



City of Kingsburg

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AGENDA

KINGSBURG CITY COUNCIL

And

PLANNING COMMISSION

WORKSHOP

JULY 27, 2016
6:00 P.M.

KINGSBURG CITY COUNCIL CHAMBER

1401 DRAPER STREET

6:00 P.M. KINGSBURG CITY COUNCIL AND PLANNING COMMISSION WORKSHOP

- I. Call to order and roll call –**
- II. Public Comments –** Any person may directly address the Council at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Council. A maximum of five minutes is allowed for each speaker.
- III. Single Family Residential Development Process Workshop-** Presentations by City Manager Alex Henderson and Planning Consultant Holly Owen
- IV. Adjourn Kingsburg City Council and the Planning Commission**

Any writings or documents provided to a majority of the Kingsburg City Council regarding any item on the agenda will be made available for public inspection in the City Clerks office located at 1401 Draper Street during normal business hours.

- I. Discussion of Process – Single Family Residential Development
- II. Before We Begin – Allocations Discussion
- III. After Allocations – Development Project Process from A – Z
- IV. Staff's Role
 - a) Identify and enforce applicable standards and policies of the General Plan, NKSP (if necessary), Municipal Code and Federal/State law
 - b) Site Plan Review or other land use process and CEQA analysis
 - c) Professional expertise to provide Staff Reports and recommendations to the Planning Commission and City Council
- V. Commission's Role
 - a) Planning Agency for the City, depending on land use process: (i) makes final land use and CEQA decisions for Development Projects; or (ii) makes recommendations to City Council on land use and CEQA issues for Development Projects
 - b) Get involved – how to be a part of the process, review Planning Commission meeting packet, (ask questions)
 - c) What is not the role of the PC
- VI. Planning Commission Academy Handout
- VII. City Council's Role
 - a) Make decisions on Development Projects based upon land use and CEQA recommendations from the Planning Commission
 - b) Hear appeals of land use and CEQA decisions made by the Planning Commission

Chapter 16.09 - GROWTH MANAGEMENT SYSTEM

Sections:

16.09.010 - Purpose.

- A. This chapter implements a growth management system that will manage regulating residential development so that it is compatible with the character and service capabilities of the city and other service providers within the city. This chapter implements the growth management amendment to the city charter passed by the voters of the city in the election of November 2, 2004.
- B. This chapter establishes a growth management system to limit the rate of residential growth in the city to a level compatible with the size, financial limitations, resource constraints, and services capabilities of the city and service providers within the city. This chapter also seeks to maintain aesthetic goals of the city. This chapter implements fundamental policies of the general plan including particular provisions of the land use and housing elements of the general plan. The growth management system will assist the city in addressing its responsibility to share in the provision of housing for households of various income levels as determined by the regional housing needs allocation plan prepared by the council of Fresno County governments and approved by the State Department of Housing and Community Development.

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.020 - Allocations for housing units.

- A. One hundred fifteen (115) new allocations of housing units will become available at the beginning of each calendar year. Allocation is defined as the right to apply for a building permit to construct one single-family residence or one multi-family residential housing unit. The allocations are divided between two categories of housing: multiple-family housing units with thirty-five (35) allocations (less any allocations issued to multi-family small projects as defined in Section 16.09.050 of this chapter) per year (thirty percent (30%)) and single-family housing units, with eighty (80) allocations per year (seventy-percent (70%)). Of the eighty (80) allocations (less any allocations issued to small projects as defined in Section 16.09.050 of this chapter) per year of single-family housing units, twenty (20) allocations shall be reserved for large lot development on parcels of at least ten thousand (10,000) square feet.
- B. Allocations which are issued pursuant to the provisions of this chapter are issued to the specific residential development project identified and described in the application for allocations. Allocations are not issued to any person or entity. Allocations cannot be assigned, transferred or conveyed to another residential development project
- C. Except as otherwise set forth in this subsection, if after allocations are awarded, a residential housing project receiving allocations is modified or changed in any way, the allocations awarded to that residential housing project shall automatically terminate and become unused allocations subject to reallocation at the time of the next award of allocations. In order to obtain allocations, the modified or changed residential housing project must apply for allocations as a new residential housing project. Except that, a residential housing project may file an application with the city requesting that the allocations not terminate but remain with the changed or modified residential housing project. The city council may grant such application only if the city council can make all of the following findings:
 - 1. The city council determines that: (i) any modification or change in the type (i.e., single-family, multi-family, senior, etc.) of residential housing; or (ii) any modification or change in any aspect of the residential housing project which is subject to the rating and ranking criteria set forth in Section 16.09.070 of this chapter, identified in the original application for allocations, satisfies a current specific housing need in the city of Kingsburg;

