

## General Plan Issues Committee

### Meeting Summary

January 21, 2010

City Hall Mitchell Room

6:00 p.m. – 9:00 p.m.

**Committee Members Present:** David Ferguson; Chairman, Linda Bailey, Elmer Cameron, Jon Hudson, Terry Jackson, Steve Kildoo, John Masson, Rick Paul, Lisa Prazeau, Pam Stahl, Alfredo Velasco, Joyce Wells

**Committee Members Absent:** Maria Bowman, Thora Guthrie, Lucas Ross

**Staff Present:** Jonathan Brindle, Director of Community Development; Barbara Redlitz, Assistant Planning Director; Ed Domingue, Director of Public Works; Jay Petrek, Principal Planner.

#### 1. Opening Comments

Chairman Ferguson provided introductory comments.

#### 2. Review of January 7 2009 Meeting Summary

Member Paul requested clarification on page 5 regarding the Committee's decision on industrial; whether the correct wording was overly "inclusive" or "restrictive." The consensus was that both terms should be incorporated in the summary with additional text in the minutes conveying the Committee's intent. Member Cameron clarified his statement on page 7 regarding Proposition "S" that the word "retain" should be "remain." Member Jackson clarified his statement on page 4 should be "Primary-sector and white collar jobs." Staff responded that amendments to the January 7<sup>th</sup> Summary would be made.

#### 3. Summary of Committee Recommendations

Jon Brindle provided an overview of the committee's agenda. Jay Petrek noted that the Summary Table of Recommendations had been updated to reflect the Committee's actions up to the January 7, 2010 meeting.

#### 4. Discussion on General Plan Topics

##### a. Quality of Life Standards

##### i. Open Space

Jay Petrek summarized the Open Space Quality of Life Standard and mentioned that while the discussion on the Parks Quality of Life Standards included Open Space in its status, the actual General Plan Standard for open space needed Committee input. Staff's recommendation was to delete the last sentence that allowed density transfers to other non-contiguous properties as a means for preserving open space. Such transfers had not occurred in the City except for isolated Specific Planning Areas such as Northeast Gateway and Lomas Del Lago.

Committee Discussion ensued. Member Masson suggested that such transfers of density may be beneficial for retaining in the General Plan. Staff responded that such density transfers could still be accomplished with Specific Planning Areas. Member Jackson commented that the current language was in place prior to organized habitat planning efforts and that the density transfer provisions were intended as a mechanism for establishing a value for open space lands without having to purchase them.

*Open Space QOL Consideration:*

Delete text from the Open Space QOL Standard: "Density transfers shall be permitted to preserve such lands as established in the land-use designation."

**ACTION:**

Motion by Member Kildoo, second by Member Velasco to endorse staff recommendation. Vote: unanimous; (Bowman, Guthrie, Ross; absent).

**4. Discussion on General Plan Topics**

**b. Municipal Services and Growth Management Policies**

Jay Petrek and Jon Brindle provided background information on purpose of the growth management system which is to a) schedule and construct necessary facility improvements concurrent with growth; b) manage short-term gaps of service between facility improvements; and, c) ensure fees are in place to off-set impacts from new development. Implementation techniques were discussed that included: appropriate fees that cover impacts of new development, Facility Master Plans, Citywide Master Plans, local California Environmental Quality Act (CEQA) significance thresholds, Capital Improvement Programs, Critical Infrastructure Deficiency Areas and, as a last resort, moratoriums.

It was described that the General Plan has established 21 neighborhood planning areas. Growth Management Tiers (Tiers 1, 2, and 3) define the level of urbanization within each tier; however, the boundaries themselves are arbitrarily-defined. Facility Plans have been identified as the mechanism to address the location, amount, rate, type, density, quality, timing, and financing of development in each tier. However, due to the magnitude of creating separate Facility Plans, the city instead prepared a City-Wide Facilities Plan. At issue is whether the existing tier system should be simplified in favor of a more facility-driven growth management system that focuses on specific infrastructure deficiencies that would have their own geographic boundary depending on where the deficiency exists.

Committee Discussion ensued. Member Prazeau expressed concern regarding the gaps in school facilities and availability-letters from the district used to grant building permits that indicate long-term challenges with providing classroom space for students. Member Stahl reiterated her concern regarding future growth and her desire that the General Plan buildout not be increased. She indicated concern that deficiencies should be appropriately addressed so they do not adversely impact existing residents.

