

P17-0096, P17-0180, P17-0182, & P17-0521
Exhibit 4o

ARTICLE IX: LAND USE DEVELOPMENT PERMIT REQUIREMENTS/PROCEDURES

Chapter 19.780

PLANNED RESIDENTIAL DEVELOPMENT PERMIT

- 19.780.010 Purpose.**
- 19.780.020 Applicability and Permit Requirements.**
- 19.780.030 Procedures.**
- 19.780.040 Permitted Uses.**
- 19.780.050 Density and Findings.**
- 19.780.060 Development Standards.**
- 19.780.070 Common Ownership- Land or Improvements.**

19.780.010 Purpose.

A. These Planned Residential Development (PRD) regulations are established to allow for flexibility and creativity in design of single-family residential developments, and for the application of unique development standards that reflect special property conditions. Specifically, the Planned Residential Development Permit is intended to achieve the following:

1. In All Applicable Zones:
 - a. Address the need to provide mechanisms to assist in producing a diversity of single-family residential housing and product types;
 - b. Provide an incentive for clustered property development of environmentally and topographically constrained land in order to minimize the impacts of development on more environmentally sensitive portions of that land, particularly in the RC Zone;
 - c. Allow the development of small-lot infill subdivisions in existing single-family neighborhoods, thereby allowing a more efficient and creative use of often difficult to develop properties when the proposed development is designed in a manner that is compatible with all existing development in the vicinity;
 - d. Encourage and allow more creative and imaginative project design by allowing increased development densities. In return, planned residential developments are required to incorporate open space, amenities for recreational and visual enjoyment and superior design features, which are encouraged, but not required of standard single-family residential developments;
 - e. To provide increased opportunities for home ownership consistent with the objectives of the City's General Plan; and
 - f. Assist in the preservation and enhancement of valuable natural areas, where appropriate and especially in the RC Zone.
2. In the RC Zone:

PRD's in the Residential Conservation Zone (RC) shall be established consistent with General Plan objectives and voter approved initiatives (Proposition R and Measure C) to protect prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic conditions that warrant sensitive development from adverse development practices, and specifically, to achieve the following objectives:

- a. To promote clustering of lots on less sensitive portions of the property to preserve valuable open space and wildlife habitat;
- b. To provide each individual lot with its own private open space areas preserving natural open space areas and features in common open space areas pursuant to Proposition R and Measure C; and
- c. To promote the preservation of viewsapes and low impact development.

19.780.020 Applicability and Permit Requirements.

A Planned Residential Development is permitted in any single-family residential zone, except the RA-5 Zone, subject to granting of a Planned Residential Development Permit.

The Approving Authority shall review and evaluate a proposed project, including plot plans, architectural plans, grading plans, tract map, and proposed amenities, and shall approve, conditionally approve, or deny the proposed project, based on the findings and criteria indicated in Section 19.780.050.A.

19.780.030 Procedures.

A. General Process

Planned Residential Development Permit (PRD) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

B. Map Required

The application shall be accompanied by a tentative map that shall be filed with the Planning Division in accordance with procedures set forth in Chapter 18.080 of Title 18 (Subdivision Code).

C. Phasing

If a Planned Residential Development is proposed to be constructed in phases, the proposed phasing schedule is subject to approval by the Director of Community & Economic Development.

D. Planned Residential Development Permit Expiration

Time limits and extensions shall be the same as for the related subdivision, consistent with the provisions of Title 18 (Subdivision Code) prior to issuance of the first building permit. After the first building permit has been pulled the Planned Residential Development Permit is vested.

E. Voting Approval Requirements

P17-0096, P17-0180, P17-0182, & P17-0521

Exhibit 4o

The decision of Planning Commission to grant a Planned Residential Development Permit shall require an affirmative vote of 2/3 of the membership present and voting.

19.780.040 Permitted Uses.

A. Single-family dwellings, attached or detached.

B. Tiny Home Community (on foundation only).

B.C. Related recreation and community facilities for the use of residents of the development and their guests.

C.D. Natural open spaces.

D.E. Golf courses.

E.F. Multipurpose trails.

F.G. Other uses as may be permitted as part of the planned residential development.

G.H. In the single-family residential base zones, uses required by State law to be permitted in conjunction with a single-family residential use.

