before a master development plan has been approved;
- (7) Can be used as a conceptual review/approval process for projects which are filed in conjunction with subdivision applications.
- (8) Cannot be used to increase the permissible overall project site density or intensity of development for a project site for any base zone district;
- (9) Cannot be used to modify the numerical grading limitation standards of the R-1 District Regulations for properties located within the R-1 and Hillside Development Districts (ie: cannot modify maximum developable slopes, maximum vertical heights of graded slopes, maximum vertical heights of retaining walls or stem walls);
- (10)) Cannot be used to create lots of less than the minimum size, width, and depth required for lots within the R-1 and Hillside Development Districts in cases where the finished graded slopes of a lot are 15 percent or greater in slope (exclusive of 2:1 or lesser slopes approved for pads, benches, driveways, and usable yard areas);
- (11) Cannot be used to modify engineering standards for public improvements such as streets, driveway design or other public safety requirements;
- (12) Cannot be used to modify the standards of the Sign Ordinance;

21.16A.040 Development Plan Application:

Application for a Planned Development can be made in two ways; either as a complete Planned Development application, or as a conceptual plan in conjunction with a Subdivision application:

- a. A Planned Development alone requires all design details and application form to be provided at the time of application filing;
- b. An application linked to a subdivision application can provide the applicant flexibility in the application review process by allowing the Planning Commission to review the Planned Development as a conceptual project before the details of project design are submitted as part of the subdivision application.

Both the conceptual and final reviews shall be noticed public hearings.

In the case of a conceptual Planned Development linked to a subdivision, no entitlements are provided unless sufficient information is provided to complete environmental studies in accordance with the requirements of the California Environmental Quality Act (CEQA). As additional information on the project is provided through the final Planned Development process, Planning Commission action may negate the previous approval of the preliminary/conceptual development plan.

Application for a Planned Development or a conceptual Planned Development linked to a subdivision shall be made in accordance with the City's Development Handbook, applications, and procedures set forth in this section:

a. One-step Planned Development Application:

(1) An application for a Planned Development may be made by the record owner(s) of the property affected or the authorized agent of the owner(s), with the Community Development Department. The application shall state fully the reasons the Planned Development is being sought, and shall state specifically any requests to deviate from requirements of the base zone district. The application shall be accompanied by plans which are clear and which allow for detailed review pursuant to this section;

(2) At the time of filing the application the applicant shall pay a processing fee in an amount specified by City Council resolution;

(3) If the applicant contemplates the construction of a planned development in phases, the application shall state and shall include a proposed phasing schedule;

(4) If the applicant proposes to convert existing structures as part of the planned development, the plans shall reflect the existing buildings and show all proposed changes and additions;

(5) Determination of maximum potential density:
Applications for Planned Developments on properties designated or zoned for single family development or multi-family residential shall be accompanied by a subdivision layout plan which shall illustrate how many standard lots, conforming to the applicable base zoning and subdivision standards, could be fit on the site. The design of this subdivision layout plan shall comply with all applicable City regulations without use of the Planning Development process. This subdivision layout

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plan will be utilized to determine the theoretical maximum development.

The applicant shall also submit maps, diagrams and plans which show the proposed Planned Development and how it will result in superior residential or commercial/industrial development, consistent with the purpose and intent of this chapter. The applicant shall explicitly state, describe and depict what exceptions from City regulations are being requested and demonstrate what amenities and features are being offered in exchange for the requested flexibility in development standards. The overall project density on the proposed Planned Development cannot exceed the density which would be permissible under the design which met all associated City standards.

b. Planned Development linked to a Subdivision request:

An application which is linked to a subdivision request may be filed in two parts:

- 1) Conceptual Planned Development form, and
- 2) Final Planned Development in conjunction with a subdivision application.

The final Planned Development application may be filed separately or concurrently with an accompanying subdivision application. In a two part Planned Development application, the final Planned Development application may be made after tentative map approval, but must be approved prior to recording the final map.

