



## Planning Commission Staff Report

July 22, 2008  
Item 6.b.

**SUBJECT:** PRZ-41

**APPLICANT:** City of Pleasanton

**PROPERTY OWNER:** Various

**PURPOSE:** Review and consideration of amendments to Section 18.68 and various related sections of the Pleasanton Municipal Code regarding the PUD Planned Unit Development District

**GENERAL PLAN:** Various designations

**ZONING:** Planned Unit Development Districts (Citywide)

**ATTACHMENTS:** Exhibit A: Proposed Redline Changes to Chapter 18.68  
Exhibit B: Proposed Redline Changes to Chapter 18.20

### BACKGROUND:

The zoning title, Chapter 18 of the Pleasanton Municipal Code (PMC), has not been systematically updated. Staff has been reviewing the title and have determined that several chapters could be amended to reflect changes in the organization, changes in terminology used, process improvement and language clarification.

The proposed code amendment for the Planned Unit Development (PUD) District would address these areas in that it would effect the following amendments:

- Amend the titles of city departments to reflect organizational changes;
- Clarify the planning process for developed properties that pre-existed a PUD rezone;
- Allow design review for additions to structures within PUD's that pre-existed a PUD rezone to be processed as design review at the zoning administrator level;
- Delete the reference/definition for interim uses; and,
- Allow tentative map submittals to be concurrent with the PUD application and review process.

The amendments to the code would affect Chapter 18.20, Section 18.20.010 (9) & (13) and Chapter 18.68. Staff recommends the Planning Commission consider the proposed amendments to the PMC and recommend the City Council approve the proposed amendments.

### PROJECT DESCRIPTION

The proposed amendments to the PMC would clarify the planning process for PUD zoned districts. As noted above, this amendment would update the titles of the organization and provide clarification of the language and planning process found in Section 18.20.010 (9) & (13), *Design Review* and Chapter 18.68, *Planned Unit Development Districts*.

## DISCUSSION

The proposed code amendments to the PMC, Chapters Section 18.20 and Chapter 18.68 are discussed below:

- Amend the titles of city departments to reflect organizational changes

*The City has reorganized the development services departments and combined them to create the Community Development Department. This change creates a team that is comprised of divisions rather than departments facilitating a one-stop permitting process. The divisions now work together as a team with leadership under a single individual – the Director of Community Development. Additionally, review of various aspects of a development's has been evaluated and changed. An example of this change is below:*

“Thus, the ~~director of planning~~ **director of community development** shall be charged with the responsibility to determine if a change to the approved plan and/or conditions thereto is substantial.”

*Additional titles have been added related to the scope of consultant used (architect, building designer, etc).*

- Clarify the planning process for developed properties that pre-existed a PUD rezone

*The City has processed numerous planned unit developments (PUD) that have created lots with existing structures. These PUD's have multiple zoning designations and are not limited to residential use. PUD's have been created in nearly every zoning district in the code. The current process requires an applicant to file an application for either a PUD development plan (\$2,000) or a conditional use permit (\$150) because lots without a specifically approved development plan is interpreted to be an 'interim use'.*

*Most of the time, a conditional use permit application is made because it is less expensive and has fewer steps for approval. After working with this code on several applications, staff believes that neither of the processes are appropriate. Since we are dealing with structure as opposed to uses, staff believes that a design review process is more appropriate. The proposed amendment would make this change to the process.*

- Allow design review for additions to structures within PUD's to be processed as design review at the zoning administrator level

*The PMC currently requires minor building additions in PUD's to be processed as minor modifications per the existing §18.20.010(D)(9) Projects Subject to Design Review. The types of projects reviewed for such requests for additions or alterations are generally similar in scope to other residential, commercial or industrial alterations processed under the Zoning Administrator (i.e. staff level) design review process. This code amendment would allow both minor and major additions/alterations to be reviewed either by the Zoning Administrator or by the Planning Commission, whichever is appropriate based on the scope of the requested alterations.*

*Currently, if a property would like to invest and either alter or add to their existing structure, they are required to submit a PUD modification. As noted above, alterations appear to be consistent with those requested in straight zoned districts. Changing the process from either a minor or major PUD application to a design review, would continue to provide either a staff level or Planning Commission level review without modification of the PUD. Staff believes this process would be more consistent with the request rather than opening a PUD which could be reexamined at the time for additional changes that may not be associated with the design review being requested.*

Chapter 18.20, §18.20.010(D)(9) is proposed to be revised to implement the PUD district code amendment. Refer to Exhibit B, Draft Amendment to Section 18.20.010.