Member Jackson felt that the current Tier System doesn't work and should be modified. Chairman Ferguson gave an example of water, fire flow, drainage, and traffic deficiencies in the North Broadway area that all affect different properties and overlap several tier boundaries.

Member Masson felt it was important for the Growth Management system to be simple and flexible. Chairman Ferguson commented that the system should clarify the standards so that when fees are paid to finance facilities it is also clear when those facilities need to be built.

*Growth Management Consideration:*

- Re-evaluate the Growth Management Element to address incorporating policies relating development approvals / permits to remaining capacities
- Simplify existing “tier” system by replacing with policies calling for a more functional application identifying deficiencies in specific geographic areas.

**ACTION:**

Motion by Member Jackson, second by Member Wells to endorse staff recommendation and replace the current Growth Management provisions with a more workable solution. Vote: unanimous; (Bowman, Guthrie, Ross; absent).

Jay Petrek continued staff’s discussion on Growth Management; whether in light of the issues with long-term water supply, the General Plan Update should establish some water use parameters to constrain planning efforts. Upon staff’s further clarification, the discussion focused on 1) setting a cap on water and working within that water limit as the community attains its desired vision for buildout (which would likely impose greater water conservation measures for existing and future residents); or, 2) Establishing the community vision, determining the water needs, and applying appropriate water conservation measures without setting a cap on water.

Member Kildoo was called away and was absent for the remainder of the meeting.

Member Stahl felt that as the city imposes Level 2 Drought Conditions restricting water usage for existing residents there should be a commensurate restriction on building permits issued. Member Masson felt that the ultimate need for water should be based on the community’s vision.

Chairman Ferguson felt that water conservation efforts were appropriate but was opposed to setting artificial caps or limits. He felt that the Committee should recommend a position on whether a cap on water should be included in the General Plan Update process, and then further discuss whether building permits should be restricted during times of drought.

**ACTION:**

Motion by Member Jackson, second by Member Masson to plan for the community’s water needs based on the desired vision for buildout, incorporate appropriate water conservation, and not on an artificial cap. Vote: 10:1; Member Stahl, no (Bowman, Guthrie, Kildoo, Ross; absent). Member Stahl reiterated her position that the current General Plan’s population buildout should not be exceeded.

Further discussion ensued on restricting building permits during drought conditions if mandatory water conservation measures are imposed. After clarification it was decided to focus the discussion on whether to restrict issuing residential building permits, and that building permits for employment-oriented uses would not be included in the discussion for possible restriction.

The comments were then focused on whether staff should explore a General Plan policy regulating the issuance of residential building permits during times of water shortage, which was determined to mean when conservation is mandated for existing residents (i.e. Level 2 Drought Conditions). Members Masson, Bailey, Jackson and Hudson voiced opposition with implementing such a proposal. Members Paul, Wells, Prazeau, and Stahl expressed support for restricting new residential. Chairman Ferguson asked for a show of hands.

**ACTION:**

*General Plan Policy Consideration:*

The General Plan should include policies regulating the issuance of residential building permits during times of water shortage; which is determined to mean when conservation is mandated for existing residents (i.e. Level 2 Drought Conditions). Vote 5:6 *Motion Failed* (Members Bailey, Ferguson, Hudson, Jackson, Masson, Velasco; no, Bowman, Guthrie, Kildoo, Ross; absent).

**5. Additional General Plan Update Issue Topics**

**a. Evaluate Status of Undeveloped Specific Planning Areas**

Jay Petrek commented that the following topics were those that staff had solicited from the Committee for input. Chairman Ferguson commented that the nature of the topics and the positions of Committee members may not result in unanimous decisions; he stressed that members should not spend a lot of time trying to convince others to change their votes, but rather to provide feedback for staff to transmit to the City Council.

On the subject of evaluating the status of undeveloped Specific Planning Areas, staff commented that the General Plan's information regarding certain Specific Planning Areas was outdated and that as the General Plan is thoroughly updated corrections would be made to document their current status. It was commented that SPAs #1, 3, 6 should reflect buildout with no additional development potential, and that SPAs #7 and 11 are designated as open space with no opportunities for development. Chairman Ferguson asked for a show of hands supporting the measure.

**ACTION:**

*General Plan Update Recommendation:*

All Specific Planning Areas will be reviewed and updated to reflect their current status. Vote: Unanimous (Bowman, Guthrie, Kildoo, Ross; absent).

