

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2016-10

RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION OF THE CITY OF PLEASANTON TO AMEND THE PLEASANTON MUNICIPAL CODE, AS FILED UNDER CASE P16-0826

WHEREAS, the City of Pleasanton has filed an application to amend the Pleasanton Municipal Code to allow for concurrent processing of Planned Unit Development (PUD) Zoning Requests and/or PUD Development Plans with Subdivision Map applications; and

WHEREAS, at its duly noticed public hearing of April 13, 2016, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning the amendment to the Municipal Code; and

WHEREAS, the proposed Municipal Code amendments are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as it has been determined that the text amendments will not cause a significant negative effect on the environment; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Recommends approval of Case P16-0826, the application of the City of Pleasanton to amend the Pleasanton Municipal Code to allow for concurrent processing of Planned Unit Development (PUD) Zoning Requests and/or PUD Development Plans with Subdivision Map applications, as shown on Exhibit A, attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 13<sup>TH</sup> DAY OF APRIL 2016 BY THE FOLLOWING VOTE:

AYES: Commissioners Allen, Balch, Nagler, O'Connor, and Ritter  
NOES: None  
ABSTAIN: None  
RECUSED: None  
ABSENT: None

ATTEST:



Adam Weinstein  
Secretary, Planning Commission



Herb Ritter  
Chair

APPROVED AS TO FORM:



Larissa Seto  
Assistant City Attorney

## Exhibit A

### Draft Pleasanton Municipal Code Amendment Case P16-0826

(Proposed new language is underlined and existing text to be deleted is in ~~strikeout~~)

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#### Title 18 ZONING

#### Chapter 18.68 PUD Planned Unit Development District

#### 18.68.130 Procedure.

A. The placement of property into the PUD zoning district may be initiated by the city council, planning commission, property owner, an authorized representative or an option holder pursuant to the provisions of this chapter.

B. The city council, planning commission, applicant or general citizen may appeal any decision approving or disapproving a request for PUD zoning, development plan approval, or modification to a development plan pursuant to the provisions of this chapter.

C. A PUD district zoning request and development plan may be processed concurrently or separately. If they proceed concurrently, only a single ordinance shall be required for approval. If they proceed separately, or if the PUD development plan proceeds in phases as provided by this chapter, separate ordinances shall be required for each process and phase of the project. The ordinance(s) required by this subsection shall be processed in the same manner as any zoning ordinance.

D. ~~No~~ If a subdivision map shall be is processed concurrently with a PUD zoning request or PUD development plan, then Sections 19.20.110.C. and 19.22.060.F. shall apply for tentative maps and vesting tentative maps, respectively. A parcel map or minor subdivision may be submitted for review concurrently with the application for a PUD zoning request or PUD development plan.

E. An applicant shall file a separate application for each noncontiguous parcel upon which consideration of PUD zoning and/or a development plan is desired. For the purposes of this subsection, parcels shall be deemed to be noncontiguous if they are separated by roads, streets, utility easements or railroad rights-of-way, which, in the opinion of the community development director, are of such a width as to:

1. Destroy the unity of the proposed project or the ability of the parcel to be developed as a cohesive unit; or
2. Otherwise create the impression that two separate parcels or projects are being developed.

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## Title 19 SUBDIVISIONS

### Chapter 19.04 General Provisions

#### 19.04.020 Considerations—General plan and zoning ordinance.

The general plan shall guide the use of all land within the corporate boundaries of the city. The type and intensity of land use as shown on the general plan shall determine the types of streets, roads, highways and other utilities and public facilities that shall be provided by the subdivider. No land shall be subdivided and developed for any purpose not contemplated or specifically authorized by the precise zoning ordinance of the city.

Persons seeking to subdivide land concurrently with an application to amend the general plan or amend the precise zoning ordinance are subject to specific limitations to ensure general plan and zoning conformity.

### Chapter 19.16 Minor Subdivisions.

#### 19.16.040 Certification of map and conveyance.

- A. If the review board determines that the proposed subdivision meets the requirements of this chapter, then they shall certify to this fact on the face of the map, and any conveyance to be drawn by the owners of the land subdivided.
- B. When a subdivider processes a minor subdivision application concurrently with a PUD zoning request, PUD development plan, re-zoning request, Specific Plan amendment or General Plan amendment (a "Land Use Amendment"), any approval of a minor subdivision: (1) shall not be valid until the underlying Land Use Amendment has been adopted by the city council and is in full force and effect; and (2) may be subject to modification based on the terms of the underlying Land Use Amendment adopted by the city council which may differ from that considered by the zoning administrator or planning commission, as applicable, when the Land Use Amendment and minor subdivision were processed concurrently.

