

Chapter 18.53: "PD" Planned Development Overlay District

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18.53.010 Purpose

The "PD" Planned Development Overlay District and the Planned Development Plan are intended to facilitate development of properties designated for residential and commercial uses and for those areas designated as mixed-use neighborhood overlay areas in the General Plan. This process is used where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application of conventional zone or land use district regulations and to assist in the development of housing opportunities for lower-income families and individuals. This flexibility also facilitates excellence in project design that may not otherwise be achieved under the provisions of the base zoning districts. Another purpose of this overlay district is to facilitate, where appropriate, the development of housing for low- and moderate-income individuals and families in furtherance of the goals and policies of the Housing Element of the General Plan. In these cases, design considerations still play a role to ensure that the residential developments constructed are a positive addition to the community and provide a desirable living environment for residents.

18.53.020 Applicability; Zoning Map Designator and Planned Development Plan Required

- A. A "PD" District shall be noted by the designation "PD" applied to the base zoning district designation on the Zoning Map. The minimum area for a district is one acre unless the Planning Commission determines that, based on the merits of a particular development, a lesser area meets the intent of this chapter. It may be initiated by the City Council or the Planning Commission or by an applicant under the procedures established in Chapter 18.18, Amendments to the Text or Map. A Planned Development Plan shall be required for all development, consistent with the provisions of this chapter. No grading permit may be issued or subdivision map approved unless a Planned Development Plan has been approved.

1. **Applicant-Initiated.** When a planned development overlay district is initiated by an applicant, the application shall also include submittal of an application for approval of a planned development plan. The Planning Commission shall review the rezoning request and the Planned Development Plan and shall recommend approval, denial, or conditional approval to the City Council. If the City Council does not deny the request, it shall approve or conditionally approve the Planned Development Plan by resolution at the same time that it adopts an ordinance establishing a "PD" Overlay District. Where Planned Development Plans have been approved, such approval shall be indicated on the Zoning Map by numbers following the "PD" designation that shall refer to the resolution approving the plan.
2. **City-Initiated.** The City Council may rezone any property it determines appropriate to "PD" Planned Development Overlay District in accordance with the procedures established in Chapter 18.18, Amendments to Text or Map. All subsequent development shall require submittal of an application for a Planned Development Plan as required by Section 18.53.040 of this chapter. In such instances, the Planned Development Plan shall be denied or approved or conditionally approved by the Planning Commission without City Council action. The Planning Commission resolution approving the permit shall be indicated on the zoning map.

18.53.030 Separate Subdivision Approval Required

An application for rezoning to the "PD" Planned Development Overlay District and/or approval of a Planned Development Plan shall not constitute an application for subdivision. If a subdivision of land is proposed in conjunction with a Planned Development Plan, separate application, review, and findings shall be made in accordance with the provisions of the code. Consideration of the tentative or parcel map, the Planned Development Plan, and the rezoning request (if applicable) shall be conducted concurrently.

18.53.040 Initiation; Required Plans and Materials

- A. An application for approval of a Planned Development Plan will be accepted and processed in the same manner as a use permit application (Chapter 18.14), although additional information is required to be submitted in order to determine that the intent of this title and the General Plan will be fulfilled.
 1. **Preapplication Procedure.** Prior to submitting an application for a Planned Development Plan, the applicant shall schedule a preapplication review conference with the Director to discuss the general acceptability of the proposal, possible problems that may be encountered, and the need for any interagency coordination. Such preliminary consultations shall be relative to a conceptual development plan submitted by the applicant. At the Director's option, the conceptual plan may be referred to the Planning Commission for preliminary comments. Such comments shall be considered advisory in nature and shall not constitute a recommendation of approval.

2. **Applications for a Planned Development** shall contain the following:
- a. A complete application form and the required fee and attachments. If the property is not under single ownership, all owners shall join in the application.
 - b. A map showing proposed Planned Development boundaries and the relationship of the area to uses and structures within a 300-foot radius of the plan area boundaries.
 - c. A map of the Planned Development area showing sufficient topographical data to indicate clearly the character of the terrain; drainage patterns; and the type, location, and condition of mature trees and other natural vegetation.
 - d. A site plan indicating the existing and proposed uses, building locations, gross floor area, lot coverage, parking and density and a circulation plan for vehicles, bikes, and pedestrians.
 - e. A preliminary development schedule, indicating sequence and timing of development. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, and landscape concepts.
 - f. On slopes over 8 percent, sections showing the relationship of the proposed building envelopes to the topography.
 - g. A statistical summary of amount (in square feet or acres) and percentage of project site of total open space, private open space, common open space, and usable open space as applicable. Description of all open-space areas and proposed recreational amenities.