2. Any modification or change: (i) in the number of residential housing units; or (ii) any modification or change in any aspect of the residential housing project which is subject to the rating and ranking criteria set forth in Section 16.09.070 of this chapter, identified in the original application for allocations, results solely from a modification or change identified in subsection (C)(1) of this section and does not result in a need to increase the allocations initially issued to the residential housing project identified in the original application;
 3. The competitive points the modified or changed residential housing project receives as determined by city staff's reevaluation of the modified or changed residential housing project pursuant to the competitive allocation process identified in Section 16.09.060 of this chapter, does not result in a competitive points ranking different from the residential housing project identified in the original application and does not effect the competitive points ranking of any other residential housing project that competed for allocations with the residential housing project identified in the original application;
 4. No entitlements have been approved or issued for the residential housing project prior to its application seeking to retain the awarded allocations.
- D. After allocations are issued as provided in this chapter, all development entitlements (i.e., parcel maps, subdivision maps, environmental review, etc.) associated with said allocations are required by the city or applicable law, rule or regulation must be approved by the city in order to use the issued allocations. If any required development entitlements are denied, or expire, the issued allocations related thereto shall automatically expire. The city will not accept any application for development entitlements unless allocations have been approved and issued for said development entitlements. Also for issued allocations to remain effective, complete development entitlement applications (including the payment of any and all required fees) for all required development entitlements must be submitted to the city within one hundred eighty (180) days after the date of issuance of the allocations and construction of off-site improvements, including, without limitation, installation of utilities and construction and installation of streets, must commence within three hundred sixty-five (365) days after the date of approval of all required development entitlements ("construction start date"). No fees paid by an applicant to the city as part of the entitlement process will be reimbursed by the city should the applicant fail to satisfy the requirements of this chapter.
- E. An applicant may request an extension of the construction start date by submitting a written application for such extension on the form required by the city. In order to grant an extension request, the city council, upon recommendation by the planning commission, must find that the failure of the applicant to commence construction of off-site improvements on or before the construction start date was beyond the reasonable control of the applicant.
- F. The city council, may, in its discretion, allow unused allocations to be carried over for a period of up to three years and allocated to first allocations and/or second allocations or both (as those terms are defined in Section 16.09.060 of this chapter). Unused allocations are allocations: (i) which were never issued; or (ii) previously issued and expired because of denial of development entitlements, failure to commence construction of off-site improvements on or before the construction start date or any extension thereof; or (iii) failure of the applicant to comply with the provisions of this chapter.
- G. In order to meet the housing needs of persons who will reside in mobilehome parks or multi-family housing developments, an applicant seeking to develop a mobilehome park with more than fifteen (15) spaces and/or multi-family housing development with more than fifteen (15) units may request issuance of allocations which would otherwise be issued over a three-year period. The purpose of this three-year allocation is to satisfy the housing needs of persons who wish to reside in mobilehome or multi-family developments, through the development of a project which is larger than would otherwise be allowed with only one year of allocations. An applicant may request a three-year allocation by submitting a written application to the city on the form required by the city.

(Ord. 2007-06 § 1, 2007: Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.030 - Senior housing allocations.

Demand for senior housing in the city exceeds the supply of senior housing within the city. As a result, and in order to address this need for more senior housing, allocations for a senior housing project shall be issued on the basis of one-half of one allocation for each senior housing unit to be constructed. Senior housing is defined as residential housing which requires that at least one person in residence in each dwelling unit be fifty-five (55) years of age or older. The residential dwelling units must include each of the following elements:

- A. Entryways, walkways, and hallways in the interior common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multi-family housing construction for provision of access to persons using a standard-width wheelchair.
- B. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
- C. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.
- D. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
- E. The development shall be designed to encourage social contact by providing at least some common open space.
- F. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
- G. The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Section 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. If a senior housing project includes the seven elements listed previously in this section and one of the three enhancements listed in subsection (G)(1) through (3) which follow in this section, allocations for that senior housing project shall be issued on the basis of one-third of one allocation for each senior housing unit to be constructed. If a senior housing project includes the seven elements listed previously in this section and two of the three enhancements listed in subsections (G)(1) through (3) which follow in this section, allocations for that senior housing project shall be issued on the basis of one-fourth of one allocation for each senior housing unit to be constructed. If a senior housing project includes the seven elements listed previously in this section and all three of the enhancements listed in subsections (G)(1) through (3) which follow in this section, allocations for that senior housing project shall be issued on the basis of one-fifth of one allocation for each senior housing unit to be constructed. Enhancements are:
 - 1. Development of congregate housing at a density that would meet the medium or high density residential standard in the general plan, at least seven dwelling units per net acre.
 - 2. Provision of support services that would enable senior citizens who are otherwise able to live independently to remain in their homes for a longer time. Examples of such services are provision of community meals, transportation, laundry services and cleaning services.
 - 3. Meeting the housing element inclusionary housing goal by making at least fifteen percent (15%) of the housing units affordable to households of low or very low income (less than eighty percent (80%) of the local median income for households of the same size).

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.040 - Exemption to allocation requirements.

The following types of residential housing may be constructed without the issuance of allocations:

- A. Residential housing units constructed upon parcels that were previously fully developed and which have adequate infrastructure to service the new residential development as determined by the city.
- B. Second housing units added to lots with single-family homes in conformance with the city zoning ordinance and applicable California law.
- C. Residential housing projects which received all required development entitlements prior to enactment of this chapter.

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.050 - Small projects.

New multi-family or single-family residential developments of four or fewer dwelling units ("small projects") will automatically receive allocations and will not be required to participate in the competitive allocation process identified in Section 16.09.060 of this chapter.

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.060 - Competitive allocations.