19.780.050 Density and Findings.

A. Benchmark Density and Findings for Approval.

Densities up to the densities shown in Table 19.780.050 B (PRD Benchmark and Bonus Densities) for the underlying zone in which the project is located may be approved with the granting of a Planned Residential Development Permit, provided that the Approving Authority determines, based on demonstrated evidence, the project complies with the following criteria and findings, and the intent, standards, and requirements of this Chapter. Additional density up to the limit of the bonus density shown in Table 19.780.050.B may be considered if the project meets all the requirements stated in Section 19.780.050.E – *Density Bonus for Superior Design*.

Compliance with the following criteria shall be demonstrated for a proposed project to be approved, and the benchmark density to be granted. Failure to substantially meet or exceed all these standards shall result in disapproval of the project, or a lower density than the benchmark density.

1. In all single-family residential zones, other than RA-5 and RC Zone:
 - a. The property is well served by public infrastructure;
 - b. The project enjoys good access to public services, including schools, shopping and public and semipublic facilities;
 - c. The site is located on streets capable of accommodating the anticipated traffic. A traffic study may be required to assess consistency with Policy CCM - 2.3 of the General Plan to maintain LOS "D" or better on arterial streets or greater, except where LOS "E" has been designated as an acceptable standard;

- d. The project complies with the purpose and standards of this Chapter, demonstrates substantial compliance with the provisions of the *Citywide Design and Sign Guidelines*, and is in accordance with City Codes, which may include deviations by variances when required findings are made. Additional criteria used in evaluating the design of the project shall include, but shall not be limited to, the following:
 - i. Varied placement of buildings demonstrating sensitivity to the natural topographic features of the site;
 - ii. Relatively level land is set aside for active recreational pursuits;
 - iii. Open space is distributed on the site and accessible to all units
 - iv. An efficient circulation system consisting of both vehicular lanes and pedestrian walkways;
 - v. Sensitivity to surrounding community and attention to the edge conditions, creating areas of transition from surrounding existing development to the proposed development; and
 - vi. Where front porches are consistent with the style of the development, a minimum of two-thirds ($\frac{2}{3}$) of the total units shall provide front porches; and
- e. The project proposes development in an environmentally and topographically sensitive manner in order to minimize the impacts of development on adjacent properties, and is designed in a manner that is compatible with the adjacent and existing development in the vicinity;
- f. The project provides amenities in compliance with this chapter, and that the amenities are consistent with the size and scale of the project, the project density, and neighborhood characteristics.

2. In the RC Zone:

- a. Retention of unique natural features, including arroyos, hillsides and rock outcroppings, in natural open space areas consistent with the grading ordinance;
- b. Placement of buildings demonstrating sensitivity to the natural topographic and habitat features of the site, including clustering of homes in less sensitive and less steep locations in order to preserve such natural features and valuable natural open space, both for wildlife habitat and visual aesthetic purposes;
- c. Provision of other amenities consistent with the RC Zone and as deemed appropriate for the project;
- d. Provision that the development will not introduce non-native plants as defined by Table 6-2 of the Multiple Species Habitat Conservation Plan (MSHCP) into the landscape adjacent to the City's arroyos in perpetuity;

P17-0096, P17-0180, P17-0182, & P17-0521

Exhibit 4o

- e. Maintenance and management of all open space easements by a single entity for the entire project with an appropriate natural open space management plan;
- f. Superior design of individual dwelling site plans and building architecture, including such features as porches and garages set back from the street in comparison to the house, and detailed four sided, building treatments. Many of the desirable features are found in the adopted Citywide Design and Sign Guidelines. The design of custom homes will be reviewed as individual homes are submitted for Design Review approval prior to building permit issuance;
- g. Sensitivity to impacts of the development on surrounding uses, including linkages to natural open space areas where appropriate; and
- h. Streets serving the development shall be capable of accommodating the anticipated traffic.

B. Maximum Density

The maximum density of a PRD project shall be consistent with this Chapter, the underlying General Plan land use designation(s), any applicable Specific Plan(s), as well as Table 19.780.050.B below.

Table 19.780.050.B

PRD Benchmark and Bonus Densities

Single Family Residential Zone	Benchmark Density - Dwellings per Gross Acre ⁽¹⁾	Maximum Bonus Percent % ⁽²⁾	Maximum Density with Bonus - Dwellings Per Gross Acre ⁽¹⁾⁽²⁾
RC	0.5 ⁽³⁾	25	0.63
RR	3.0	10	3.3
RE	3.0	10	3.3
R-1-7000	7.3	10	8.0
R-1-8500	6.3	10	6.9
R-1-10500	5.5	10	6.0
R-1-13000	4.8	10	5.3
R-1-1/2 acre	3.0	10	3.3
Notes: (1) Density per gross acre is calculated including new public and private streets. (2) This is the maximum density bonus and any bonus less than the maximum may be granted based on the degree to that the project meets the criteria specified in 19.780.050. A and B. (3) The actual benchmark density shall be determined by the preparation of a conventional subdivision map in conformance with the RC Zone standards to show the actual number of lots that could be achieved based on the average natural slope (ANS), as defined by 19.100.050.C.			