### Chapter 19.20 Tentative Map

#### 19.20.110 Planning commission action.

- A. The planning commission shall assume the responsibilities relating to tentative maps as set forth in Government Code Sections 66473.5, 66474, 66474.1 and 66474.6. The planning commission's actions regarding a tentative map shall be reported in writing to the subdivider.
- B. The planning commission shall act upon a tentative map within 50 days of its filing.
- C. Subsection B., above, and Government Code Section 66452.4 shall not apply when a subdivider processes a tentative map application concurrently with a PUD zoning request, PUD development plan, re-zoning request, Specific Plan amendment or General Plan amendment (a "Land Use Amendment"). In such case, any approval of a tentative map: (1) shall not be valid until the underlying Land Use Amendment has been adopted by the city council and is in full force and effect; and (2) may be subject to modification based on the terms of the underlying Land Use Amendment adopted

by the city council which may differ from that considered by the planning commission when the Land Use Amendment and tentative map were processed concurrently.

**19.20.120 City council review.**

- A.** If a tentative map is approved or conditionally approved, the director of housing and community development shall immediately make a written report to the city council. Within 10 days, or at its next succeeding regular meeting after receipt of said report, the council may review the map and conditions imposed by the planning commission. If the council decides to review the map and conditions, it shall hear the matter upon written notice mailed by the city clerk to the subdivider and the planning commission, unless the subdivider consents to a continuance within 15 days or at its next succeeding regular meeting. At that hearing the council may add, modify or delete conditions when the council determines that such changes are necessary to insure that the tentative map conforms to zoning conditions imposed upon the property and applicable provisions of this chapter and of the Subdivision Map Act of the state. If the council does not act within the time limit set forth in this chapter, the tentative map shall be deemed to have been approved or conditionally approved as set forth in the planning commission report, unless the time for acting upon the tentative map has been extended by mutual consent of the subdivider and the city council.
- B.** Subsection A., above, and Government Code Section 66452.4 shall not apply when a subdivider processes a tentative map concurrently with a PUD zoning request, PUD development plan, re-zoning request, Specific Plan amendment or General Plan amendment (a "Land Use Amendment"). In such cases, the city council may modify a tentative map approved by the planning commission based on the terms of the underlying Land Use Amendment adopted by the city council at the same meeting that the city council considers such Land Use Amendment. Furthermore, the validity of such tentative map is conditioned on the underlying Land Use Amendment adopted by the city council being in full force and effect.

**Chapter 19.22 Vesting Tentative Maps**

**19.22.050 Development rights.** The approval of a vesting tentative map confers a vested right to proceed with development in substantial compliance with the city's zoning and subdivision ordinances, policies and standards in effect on the date the city determines the vesting tentative map application is complete except as qualified by Section 19.22.060.

**19.22.060 Limitations on development rights.**

A. State and Federal Laws. This chapter relates only to the imposition of conditions and requirements imposed by the city and does not affect the obligation of a subdivider to comply with the conditions and requirements of state or federal laws, regulations or policies.

B. Police Power Regulations. This chapter, however, does not enlarge or diminish the types of conditions which the city may impose on a development nor diminish or alter the city's police power to protect against a condition dangerous to the public health or safety. The city may condition or deny a permit, approval, extension or entitlement relating to an approved vesting tentative map if it determines that either.

1. The failure to do so would place the residents of the subdivision or the community in a condition dangerous to their health or safety; or
2. The condition or denial is required to comply with state or federal law.

C. Discretion Conferred by Existing Ordinances. This chapter shall not be construed as a limitation upon discretion vested in the city council, planning commission or other decisionmaking body of the city by ordinances in existence at the time a vested tentative map is approved. For example, the zoning district applicable to a parcel at the time rights vest under this chapter designates a given use as a conditional use, then the decisionmaking body in its reasonable discretion may approve, condition or deny the proposed conditional use on that parcel.

D. Building Codes. This chapter shall not be construed to prevent changes in uniform fire, building, plumbing, mechanical and electrical codes if those code changes do not prevent use of the property for purposes permitted at the time rights are vested under this chapter.

E. Development Fees. This chapter does not affect the establishment or collection of any development-related fee. The amount of any fee imposed, including but not limited to park dedication, transportation, building permit, plan processing, inspection or any other development-related fee as fixed by ordinance or resolution of the city, will be determined at the time such fee is paid.

F. Concurrent processing of map and land use amendment. In recognition that a vesting tentative map application must be submitted in conformance with the General Plan land use designation and zoning for a site in order for such map application to be deemed complete, when a subdivider submits a vesting tentative map application concurrently with a PUD zoning request, PUD development plan, re-zoning request, Specific Plan amendment or General Plan amendment (a "Land Use Amendment"), such map application shall not be deemed complete until: (a) the underlying Land Use Amendment adopted by the city council is in full force and effect; and (b) such map complies with that Land Use Amendment.

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