- A. Allocations for residential projects consisting of five or more dwelling units will compete for allocations in accordance with the process identified in this section. Each calendar year, the maximum number of allocations that can be issued through the competitive process for any one application for development entitlements to construct residential housing units is twenty-five (25) allocations for single-family housing or multiple-family housing, or thirty-five (35) allocations for mixed-density projects which include at least ten (10) single-family homes and at least ten (10) multiple-family dwelling units.
- B. Applications for competitive allocations must be filed with the planning and development department on or before four o'clock p.m. on September 30th of each calendar year. If September 30th falls on a Saturday, Sunday or holiday when the city offices are closed, the time for filing applications for competitive allocations shall be extended to four o'clock p.m. on the next business day. The development proposals identified in the applications shall be rated and ranked in accordance with the rating and ranking criteria identified in this chapter by planning staff during the month of October and the planning staff shall make its recommendations for competitive allocations to the planning commission.
- C. An application may not identify more than five model homes to be constructed for each group of twenty-five (25) allocations issued. At the election of the applicant, the model homes will or will not be counted as part of the allocations issued to the applicant. If the applicant elects not to include model homes as part of the allocations issued to the applicant, no certificate of occupancy will be issued for the model homes until allocations are issued for the model homes in accordance with the provisions of this chapter.
- D. At its first meeting each November, the planning commission will conduct a public hearing to review staff's rating and ranking recommendations for the competitive allocations and make recommendations to the city council regarding the competitive allocations. At its first regular meeting in December, the city council will consider the recommendations of the planning commission and will issue allocations for the next calendar year ("first allocations").
- E. If not all available allocations are issued in December, then at its first meeting in February of the next year, the city council may authorize staff to conduct a second competitive allocation process ("second allocations"). If a second allocation is authorized by the city council, the application process shall be the same as for the first allocations, except that all applications must be received by the planning and development department by four o'clock p.m. on March 31st. If March 31st falls on a Saturday, Sunday or holiday when the city offices are closed, the time for filing applications for second allocations shall

be extended to four o'clock p.m. on the next business day. City staff will perform its ranking and rating process during the month of April and a public hearing will be held by the planning commission at its first regular meeting in May to review staff's rating and ranking recommendations for the second allocation and make recommendations to the city council regarding the second allocation. At its first regular meeting in June, the city council will consider the recommendations of the planning commission and determine the number of second allocations to be issued, if any.

- F. If there is only one application for second allocations, the city council may authorize the issuance of all allocations available in the second allocation to the sole applicant, even though the allocations available in the second allocation exceed the maximum annual number of allocations available for issuance under this section of this chapter and even though the sole applicant for the second allocations received first allocations.

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.070 - Rating and ranking criteria.

Projects seeking allocations will be rated using a one hundred (100) point scoring system and then ranked. Rating and ranking will be based on information submitted by the applicants in their application materials, backup documentation provided by applicants and other documents and information the city deems relevant to each respective project. Lists of supporting materials likely to be included in a typical application are found at the end of the description of each scoring category. Applicants are encouraged to submit any other materials that are relevant in supporting their applications. The scoring system will be based on the following criteria:

- A. Suitability of Location (Twenty-five (25) Points). The city promotes compact and efficient development. Concentric patterns of growth are preferred. Infill development within the urban limit boundary is encouraged. Leapfrog development and irregular boundaries are discouraged. Islands or corridors of unincorporated territory are to be avoided. Projects will not be considered if the property identified in the application is not sufficiently contiguous to the city limits to allow for a logical and reasonable extension of the city limits as determined by the city. Scoring for this category is as follows:

25 points	The property proposed for development is already within the city limits.
20 points	An infill project sufficiently surrounded by urban development as determined by the city.
15 points	The property is bordered by the city on more than one side.
10 points	The property is adjacent to the city limits and within the urban limit boundary, allowing for a logical and reasonable extension of the city limits, as determined by the city.
5 points	The property is adjacent to the city limits, allowing for a logical and reasonable extension of the city limits as determined by the city, but the property is outside of the urban limit boundary.

0 points	The property is outside of the sphere of influence and annexation to the sphere is required.
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Documentation may include a map and verbal description.

- B. **Inclusionary Housing (Fifteen (15) Points).** The adopted housing element of the Kingsburg general plan has an inclusionary housing policy calling for at least fifteen percent (15%) of the housing units provided by each project to be affordable to low-income or very low-income households. If the affordable units are not incorporated into the project, the developer may be able to comply with the policy by assisting the city in providing an equal number of affordable housing units elsewhere in the city by dedicating appropriate land or paying an in-lieu fee. For each percentage point of affordable housing included in or provided for by a project, one scoring system point will be awarded up to a maximum of fifteen (15) points. Documentation must include a detailed written commitment to provide the affordable housing described in the application. It must include calculation of the probable rental or mortgage costs of the housing units in the project proposed; calculation of the housing costs a low-income household can afford (which can be based on eighty percent (80%) of the median household incomes for Fresno County for the current year as provided by the California Department of Housing and Community Development); and an explanation of how any "gap" between the two calculations will be eliminated. The "gap" is the basis for determining an appropriate in-lieu fee, or an appropriate value for land to be dedicated for affordable housing purposes. If third-party subsidies are proposed through use of governmental grant funds or partnership with non-profit affordable housing organizations, the commitment on the part of any third-party entity must be documented in writing.
- C. **Meeting Special Needs, Demonstrated Market Demands and Community Objectives (Twenty (20) Points).** City's adopted housing element emphasizes the accommodation of special-needs populations. Points will be awarded for projects that provide housing for populations that are underserved or have special needs that are not generally met in other projects. Examples include, without limitation, handicapped-accessible units or housing for senior citizens or large families. Points will be awarded to projects that:
1. Provide housing for populations that are underserved or have special needs that are not generally met in other projects, such as handicapped-accessible units or housing for senior citizens or large families;
 2. Expand the range of housing choices available in the community by offering configurations, densities and/or price ranges that are not otherwise readily available;
 3. Satisfy demonstrated market demands (e.g., large lots, senior housing); and
 4. Utilize properties that have been bypassed because they are challenging to develop.