C. No PRD shall be granted approval if the project's base zone and General Plan land use designation are inconsistent, pursuant to General Plan Table LU-5.

D. Transfer of Density

When two or more General Plan land use designations or base zones exist within a planned residential development, the density may be transferred between designation and/or zones within the same development as necessary to provide for a superior development based upon good planning principles, and to promote the general welfare of the neighborhood and maximum benefit to the natural environment. In particular, such transfers are desirable where density is transferred from steep, hillside land to flatter, less visually sensitive properties where significantly less grading is required. In the case of such a density transfer, the overall maximum density shall not exceed that

P17-0096, P17-0180, P17-0182, & P17-0521

Exhibit 4o

otherwise permitted by the General Plan designation(s) (See 19.780.050 B). The only exception is that density cannot be transferred from a non-RC zoned property to an RC zoned property. For purposes of this Section, a project may consist of more than one underlying legal parent parcel; however, such parcels must be contiguous unless separated by an existing public or private street.

E. Density Bonus for Superior Design

A PRD project may qualify for a density bonus up to the maximum shown in Table 19.780.050.B, provided that it meets the standards of Section 19.780.050.A, and satisfies the following criteria beyond those in 19.780.050.B.

1. All single-family residential zones, other than RA-5 and RC:
 - a. Evidence that the project can be certified in LEED, California Green Builder or an equivalent standard; and
 - b. Evidence shall be provided to document that the project includes a minimum of 5 of the following:
 - (1) Designate all streets, sidewalks and trails that are built as part of the project or serving the project directly as available for general public use and not gated. Gated areas and enclaves are NOT considered available for public use.
 - (2) Design the building orientation for solar design, including the following provisions:
 - (a) The glazing area on the north- and south-facing walls of the building is at least 50% greater than the sum of the glazing area on the east- and west-facing walls.
 - (b) The east-west axis of the building is within 15 degrees of due east-west.
 - (c) The roof has a minimum of 450 square feet of south-facing area that is oriented appropriately for solar applications.
 - (d) At least 90% of the glazing on the south-facing wall is completely shaded (using shading, overhangs, etc.) at noon on June 21 and unshaded at noon on December 21.
 - (3) Locate the project within ¼ mile of 11 basic community resources (Table 19.780.050 A), within a ½ mile of 14 basic community resources (Table 19.780.050 A) and within a ½ mile of transit services that offer 30 or more transit rides per weekday (combined, bus and rail).

Table 19.780.050 A Basic Community Resources
Arts and entertainment center
Bank
Community or civic center
Convenience Store
Daycare center
Fire station
Fitness center or gym
Laundry or dry cleaner
Library
Medical or dental office
Pharmacy
Police station
Post office
Place of worship
Restaurant
School
Supermarket
Other neighborhood-serving retail
Other office building or major employment center
Note: Up to two of each type of community resource may be counted. For example, two restaurants within ¼ mile may be counted as two community resources; four restaurants also count as two.

(a) Transit rides per weekday are calculated as follows:

- i. Within ½ mile radius, count all the transit stops;
- ii. Multiply each transit stop by the number of buses and/or trains that pass through that stop per day; then
- ii. ~~a~~Add the total number of rides available as each stop within ½ mile together.

Example: If there are 4 bus stops, and at each bus stop the service frequency is half-hourly (48 times per day), the total transit rides per day is 192.

(4) Locate trees or other plantings to provide shading for at least 50% of sidewalks, patios and driveways. Shading should be calculated for noon on June 21, when the sun is directly overhead, based on five year's growth.

(5) Install light-colored high-albedo materials or vegetation for at least 50% of sidewalks, patios and driveways.

