

## Title 9 PLANNING AND ZONING

### Chapter 2 APPLICATIONS: CONTENT, PROCESSING AND TIME LIMITS

#### ***DRAFT Amendment to Section 9-2.109 (rev. 8-29-23)***

#### **9-2.109 Precise Plan.**

(a) Purpose and Applicability. Precise Plans require a discretionary review process that considers the greater effects specific uses or developments may have upon the natural or built environment or effects the environment may have on the proposed use or development. Precise Plans are required for the following projects:

(1) Grading or construction in a hillside area that does not comply with Section 9-4.156, or grading or construction on any development areas that exceed thirty percent (30%) slope;

(2) Development or placement of items in a watercourse or wetland buffer area that does not comply with Section 9-4.169 through 9-4.171 and/or that the Community Development Director has determined has the potential to adversely affect watercourse, wetland, or riparian resources pursuant to Sections 9-4.166 through 9-4.172;

(3) Alterations to historic resources on the Historic Resources List that do not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties applicable to the particular historic resource, and/or any alterations to historic resources listed on the National Register of Historic Places or on the California Register of Historical Resources; and

(4) Projects within archaeologically sensitive areas as documented on maps on file in the Planning Department where a Phase I archaeological study concludes that there is the potential to adversely affect archaeological resources pursuant to the California Environmental Quality Act.

Certain projects (as listed in Section 9-2.110) do not require Precise Plan approval but will require Conditional Use Permit approval even if such uses are listed as allowable uses in a particular zoning district.

(b) Precise Plan applications shall include the forms provided by the Planning Department, and the items listed in subsection (c) of this section. Drawings must be neatly and accurately prepared and at a scale acceptable to the Community Development Director to enable ready identification and recognition of submitted information.

(c) Precise Plan Content. Precise Plan applications shall include an application prepared as specified in Section 9-2.109(b), as well as the following:

(1) Preliminary Floor Plan. For all structural uses except single-family residences and agricultural accessory buildings; and

(2) Architectural Elevations. For all structural uses except single-family residences and agricultural accessory buildings. Elevations, renderings or perspectives of each proposed structure shall be provided, identifying all exterior finish and roofing materials; and

(3) Drainage Plan. When required by Section 9-4.148 or overlay district requirements; and

(4) Landscaping Plan. To be prepared as required by Section 9-4.124, for all uses, except single-family residences and agricultural accessory buildings; and

(5) Contour Map. To be prepared as follows, except when a grading plan is required by Section 9-4.138:

(i) Inside Urban Services Line. Site contour information shall be provided at five (5) foot intervals for undeveloped areas and two (2) foot intervals for building sites and paved or graded areas.

(ii) Outside Urban Services Line. Site contour information shall be provided at ten (10) foot intervals, which may be interpolated from USGS Topographic Quadrangle Maps, for undeveloped areas, and at two (2) foot intervals for building sites and paved or graded areas.

(iii) Areas in excess of thirty percent (30%) slope may be designated as such and contours omitted, unless proposed for grading, construction or other alteration.

(6) Supplementary Development Statement. Shall include a phasing schedule for project construction if one is proposed and identification of any areas proposed to be reserved and maintained as common open space. Applications for special uses (Chapter 9-6) shall include explanation of how the applicable provisions of Chapter 9-6 will be met.

(d) Precise Plan Processing. Precise Plan applications shall be submitted to the Planning Department and shall be processed as follows:

(1) Environmental Determination. A Precise Plan application accepted for processing as set forth in Section 9-2.102 shall receive an environmental determination as required by the California Environmental Quality Act (CEQA). The Planning Department shall process the application concurrently with the environmental determination.

(2) Review Authority. The authority to take final action on a Precise Plan application as set forth in this subsection is assigned to the Community Development Director, provided that:

(i) Appeals. Such decisions may be appealed to the Planning Commission (Section 9-1.111, Appeal); and

(ii) Elevate Review. The Community Development Director may refer project applications to the Planning Commission if it appears that such referral is necessary based on unique characteristics of a project or the need for additional community input and/or other reasons needed to accomplish the purposes of this Title.

(3) Findings. The following findings are required for approval of a Precise Plan:

(i) Consistency. The proposed use is consistent with the General Plan and any applicable specific plan; and is allowed within the applicable zoning district, and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

(ii) Compatibility. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;

(iii) Hillsides. If located on a site with an average slope of the development area before grading of fifteen percent (15%) or more:

- a. The project design and site layout retains and utilizes natural contours of the site to the maximum extent feasible;
- b. That grading has been minimized in order to maintain the natural character of the hillsides and that unavoidable grading complements natural landforms;
- c. The healthy, native tree canopy has been retained as much as possible; and
- d. Mass grading of large pads and excessive terracing has been avoided in residential zones and minimized in commercial and industrial zones.