Documentation may include descriptions of existing housing inventory and market conditions, demographics, explanations of challenges confronted by the developers, description or drawings of proposed housing features, etc.

- D. **Infrastructure and Services (Twenty-five (25) Points).** Preference will be given to projects that have the most positive impacts and/or the least negative impacts on infrastructure and services provided by the city and other service entities that operate within or provide services to the city. Scoring shall be based on the following criteria:
1. Proximity to existing infrastructure systems;
 2. The extent of extension or expansion needed to increase the capacity of existing infrastructure to serve the proposed development and, if appropriate, future development;

3. The willingness of the developer to enter into a reimbursement agreement if the project involves construction of master-planned facilities and such an agreement is appropriate;
4. Agreement to construct and install new oversized infrastructure and/or construct and install new infrastructure that extends beyond the developer's project in order to service future growth, with reimbursement to developer pursuant to a reimbursement agreement providing for reimbursement by future development connecting to the oversized and/or extended infrastructure;
5. Dedication of real property to the city to improve systems and services, including, without limitation, rights-of-way for streets, alleys or green belts, or sites for water wells, lift stations, drainage basins, parks, and schools sites, etc;
6. Incorporation of resource conservation features, including, without limitation, active or passive solar systems, water conservation features, drought-tolerant landscaping and energy-efficient appliances.

Documentation of infrastructure considerations and property dedications can take the form of written descriptions and commitments, maps and diagrams. Conservation features can also be documented with industry or manufacturer data and literature.

E. Architectural Design and Aesthetic Considerations (Fifteen (15) Points). Kingsburg continues to project an image as "the Swedish Village" which gives the city a unique identity. Residential housing should include distinctive design, quality construction and accompanying amenities. Features that will receive points through the scoring system include:

1. Custom homes or customized features on tract homes that prevent houses in the same development from appearing repetitious;
2. Fostering of neighborhood character;
3. Compatibility with neighboring developments (e.g., lot sizes and square footage of homes);
4. Utilization of alleys for garage access from the rear;
5. Variable front yard setbacks;
6. Landscaping of street medians and parkways;
7. Green belts with pathways for pedestrians, skaters and bicyclists;
8. Pedestrian-friendly design;
9. Bicycle lanes in appropriate locations;
10. Preservation of existing trees;
11. Open space and recreation facilities.

In addition to written descriptions, diagrams and maps, such documentation as elevations, renderings, floor plans and photographs of similar developments may help to illustrate the proposed project.

In the case of walled and gated communities, aesthetics and amenities that are generally viewed by and available to residents and selected guests exclusively will not be considered in scoring in this architectural design and aesthetic considerations category. Only those features that are visible to the general citizenry outside of the walled and gated community will be evaluated.

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.080 - Phased projects.

Projects having more residential units than the maximum allocation allowable or available in a single allocation period may be phased. Allocations for phased projects may include allocations for the calendar

year and allocations for up to two years thereafter. Approval of allocations for a phased project shall identify the number of allocations that will be issued by the city and used by the applicant during each phase of the project. A separate final map is not required for each phase of a residential subdivision project. Phasing requirements, including, without limitation, number of allocations available for use in each phase, numbers of units that can be constructed and timing of construction, will be enforced as conditions of approval of the tentative tract map and final tract map and as provisions of the subdivision agreement. If a multiple-family residential project includes phasing, phasing requirements including those identified in this section will be enforced through conditions of approval of the site plan or planned unit development and as provisions of the development agreement if one is required by the city.

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

16.09.090 - Exceptions and changes.

- A. The provisions of Chapter 16.40 of this title shall not apply to this chapter.
- B. The city council shall have the power to increase, decrease, change or reallocate allocations by resolution of the city council.

(Ord. 2006-09 § 1 (part), 2006: Ord. 2005-05 § 2 (part), 2005)

17.72.020 - Site plan review committee.

- A. The site plan review committee shall be comprised of staff representatives of the fire, engineering, planning, building, solid waste, police, community services and public works departments. In addition, the planning department may request input from any other city department or public agency such as the school district and Selma-Kingsburg-Fowler County Sanitation District.
- B. Powers and Duties. The site plan review committee shall review and approve, conditionally approve or deny a site plan review application in accordance with city codes and ordinances. If additional permits or entitlements are required, the site plan review committee determinations will be forwarded to the appropriate decision making body.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.030 - Application procedure.