(a) Acceptable strategies include the following:

- i. White concrete;
- ii. Gray concrete;

P17-0096, P17-0180, P17-0182, & P17-0521
Exhibit 4o

- iii. Open pavers (counting only the vegetation, not pavers); and
 - iv. Any material with a solar reflectance index (SRI) of a least 29.
- (6) Design the lot such that at least 70% of the built environment, not including area under roof, is permeable and designed to capture water runoff for infiltration on-site. Area that can be counted toward the minimum includes the following:
 - (a) Vegetative landscape (e.g., grasses, trees, shrubs, etc.).
 - (b) Permeable paving, installed by an experienced professional. Permeable paving must include porous above-ground materials (e.g., open pavers, engineered products) and a 6-inch porous sub-base, and the base layer must be designed to ensure proper drainage away from the home.
 - (c) Impermeable surfaces that are designed to direct all runoff toward an appropriate permanent infiltration feature (e.g., vegetated swale, on-site rain garden, or rainwater cistern).
- (7) Design and install one of the following permanent erosion control measures:
 - (a) If portions of the lot are located on a steep slope, reduce long-term runoff effects through use of terracing and retaining walls.
 - (b) For every 500 feet of disturbed lot area (including the area under the roof), one (1) tree, four (4) 5-gallon shrubs, or 50 square feet of native groundcover shall be planted.
- (8) Design and install one or more of the following runoff control measures:
 - (a) Install permanent stormwater controls in the form of vegetated swales, on-site rain garden, dry well, or rainwater cistern, or equivalent designed to manage runoff from the homes.
 - (b) Install a vegetated roof to cover 50% or more of the roof area.
 - (c) Have the site designed by a licensed or certified landscape design or engineering professional such that it is demonstrated that all water runoff for the home is managed through an on-site design element.

- (9) Design and install a rainwater harvesting and storage system (including surface runoff and/or roof runoff) for landscape irrigation use. The storage system must be sized to hold all the water from a 1-inch rainfall event (equivalent to 0.62 gallons per square foot of roof area used for capture), taking into consideration the size of the harvest system (i.e., 50% of total roof area).
- (10) Design the plumbing with irrigation system water supplied with municipal recycled water.
- (11) Construct the project to exceed Title 24 requirements by 20% or more.

2. In the RC Zone:

To protect prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic conditions that warrant sensitive development from adverse development practices, thus furthering the intent of Proposition R and Measure C and promoting clustering, all of the following are required:

- a. Require all designated open space areas to be managed and maintained under the stewardship of a recognized conservation group as approved by the Approving Authority, with an endowment to fund such stewardship entirely;
- b. The project shall provide at least 6 of the items listed in 19.780.050.D.1.b above; and
- c. The project shall provide evidence that unique natural features and steeper portions of the property are being preserved in open space, with lots clustered in the less steep portions of the site.

19.780.060 Development Standards.

A. Relationship to Base Zone Development Standards.

The development standards set forth in this Section, if in conflict with the development standards of the underlying base zone, shall supersede the development standards of the underlying base zone, except in the RC Zone the underlying development standards still apply. This section shall not supersede the development standards of any applicable overlay zone. In cases where a standard is not addressed in this Chapter, the standard of the base zone or any applicable overlay zone shall apply. The standards set forth herein are the minimum required for a PRD to qualify for the benchmark density.

B. Standard for smaller lot Planned Residential Developments - RR, RE, and all R-1 Zones.

1. Lot Size and Coverage

Minimum lot size and maximum lot coverage requirements to be determined by the Planning Commission on a case specific basis in part based on product type, characteristics of the property and surrounding uses.

2. Setbacks

P17-0096, P17-0180, P17-0182, & P17-0521
Exhibit 4o

	RE, RR & R-1-½ Ac.	R-1 Zones (except R-1-1/2)
Setbacks from Project Perimeters:		
Adjacent to a Public Street	Same as base zone. The setback shall be fully landscaped and no fences or walls shall be permitted to encroach into the setback.	
Adjacent to Perimeter Property Lines	25 ft.	20 ft.
Setbacks within Project Boundaries (May be modified in conjunction with the PRD):		
Front Yard Setback	15 ft.	10 ft.
Side Yard Setback	5 ft.	5 ft.
Rear Yard Setback	15 ft.	10 ft.