For a conceptual Planned Development application that is linked to a subdivision proposal, the statement of justification for use of the Planned Development process provided for a one-step Planned Development application is also required. However, the conceptual review focuses on schematic site and building design, including preliminary grading, and does not need to provide the details of final grading, landscaping, irrigation, and facade details that are needed for the final review. The conceptual development plan shall be accurately prepared to scale and contain sufficient information to describe the scope and intensity of the project, and detail adequate to determine the applicant's intent and/or impacts resulting from a specific design proposal.

Conceptual Planned Developments provide the applicant with no vested rights to proceed, and upon further examination of additional details, information and environmental review, the Planning Commission may determine to rescind or modify prior preliminary conceptual approvals.

21.16A.050 Planned Development diagram details:

Planned Development details for both a one-step Planned Development and a two part Planned Development Plan, submitted separately or linked to a subdivision request shall be provided as required in the City's standardized Development Handbook. Additional information shall be provided when it is determined by the Community Development Director to be necessary to illustrate the applicant's intent and/or impacts resulting from a specific project design element.

21.16A.060 Planned Development Review:

All Planned Developments shall be reviewed by the Planning Commission at a public hearing. The Planning Commission shall make the final decision to approve, conditionally approve or deny Planned Developments. Any Planning Commission action shall be appealable to the City Council, subject to the provisions contained within Chapter 21.23A. All public hearings shall be noticed in a manner set forth in Section 21.23A.040.

21.16A.070 Required Findings of Approval:

The Planning Commission shall approve or conditionally approve a Planned Development application only if it finds that all of the following facts exist:

- a. The granting of this permit will not adversely affect the policies, spirit and intent of the General Plan, applicable specific plans, the Zoning Code and all other adopted codes, policies and plans of the City;
- b. The proposed project maintains and enhances significant natural resources on the site;
- c. The proposed project is designed to be sensitive to and blend in with the character of the site and surrounding area;
- d. The proposed project's design and density of the developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the neighborhood;
- e. The development would be consistent with the purpose and intent of this section and would not be contrary to the public health, safety and welfare.
- f. Modification of standards as set forth in this chapter shall only be approved upon a finding that greater public benefit may be achieved through such modifications.

21.16A.080 Administrative Guidelines:

The Planning Commission and/or City Council may, by resolution, approve and make public administrative guidelines and procedures designed to explain, clarify, and provide direction in the implementation of this chapter.

21 JANUARY 1992

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EXHIBIT "B"

**Chapter 21.23A
Decisions, Hearings and Appeals**

Item 1: Revise Section 21.23A.020C as follows:

C. Planning Commission.

1. The planning Commission shall have the authority to make final decision on the following:

- a. Tentative parcel maps;
- b. Development plans for multiple-family residential projects on hillside lands and for property located within the planned development district;
- c. Tentative Tracts;
- d. Waivers (curbs, gutters and sidewalks);
- e. Conditional use permits;
- f. Variances;
- g. Lot Line Adjustments;
- h. Interpretations of the zoning ordinance;
- i. To modify or overrule all decisions of the architectural review committee in the manner prescribed by Section 21.23A.080 or upon the filing of an appeal in accordance with Section 21.23A.090;
- j. To modify or overrule all decisions of the zoning administrator upon the filing of an appeal in accordance with Section 21.23A.090.

Item 2: Revise Section 21.23A.020D as follows:

D. City Council. The City Council shall reserve the authority to make final decisions on the following:

1. General plan amendments;
2. Specific plans (as defined by Government Code Sections 65450 and 65457);
3. Zoning ordinance amendments (map and text);
4. Street abandonments;
5. To modify or overrule all decisions of the planning commission in the manner prescribed by Section 21.23A.150 or upon the filing of an appeal in accordance with Section 21.23A.110.

Item 3: Revise Section 21.23A.050G as follows:

....The effective dates of final decisions are as follows:

G. Development Plans. Fifteen calendar days following planning commission adoption of a resolution specifying the decision made; provided, that an appeal has not been filed to the city council and that the city council has not called the planned development up for council hearing. Staff will place notice of action on planned development applications on the next city council consent agenda within the appeal period, for information purposes;