The applicant shall submit an application to the planning department on a form prescribed by the planning department. The application shall be submitted with twelve (12) full size copies of a site plan, drawn to scale, and one copy reduced to dimensions of 8-1/2" x 11" or 11" x 17", which shall indicate clearly and with full dimensions the information prescribed by the planning department. Such information may include, but shall not be limited to, the following:

- A. Lot or site dimensions;
- B. All buildings and structures: location, size, height, proposed use;
- C. Yards and space between buildings;
- D. Walls and fences: location, height and materials;
- E. Off-street parking and off-street loading: location, number of spaces and dimensions of parking and loading areas, internal circulation pattern.
- F. Access: pedestrian, vehicular, service, points of ingress and egress, internal circulation;
- G. Signs: location, size, height and type of illumination, if any, including hooding devices.
- H. Lighting location and general nature, hooding devices.
- I. Names of all adjacent streets, roads or alleys, showing rights-of-way and dedication widths, reservation widths, and all types of improvements existing or proposed.
- J. A preliminary or conceptual landscape plan must be submitted for site plan review. A final landscape plan must be submitted prior to issuance of building permits. The final landscape plan shall include the species, quantity, size, location and irrigation system.
- K. Refuse enclosures: location, type and material.
- L. Existing utilities to the site.
- M. Any phasing of the project shall be included in part of the application.
- N. Projects located within Level 1 or Level 2 as defined in Subsection 17.80.010B shall be required to submit elevations in compliance with Chapter 17.80 of this title.
- O. North arrow, scale of drawing and name, address and phone number of the person who prepared the site plan.
- P. Such other data pertaining to site development as may be required by the planning department to make the required findings.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.040 - Conditions of approval.

- A. Within fifteen (15) city working days after submission of the site plan, the site plan review committee shall review the site plan. The committee shall approve, conditionally approve, or disapprove the site plan. Any approved site plan shall satisfy all the following conditions:
1. That all applicable provisions of this code are complied with;
 2. That the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding property and the site plan conforms with city standards, specifications and policies:
 - a. Special yards, spaces and buffers.
 - b. Fences and walls.
 - c. Surfacing of parking areas and provisions for surface water drainage subject to city specifications.
 - d. Requiring street dedications and improvements, subject to the provisions of Section 17.72.060, including service roads or alleys when practical, and the requiring of drainage, sewer and water connection fees, and other development fees, when applicable. A traffic study may be required if impacts to roads are anticipated.
 - e. Regulation of points of vehicular ingress and egress.
 - f. Regulation of signs, in accordance with the standards prescribed under Chapter 17.56 of this title.
 - g. Requiring maintenance of the grounds and the undergrounding of utilities.
 - h. Requiring landscaping and refuse enclosures and maintenance thereof.
 - i. Regulation of noise, vibration, odors and other similar characteristics.
 - j. Measures necessary to eliminate or to effect mitigation to acceptable levels of environmental impact.
 - k. Regulation of time for certain activities to be conducted on the site.
 - l. Regulation of the time period within which the proposed use shall be developed.
 - m. A bond, deposit of money, or letter of credit for the completion of street and site improvements and other facilities or for the removal of such use within a specified period of time to assure conformance with the intent and purposes set forth in this title.
 - n. Such other requirements which reasonably may be required to ensure compliance with city codes and policies.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.050 - Required findings.

To approve a site plan, the site plan review committee must make all of the following findings:

- A. That the site plan complies with all applicable provisions of this code and all applicable city standards and specifications.
- B. The following are so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and welfare are protected and there will not be adverse effect on surrounding property:
 1. Facilities and improvements.

2. Vehicular ingress, egress, internal circulation and off-street parking and loading.
 3. Setbacks.
 4. Height of buildings.
 5. Location of services.
 6. Walls and fences.
 7. Landscaping, including screen planting and street trees.
 8. Drainage of site.
 9. Refuse enclosures.
- C. Proposed lighting is so arranged as to deflect the light away from adjoining properties.
- D. Proposed signs will comply with all of the applicable provisions of Chapter 17.56 of this title.
- E. That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.
- F. The site plan conforms with all other applicable laws, rules and regulations relating to traffic safety, street dedications and street improvements, environmental quality, and zoning, fire, police, building and health and safety codes.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.060 - Street dedications and improvements.

Because of changes that may occur due to drainage conditions, utility service requirements, or vehicular traffic generated by projects requiring a site plan review, the following dedications and improvements may be deemed necessary and may be required as a condition or conditions to the approval of any site plan:

- A. Development Bordering or Traversed by an Existing Street. If the development borders or is traversed by an existing street, the applicant may be required to:
1. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half the ultimate width established by the city as the standard for such minor or collector street, or the full extent required for a frontage road.
 2. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the city as the standard for such minor or collector street.
 3. Dedicate all necessary rights-of-way to widen a bordering or traversing arterial street to the standards of width established by the city for the arterial street.
 4. Set back all facilities the required distance from ultimate property lines along an arterial street as shown on any master, official or precise plan of streets and highways, or by the city's general plan.
 5. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or arterial street.
 6. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
 7. Grade and improve bordering minor or collector streets from curb to the center line of the ultimate right-of-way.
 8. Grade and improve traversing minor or collector streets from curb to curb.