- Delete the reference/definition for interim uses

*This section of Title 18, §18.68, refers to:*

“Any existing use of property zoned PUD (including property with an approved development plan) shall be subject to the provisions of Chapter 18.120 of this title pertaining to nonconforming uses. No expansion of a nonconforming land use, expansion of a nonconforming building, or addition of any new structures associated in any manner with an existing land use or building, with the exception of emergency standby electricity generators, fuel cells, or battery facilities, shall be allowed until a conditional use permit has been granted in accordance with Chapter 18.124 of this title. Emergency standby electricity generators, fuel cell, or battery facilities shall comply with the regulations of the most applicable R-1 zoning district, as determined by the planning director. (Ord. 1880, 2003; prior code § 2-8.33)”

*Staff believes that there are no true “interim uses” unless expressly defined at the time a PUD is formed. This type of definition has been applied for properties described above that pre-existed at the time the PUD rezone occurred. The thought that the structures or properties were interim appeared to indicate that the City considered this language a way to protect it from the development of the site. If a property would wish to request a change, staff would then consider it if warranted a PUD modification. Staff does not believe that minor alterations or additions to such structures that exist are interim, nor conditional uses, and therefore propose the alternate design review process as described above.*

- Allow tentative map submittals to be concurrent with the PUD application and review process

*The Planned Unit Development District currently restricts processing tentative maps concurrent with planned unit developments under §18.68.130(D) Procedures. The application of this code language is to also restrict any application submittal until the PUD has been approved by the City Council and the first reading of the ordinance has occurred. Presumably the purpose of this was to ensure that a subdivision could not be approved prior to the approval of the PUD. Action for a PUD development plan is taken by the City Council whereas action to approve a tentative subdivision or tract map is taken by the Planning Commission. This action is final unless appealed to the City Council.*

*Staff has found that both small and large developers have expressed an interest in being able to process concurrently. There is no impact to the City; the applicant would be required to provide more information at the beginning of the process. The impact to the applicant is greater because the application for a tentative map requires significant detail and improvement plans be submitted for review by the Engineering Division.*

*Planning does not believe there would be an issue in that any map approval would be conditioned upon the approval and second reading of the ordinance by the City Council.*

*The code amendment would allow flexibility to the developer should they wish to process the entitlements concurrently.*

## **ENVIRONMENTAL ASSESSMENT**

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(3); and that it is unlikely that there is a potential for causing a significant effect on the environment.

## **CONCLUSION**

Staff presented PRZ-41 to the Planning Commission at the time the Commission forwarded their priorities to the City Council for adoption and indicated support for this amendment to be processed as a minor clean up text amendment and clarification. Staff has incorporated the simultaneous review for PUD development plans and tentative maps. This is a change in processing that is not a text or language clarification. However, it will provide flexibility to the application review process should a developer wish to do so.

The Commission supported staff to proceed with such amendments to the Pleasanton Municipal Code whenever possible to provide improvements to the development services process. This amendment would help streamline these applications and provide consistency in the design review process and help alleviate some of the inconveniences as described by the development community. Chapter 18.20, §18.20.010(D) (9) is proposed to be revised to implement the PUD district code amendment. Refer to Exhibit B, Draft Amendment to Section 18.20.010.

These amendments would provide clarification of the organizational changes within the City, would allow existing structures to have a more streamlined process for additions or improvements to property, and allow a seamless process facilitating project coordination between the planned unit development and tentative map entitlements. Staff believes that this amendment would realize a more efficient process for the City's customers.

## **STAFF RECOMMENDATION**

Staff recommends that the Commission take the following actions:

1. Find that the adoption of the proposed amendments to the Municipal Code are statutorily exempt from CEQA;
2. Adopt a resolution recommending PRZ-41 to the City Council as shown on Exhibits "A and B".

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