3. Common Usable Open Space and Recreational Facilities

- a. A minimum of 500 square feet of usable common open space per dwelling unit is required. Examples include, but are not limited to the following: swimming pool, spa, community recreation room, sports courts for tennis, basketball, racquetball, volleyball, barbeque areas, community gardens or grassy play areas with a slope of less than 5 percent.
- b. The number and type of desirable amenities for a project will be determined on a case-by-case basis in proportion to the size and design of the project. Desirable amenities include, but are not limited to, the following:
 - (1) Multiple enclosed tot lots with multiple play equipment. The tot lots shall be conveniently located throughout the site. The number of tot lots and their location shall be subject to City Planning Commission review and approval;
 - (2) Pool and spa;
 - (3) Multi-purpose room equipped with kitchen, defined areas for games, exercises, recreation, entertainment, etc.;
 - (4) Barbeque facilities equipped with multiple grills, picnic benches, etc. The barbecue facilities shall be conveniently located throughout the site. The number of barbeque facilities and their locations shall be subject to Planning Commission review and approval;

- (5) Court facilities (e.g. tennis, volleyball, basketball, etc.);
- (6) Jogging/walking trails with exercise stations;
- (7) Community garden;
- (8) Theater;
- (9) Computer Room;
- (10) Exercise Room;
- (11) Golf course, putting green, etc.;
- (12) Passive recreational facilities tied to existing topographical features, with gazebos, benches, etc.;
- (13) Art pieces; and
- (14) Water features.

4. Private Open Space

- a. A minimum of 200 square feet per dwelling unit is required, with no dimension less than 10 feet.

5. Parking

- a. Parking shall be in accordance with Chapter 19.580 (Parking and Loading) with the following exceptions and additions:
 - (1) A minimum of 2 fully enclosed (garage) spaces are required per dwelling unit.
 - (2) A minimum of 1 guest space per 3 dwelling units is required. On-street parking may be credited toward this requirement. On-street parking is only allowed on a curb to curb street width of 28 feet or greater. Driveway spaces above shall not be counted toward these required guest spaces.
 - (3) Recreational vehicle parking. Recreational vehicle parking is prohibited on a residential lot. A separate recreational vehicle parking lot is permitted, subject to requirements for adequate screening, including a required 8-foot high block wall, and 5-foot landscape planters on all sides.

C. Standards for RC Zone Planned Residential Development

1. Lot Size

In order to promote clustering, lots shall be a minimum of one half ($\frac{1}{2}$) acre in size and clustered in the less steep portions of the site. Lot sizes not in compliance with the RC Zone standards will require a variance.

Exhibit 4o

2. Lot Coverage

Maximum lot coverage requirements to be determined by the Planning Commission on a case specific basis based, in part, on product type, characteristics of the property and surrounding uses.

3. Height

Same as RC Zone (See Section 19.100.040, Residential Development Standards).

4. Setbacks

Same as RC Zone (See Section 19.100.040, Residential Development Standards).

5. Common Natural Open Space and Clustering

Section 19.780.050 A (Benchmark Density) sets forth the criteria for a PRD to qualify for the benchmark density in the RC Zone, including provision of valuable natural open space and wildlife habitat and a site plan layout sensitive to the natural topography, both for wildlife habitat and resource conservation as well as visual aesthetic purposes. There is no minimum standard, although each development is encouraged to set aside a substantial portion of the site toward natural open space.

6. Parking

A minimum of 2 fully enclosed (garage) spaces are required per dwelling unit.

D. Private Streets. Refer to private street standards in Title 18.210.

19.780.070 Common Ownership - Land or Improvements.

A. Covenants, Conditions and Restrictions (CC&R's)

Where a Planned Residential Development contains any land or improvement proposed to be held in common ownership, the applicant shall submit a declaration of covenants, conditions and restrictions (CC&R's) with the final map establishing a Home Owner's Association subject to City's Planning Division and the City Attorney's Office approval. Such declaration shall set forth provisions for maintenance of all common areas, payment of taxes and all other privileges and responsibilities of the common ownership. The CC&R's shall include provisions prohibiting the homeowners' association (HOA) from quitclaiming, selling or otherwise transferring the land held in common ownership to private property owners.

B. Amendments to CC&R's

The provisions of approved CC&R's shall not be amended without the prior approval of the Community Development Director or his/her designee and City Attorney who at his or her discretion may refer the matter to the Planning Commission. Requests for amendments to existing CC&R's shall be submitted to the Planning Division.

C. Maintenance

All private streets, walkways, parking areas, landscaped areas, storage areas, screening, sewers, drainage facilities, utilities, open space, recreation facilities and other improvements not dedicated to public use shall be maintained by the property owners. Provisions acceptable to the affected City Departments shall be made for the preservation and maintenance of all such improvements prior to the issuance of building permits.

D. Failure to Maintain Constitutes a Public Nuisance

All commonly-owned lots, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain is unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.