9. Grade and improve the parking lane and one traffic lane adjacent to the development, or the full half width along a bordering arterial street.
 10. Grade and improve both parking lanes and the two outside traffic lanes, or the full width of, a traversing arterial street.
 11. The extent of improvements required for arterial street improvements will be based on the extent of traffic generated by the proposed project, with reimbursement by agreement with the city to be provided where the extent of improvement is greater than that generated by the proposed project.
- B. Except as provided in Sections 17.72.060C and D, all new roads shall be dedicated and improved in accordance with the requirements of Section 17.72.060A.
 - C. Where a frontage road is provided and improved along an arterial street in accordance with city standards, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Sections 17.72.060A.5 and 10, pertaining to arterial streets may be waived.
 - D. Where total access to or from a bordering or traversing arterial street is prohibited as a condition of approval, or by law, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Sections 17.72.060A.5 and 10, pertaining to arterial streets, may be waived.
 - E. All improvements shall be to city standards existing at the time the improvements are constructed and installed and shall be installed at the time of construction of the proposed development. Where it is determined by the city that it is impractical to construct and install any or all improvements at the time of construction of the proposed development, an agreement to construct and install such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the city for the construction and installation of improvements before a building permit may be issued, at which time there shall be money deposited with or in favor of the city, or a letter of credit or performance and labor and materials bonds posted with the city, in an amount equal to one hundred fifty (150) percent of the estimated cost of improvements, as estimated by the city engineer, to guarantee the construction and installation of such improvements.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.070 - Appeal to the planning commission.

- A. Within ten (10) calendar days after the date of decision on a site plan application by the site plan review committee, the decision may be appealed to the planning commission by the applicant or any other interested party. An appeal shall be filed with the planning department. The appeal shall specifically identify the error or abuse of discretion by the site plan review committee or other reasons for the appeal.
- B. The appeal shall be placed on the agenda of the planning commission's next regular meeting after expiration of the ten-day appeal period. The planning commission shall approve, approve with conditions, or disapprove the site plan, based on the findings set forth in Section 17.72.050. The decision of the planning commission shall be final unless appealed to the city council pursuant to Section 17.04.090 of this title.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.080 - Building permit.

Before a building permit shall be issued for any building, structure or sign proposed as part of an approved site plan, the building official shall determine the proposed building location, facilities and improvements are in conformity with the approved site plan and any applicable environmental mitigation

monitoring agreement. Before a building may be occupied or a sign erected, the building official shall certify to the planning department that such improvements have been made in conformity with the approved site plan, the project plans and all applicable provisions of this code, all applicable city standards and specification and all other applicable fire, building and health and safety codes, rules and regulations.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.090 - Expiration of site plan approval.

- A. A site plan approval shall automatically expire and be of no further force or effect one year following after the date of approval by the site plan review committee, or if appealed, the approval by planning commission or city council, unless, prior to the expiration of one year, a building permit is issued by the city and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan.
- B. Site plan approval may be extended only once for an additional period of up to one year upon written application to the planning commission before expiration of the initial one year approval.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.100 - Revocation.

Upon violation of any of the applicable provisions of this chapter or the violation or failure to complete or satisfy any of the provisions of an approved site plan, including, without limitation, compliance or satisfaction of any site plan conditions of approval, a site plan approval shall be automatically suspended. Notice of such suspension shall be sent to the person responsible for non-compliance by the building official. Within thirty (30) days after the suspension, the planning commission shall consider the suspension. If the violation or failure to satisfy a condition has not been cured, the planning commission may revoke the site plan approval or take such other action as may be necessary to ensure compliance.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.110 - Site plan approval to run with the land.

A site plan approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.120 - Minor revisions to a previously approved site plan.

A site plan granted under the provisions of this chapter may be revised as to features of the site plan previously approved, provided that such revisions are minor as determined by the planning director. Application for minor revisions shall be made in the same manner as prescribed by Section 17.72.030 of this code.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

17.72.130 - Multi-family development policies and standards.

All residential development, other than single-family detached housing on individual lots, on land designated by the general plan for medium density or high density shall be developed in accordance with the following standards:

- A. Multi-family residential projects involving ten (10) or more dwelling units shall be reviewed under planned unit development (PUD) provisions of this code.
- B. The extent and rate at which multi-family development is allowed to occur during a given year shall be governed, in part, by realistic demands in the housing market as established by competent housing market analysis to be submitted by the applicant. Unsubstantiated market analysis shall be grounds for project disapproval by the city, even though multi-family use is designated for the property being considered by the general plan. The extent and rate of multi-family development shall also be governed by the policies and criteria for growth management as contained in the city's general plan and this code.
- C. For projects intended to meet the housing needs of low and moderate income, market potential which depends solely on meeting the needs of households which reside in other cities or parts of Fresno or Tulare Counties, and which exceeds the city's regional "fair-share" housing commitment under the housing element of the general plan may be grounds for project disapproval by the city.
- D. Multi-family projects involving twenty (20) or more dwelling units shall include a minimum of twenty (20) percent of net site area developed as landscaped open space, including front, side and rear yard areas required by this title. A minimum of ten (10) percent net site area, excluding required yard areas, shall be developed for the common recreation use of tenants, and shall include the following:
 - 1. One tot lot having a minimum area of four hundred (400) square feet for preschool children for each increment of fifty (50) dwelling units or less, excluding studio and one bedroom units and units intended solely for the elderly. Such tot lots shall contain a confined sand base, safe play equipment and security fencing where appropriate, as determined by the city.
 - 2. An area or areas aggregating at least five thousand (5,000) square feet for passive recreation (e.g., lounging, sun bathing, barbecue, reading, conversation), and including areas to be shaded by trees and/or structures.
- E. Multi-family projects involving less than twenty (20) dwelling units shall include a minimum of ten (10) percent of net site area developed as landscaped open space, excluding required yard areas, for the recreation use of tenants.
- F. For multi-family projects where the applicant requests a partial waiver of recreation impact fees required by city ordinance, all of the following areas and facilities shall be provided on a minimum of one acre of aggregate site area:
 - 1. Recreational open space for either passive or active recreational use, including at least one-half acre of lawn area that is irrigated by an automatic system.
 - 2. Court areas involving any combination of area for tennis, badminton, volleyball, shuffleboard or similar hard-surfaced court game areas.
 - 3. Recreational swimming areas devoted primarily to swimming and wading, including lap pools and training pools, and further including adjacent area in lawn, decks, cabanas or similar pool-side facilities, at a standard of eight hundred (800) square feet of water surface area per pool and one thousand six hundred (1,600) square feet of land area for related facilities, for each forty (40) dwelling units.
- G. Where multi-story dwelling units are proposed adjacent existing or planned low density residential areas, building elevations and the locations of windows, balconies and air conditioning units above the first floor shall be reviewed by the city to assure visual compatibility and residential privacy.