(iv) Watercourse and Wetland Buffers. If located within a watercourse or wetland buffer area:

- a. The identified mitigation measures will reduce the impacts to a level of insignificance;
- b. The feature will not impact the floodway or the flood zone in a way that would create negative impacts to downstream properties;
- c. The feature will not prevent the implementation of city-adopted plans;
- d. Site development cannot be feasibly accomplished with a redesign of the project; and
- e. Redesign of the project would deny the property owner reasonable use of the property. "Reasonable use of the property" in the case of new development may include less development than indicated by zoning. In the case of additional development on an already developed site, "reasonable development" may mean no additional development considering site constraints and the existing development's scale, design, or density.

(v) Historic Resources.

- a. If altering an historic resource on the Historic Resource List:
  - 1. The proposed alteration or relocation will not detrimentally diminish, eliminate, or adversely affect the character, character-defining features, or historic integrity of the historic resource; or
  - 2. There is sufficient evidence, including evidence provided by the applicant, that denial of the proposed alteration or relocation would cause an immediate hardship because of conditions unique to the specific property.
- b. If altering an historic resource on the National Register of Historic Places or California Register of Historic Resources:
  - 1. The proposed alteration is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties relevant to the particular historic resource; or

2. There is sufficient evidence, including evidence provided by the applicant, that denial of the proposed alteration would cause an immediate hardship because of conditions unique to the specific property.
- c. If relocating an historic resource on the Historic Resource List:
1. Relocation of the historic resource is feasible from a technical, mechanical, and structural standpoint considering the historic resource's condition, and will not result in significant damage to the structure's historic integrity; and
  2. Relocation of the historic resource will not result in significant adverse effects to its historic integrity as a result of a change in its location.
- d. If demolishing an historic resource on the Historic Resource list, any one of the following:
1. The potential negative effects of the action are outweighed by the benefits of the associated replacement project, as applicable; or
  2. There is sufficient evidence, including evidence provided by the applicant, that maintenance, retention, use and/or alteration of the resource in accordance with the requirements of this section would cause immediate and substantial hardship on the property owner(s) because rehabilitation in a manner that preserves the historic integrity of the resource:
    - i. is infeasible from a technical, mechanical, or structural standpoint considering the historic resource's condition or location, and/or
    - ii. would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, and the cost of compliance with applicable local, state, and federal codes or requirements; or
  3. There is sufficient evidence, including evidence provided by the applicant, that relocation of the historic resource is infeasible; or
  4. The demolition is necessary to protect or promote the health, safety, or welfare of the city residents, including the need to eliminate blight or nuisance, or correct an unsafe or dangerous condition of the property.

(vi) Archaeologically Sensitive Areas. If located within an area documented on maps on file in the Planning Department as an archaeologically sensitive area, studies have concluded that either:

- a. No known significant archaeological resources are present; or
- b. If known resources are present, impacts can be avoided by site design that eliminates any ground disturbance within 50 feet of the resource; or
- c. If impacts to known significant archaeological resources cannot be avoided:

1. Impacts have been minimized consistent with the requirements of 15064.5 of the State CEQA Guidelines; and

2. Tribes have been consulted per the requirements of Assembly Bill 52.

(vii) Housing Development Projects. For a project that is defined as a “Housing Development Project” by the Housing Accountability Act (California Government Code Section 65589.5(h)(2)), the review authority must approve or conditionally approve the project if it complies with all objective standards unless it makes one of the following findings supported by a preponderance of the evidence in the record:

- a. The project does not comply with all applicable objective General Plan, Zoning Code, Subdivision, and development standards including objective design review standards.
- b. The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.

As used in this Section, a “specific, adverse impact” is defined by California Government Code Section 65589.5(j) and means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(4) Public Notice. Upon completion of the findings set forth in Subsection 9-2.109(d)(3) and determination that the application complies with applicable zoning standards and design guidelines, a notice shall be sent by first class mail with postage prepaid to all persons whose names and addresses appear on the last equalized assessment roll as owning property adjacent to the exterior boundaries of the project site. Additional notice may be provided when appropriate by the Community Development Director. The notice shall describe the proposed use and explain how interested people may obtain additional information about the project. The notice shall inform the property owners in the vicinity of a Precise Plan proposal of their opportunities to review, comment upon, and appeal the approval of the project, if desired.

(5) Review and Approval. The Community Development Director—or the Commission on an elevated review—may deny, deny without prejudice, approve, or approve with conditions a Precise Plan application.). The approval shall become effective for the purpose of issuance of a building or grading permit, or establishment of a use not involving construction, fourteen (14) days after the notice has been sent, unless an appeal is filed with the Planning Department as set forth in subsection (b)(5) of this section.

(6) Appeal of Precise Plan Decision. Any aggrieved person may appeal a decision on a Precise Plan application as set forth in Section 9-1.111.