18.53.050 Duties of the Planning Commission and City Council

- A. **Public Hearings Required.** The Planning Commission and/or City Council, as required, shall conduct public hearings and hear testimony for and against the application(s). A public hearing may be continued to a definite date and time without additional public notice.
- B. **Decision and Notice.** Within 10 days of the conclusion of a public hearing, notice of approval or denial, including recommendations of approval or denial of the application(s), shall be mailed to the applicant and any other party requesting such notice.
- C. **Modification to Standards of this Code.** The City Council or Planning Commission may approve a Planned Development Plan that deviates from the density, lot size, setback, height, and other physical limitations defined in the base district or other provisions of this code provided that the approving body makes the findings required in Section 18.53.060.

Deviations from the land use regulations of the base district with which the "PD" overlay district is combined are permitted where they result in implementation of General Plan policies related to providing a mix of residential products within a development and/or providing small-scale neighborhood services or providing opportunities for the development of residential units that will be available for low- and moderate-income individuals and families on a long-term basis through the recording of affordability covenants. The density/intensity allowed by the Planned Development Plan may not exceed the maximum density/intensity allowed by the General Plan for the development site.

18.53.060 Required Findings

- A. The approving body may approve an application for a Planned Development Plan only upon making all the following findings:
1. The proposed development is consistent with the goals, objectives, policies, standards, and programs of this code and of the General Plan and any applicable specific plan, including density and intensity limitations that apply.
 2. The site for the proposed development is adequate in size and shape to accommodate said use and all yards, open spaces, setbacks, walls and fences, parking area, loading areas, landscape, and other features required.
 3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.
 4. Adequate public services exist or will be provided in accordance with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of such public services to properties so as to be a detriment to public health, safety, or welfare.
 5. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof and will be compatible with the existing and planned land use character of the surrounding area.
 6. The improvements required and the manner of development adequately address all natural and manmade hazards associated with the proposed development and the project site, including, but not limited to, flood, fire, and slope hazards.
 7. The proposed development carries out the intent of the Planned Development provisions by providing a more efficient use of the land and an excellence of architecture and site design greater than that which could be achieved through the application of the base district regulations. However, in those instances in which the entire development will be reserved on a long-term basis for lower-income households, the architectural and design expectations that would be applied to a "market rate" development need not apply.

18.53.070 Conditions

- A. In approving a Planned Development Plan, the approving body shall require that the use and development of the property conform with a site plan, architectural drawings, and statements submitted in support of the application or with such modifications thereof as may be deemed necessary to protect the public health, safety, or general welfare and to secure the objectives of the General Plan. The approving body may also impose such other conditions as may be deemed necessary to achieve these purposes, including, but not limited to, the following matters:
1. Setbacks, yard areas, and open spaces.
 2. Fences, walls, and screening.
 3. Building materials, built-in fire protection, and architectural treatments.
 4. Parking, parking areas, and vehicular ingress and egress, in addition to the minimum requirements of Chapter 18.41, Off-Street Parking and Loading.
 5. Common and private open space, landscape, and maintenance of landscape and grounds.
 6. Such other conditions as may be determined to ensure that development will be in accordance with the intent and purposes of this chapter and the General Plan.
 7. Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the City. The City may also require that proposed Homeowners Association documents be submitted for review and approval of the City Attorney prior to submittal to the State Department of Real Estate.

18.53.080 Effective Date

A Planned Development Plan shall become effective concurrent with the Planned Development Overlay zoning if approved simultaneously by the City Council or upon expiration of the appeal period if approved by the Planning Commission.

18.53.090 Final Plan Consideration

- A. Final plans shall be submitted to and approved by the Director. The final plan shall consist of a single comprehensive submittal, including all information required for the preliminary plan, corrected, updated, and detailed, including plans for grading, landscape, fencing/walls, any trail systems or open-space amenities, entrance features, streetlighting, architectural standards, and final building elevations. If the Planned Development includes a subdivision, the final map shall be included in the final plan review submittal.
- B. Consideration of approval by the Director shall not require a public hearing. Appeals of the Director's determination shall be in accordance with Section 18.11.090.
- C. Approval of final plans by the Director shall be required prior to issuance of a project grading permit, building permit, or recordation of a final map.
- D. An application fee shall be paid for consideration of the final plan in accordance with the City Fee Schedule.

18.53.100 Amendments to/Deviations from the Planned Development Plan

The Director may approve minor modifications to a Planned Development Plan if the modifications are consistent with the standards/regulations of the intent of the district. Minor modifications may not include dimensional waivers of more than 10 percent. The Planning Commission may approve other amendments to a Planned Development Plan in accordance with the procedures set forth in Chapter 18.14, Use Permits, and conducting a public hearing consistent with the process described in Chapter 18.11, Common Procedures.

18.53.110 Lapse of Approval; Revocation; Renewal

The lapse of approval, revocation, and renewal of a Planned Development Plan shall be governed by the procedures set forth in Chapter 18.11, Common Procedures. If the Planned Development Plan is revoked for any reason, the City Council may, at its discretion, initiate a rezone of the property to its base district designation.