- H. Notwithstanding the provisions of Subsection 17.52.020D.1 of this title, all multi-family developments shall provide off-street parking for visitors at locations reasonably central to the units to be served at a ratio of one space for each four dwelling units. On-street parking spaces may be substituted for visitor parking at the ratio of one space for each eight units.
- I. Excluding visitor parking, at least one-half of all off-street parking spaces in multi-family developments shall be covered by a garage or carport.
- J. Site development and maintenance shall be in accordance with a comprehensive landscape development plan approved by the planning department, including automatic irrigation.

(Ord. No. 2012-02, § 2(exh. A), 3-7-2012)

Planning is bringing the future into the present so that you can do something about it now.

Alan Lakein

PLANNING FUNDAMENTALS

Stephen Velyvis, Matthew Bassi & Mark Teague

Introduction: Panelists

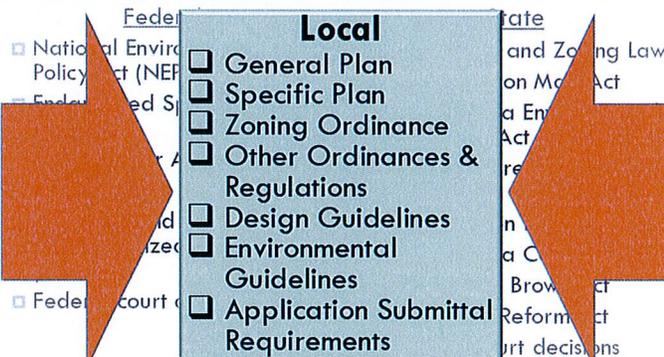
- Matthew Bassi – Planning Director, City of Wildomar
- Mark Teague, AICP – Michael Baker International
- Stephen Velyvis – Land Use/Environmental Law Partner at Burke, Williams & Sorensen



Questions to Be Answered

- How does a project get to the planning commission?
- Who comes up with the conditions of approval?
- What are findings and why are they important?
- Why are public hearings so contentious?
- What if I disagree with staff?
- If a project is consistent with the general plan and zoning, can I still say no?

Legal Basis for Planning



How does a project get to the commission?

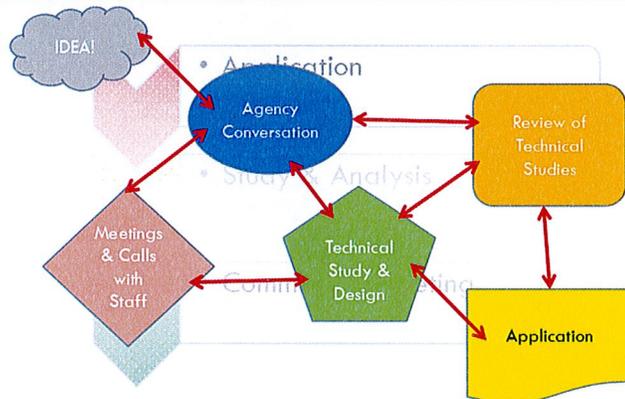
Process

- Counter discussion
- Application submittal
- Application review
- Application re-submittal
- Acceptance for processing
- Environmental analysis
- Develop conditions of approval
- Prepare staff report
- Conduct hearing
- Repeat as needed

Action

- General plan and zoning check
- Check for studies and cash check
- Must be completed in 30 days
- Determine if information is missing
- Start the environmental process
- Project is now public
- Conditions from other agencies and departments
- Summarize process
- Commission is now the lead

Nonlinear Process



Staff Planners Focus on

- The general plan
- Zoning
- Development permit requirements
 - Standard conditions of approval
 - Project-specific conditions of approval
- Precedent
 - Past commission decisions
 - Successful (or unsuccessful) projects

Anatomy of a Staff Report

- Brief project description
- Staff recommendation
- Analysis
- Findings
- Environmental determination
- Conditions
- Attachments



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #X.X
PUBLIC HEARING
Meeting Date: xxxx, 2016

TO: Chairman and Members of the Planning Commission

FROM: STAFF PLANNER

SUBJECT: PROJECT DESCRIPTION FROM NOTICE

STAFF RECOMMENDATION
The Planning Department recommends the Planning Commission take the following action:

IN THE FORM OF A MOTION

Project Description

Project Setting

Project Analysis

Public Noticing

Environmental Determination

CEQA Findings

Project Findings

Conditions of Approval

ATTACHMENTS
A. PC Resolution No.

General Plan

- Consistency with the general plan
 - GP known as the “local constitution.” The GP must be internally consistent, and all other plans, regulations, and permitted projects must be consistent with the GP (vertical consistency).
 - A project is consistent with the GP if, considering all of its aspects, it will further the objectives and policies of the GP and not obstruct their attainment.
 - A project is inconsistent if it conflicts with a GP policy that is fundamental, mandatory, and clear.
- Staff does not make the consistency determination; the Commission does...in their FINDINGS

Zoning

- Consistency with zoning
- Usually a metric that can be measured
 - Lot size
 - Building heights
 - Type of land use
- Staff report provides evidence
- Evidence is summarized in the findings

CEQA

- Purposes
 - Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities
 - Identify ways that environmental damage can be avoided or significantly reduced
 - Prevent damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures
 - Disclose to the public the reasons why a governmental agency approved a project

CEQA (cont'd)

- Broad application – All discretionary approvals of projects making a physical change to the environment
- If CEQA applies, general three-step process is:
 - Determine whether a categorical or statutory exemption applies
 - If no exemption applies, prepare an initial study
 - Depending on results of the initial study, prepare a negative declaration/mitigated negative declaration or an environmental impact report

What are findings and why are they important?

- Written statements of facts explaining how and why a particular decision was made
- Not normally required for legislative acts (unless specifically required by ordinance or statute)
- Always required for adjudicatory/quasi-judicial decision
- When required, findings must be supported by evidence in the record (e.g., application file, staff report, hearing transcript)

DIY Findings

- Can be difficult to draft in the meeting
- Should reflect the commission's consensus
- Must be based on evidence in the record
- If you disagree with staff's recommended decision and findings, be very clear on the reasons why and provide staff direction on desired findings and supporting evidence to allow them to bring the matter back for further consideration

Who comes up with conditions of approval?

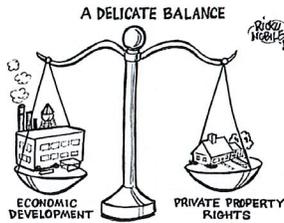
- Planning staff collects conditions from other agencies and departments
- Conditions should be unique to the project
- Should be measurable
- May also be environmental mitigation measures
- Can be standardized

Legal Framework for Conditions

- **Constitutional Police Power**
 - The basis for all land use regulation
 - "To protect the health, safety, and welfare"
 - Broad and elastic, but not unlimited
- **Limitations on Police Power**
 - **Preemption** – may not conflict with state or federal law
 - **Takings Clause** – cannot overly limit or preclude vested private property rights
 - **Due Process** – must provide due process
 - **Equal Protection** – similar situation treated equally
 - **First Amendment** – freedom of speech and expression

Conditions of Approval

- A legal condition:
 - Supports legitimate public purpose
 - Doesn't deny viable economic use of property
 - Has a rational connection "nexus" to the project request (*Nollan v. California Coastal Commission* (1987))
 - Is roughly proportional to the project request (*Dolan v. City of Tigard* (1994))



Why are public hearings contentious?

- Difficult for public
 - Not accustomed to public speaking
 - Invested in their issue
 - Unsure of the process or their role
- First opportunity for public to comment
- Due process for both the applicant and the public
 - Reasonable notice of action, opportunity to be heard, impartial decision-maker
- Even unusual comments should be considered

What if I disagree with staff?

- It happens
- Staff recommends; the commission considers
- It's ok to say no
 - ▣ If findings are required, make sure you can state a basis for the decision
 - ▣ If findings are not required, you are not required to do so, but it is nice if you help staff understand why

Can I just say no?

- If the decision is entirely discretionary, then yes
- If the decision is adjudicatory or quasi-judicial, you need findings



Judicial Review – Writ of Mandate

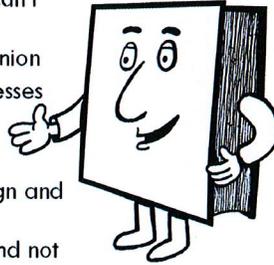
- Legislative/Quasi-Legislative Act – Traditional Mandamus (CCP Section 1085)
 - Involves policymaking actions like adoption of GP or zoning
 - To challenge a ministerial duty, quasi-legislative act or failure to perform a duty
 - Petitioner must have a “substantial beneficial interest” and no other “plain, speedy, and adequate remedy in the ordinary course of law”
 - Legislative acts are presumed valid without supporting findings
 - Deferential standard of review – decisions only overturned if arbitrary, capricious, or entirely lacking in evidentiary support

Judicial Review – Writ of Mandate

- Adjudicative/Quasi-Judicial Act – Administrative Mandamus (CCP Section 1094.5)
 - Involves decisions applying general policy to specific property, individual, interest, or situation (e.g., use permit or variance) and requiring notice, hearing, and written findings
 - Typically limited to documentary evidence (administrative record)
 - Standard of review limited to inquiring whether decision-maker abused its discretion
 - Abuse of discretion established if agency did not proceed in manner required by law (jurisdiction/notice/hearing/impartiality); decision not supported by findings or findings not supported by evidence

Planning Secrets of the Profession

- No Big Book of Planning
- No "right" answer
- Beware of analysis paralysis
- Everyone has the right to petition (we can't keep folks from applying)
- Our recommendations are only our opinion
- We learn from both mistakes and successes
- All microphones are on
- Everything is public record
- A project can be environmentally benign and still a bad idea
- Yours should be a reasoned decision and not "mob rule"



Questions?