**b. Density Reductions in Outlying Areas in Exchange for Increasing Smart Growth Densities**

Member Paul asked that this topic be addressed by staff and contended that two Specific Planning Areas in particular, Valley View and Daley Ranch, contained project descriptions with large densities that may not be "Smart Growth" in nature and appropriate for reconsideration with those densities re-allocated to the urban core. Member Stahl concurred with linking density reductions in outlying areas to increases in the urban core because it would achieve her goal of maintaining the current General Plan buildout. Member Prazeau felt that density reductions in outlying areas in exchange for increases in Smart Growth Areas were linked by the overall Quality of Life Standards.

Upon further discussion Member Paul felt that perhaps a ratio of units reduced in the outlying area could be translated to a higher ratio of units in the urban core. Member Jackson disagreed with the concept of linking reductions in outlying densities in exchange for increases in the urban core because it was not consistent with the Committee's earlier direction of determining the community's vision without setting a prescribed population cap. Chairman Ferguson asked for a show of hands on a number of options.

**ACTION:**

1) Directly link density reductions in outlying areas to increases in the urban core on a one-to-one basis (i.e. one unit reduction from outlying areas equals one unit increase in the urban core). Vote: 1:10; *Option Failed*; Stahl, yes; (Bowman, Guthrie, Kildoo, Ross; absent).

**ACTION:**

2) Link density reductions in outlying areas to a higher corresponding number of increased units (to be determined) in the urban core. Vote: 2:9; *Option Failed*; Paul, Prazeau, yes; (Bowman, Guthrie, Kildoo, Ross; absent).

**ACTION:**

3) Smart Growth areas should be evaluated for feasible and desirable density increases without regard to any potential density reductions elsewhere in the General Plan. Vote 7:4; Bailey, Ferguson, Hudson, Jackson, Masson, Velasco Wells, yes; (Bowman, Guthrie, Kildoo, Ross; absent).

The Committee adjourned for a 15-minute break.

Upon reconvening Chairman Ferguson continued the discussion on Specific Planning Areas. Member Paul asked about the densities in Daley Ranch and Valley View and whether the General Plan update should consider density reductions without regard to transferring units to the urban core. He commented that the densities in these two Specific Plans were not appropriate. Chairman Ferguson commented that the environmental and physical constraints of Valley View would likely limit the development potential at Valley View to extremely low densities. He also stated that the current Specific Plan for Daley Ranch included the Sager Ranch which had its density decreased when the city established the Daley Ranch preserve. Access to Sager Ranch has been granted through a small portion of Daley Ranch in anticipation of that eventual development. Member Jackson stated that the densities around Daley Ranch are appropriate and supports maintaining their status in the General Plan update.

**ACTION:**

Motion by Member Paul, second by Member Prazeau to examine SPA 2 and 4 (Daley Ranch and Valley View) for potential reductions to their densities. Vote 3:8 *Motion Failed*; Members Paul, Prazeau, Stahl, yes; (Bowman, Guthrie, Kildoo, Ross; absent).

**c. Annexation Policies**

Staff discussed highlights of the current annexation policies, specifically that the city will not actively seek to annex unincorporated lands; infrastructure deficiencies in unincorporated areas are financed by property owners; and, municipal services shall not be provided to unincorporated areas unless the city is reimbursed for services. Discussion ensued whether the city should be more proactive in seeking annexations, and if fees should be evaluated to determine whether they are appropriate for funding deficiencies.

Member Jackson felt that General Plan policies should encourage annexations, which might help solve some infrastructure problems, particularly circulation element streets that are in the unincorporated areas. Member Stahl expressed opposition on the basis that property owners should be taking the initiative and that taxes don't offset the cost of providing services. Member Hudson agreed with both points made by Members Jackson and Stahl.

Member Prazeau felt that the city should be proactive by annexing existing "county islands," that services should not be provided to annexed properties unless financed by the property owners and that annexation fees should be maintained. Member Wells felt the city should be proactive in annexing "county islands" and "county pockets." Member Cameron felt it was important to actively influence what property owners want to do regarding annexing and he supported a more proactive approach. Member Bailey also supported a more proactive effort.

Member Masson felt that the current policy is too restrictive particularly regarding annexing deficiencies. He commented that if the city has a vision for buildout but a certain area has a deficiency then there would be conflicts when it came to annexing the territory. Chairman Ferguson supported a more proactive approach and commented that some issues won't be resolved until the city takes control. He felt that pursuing annexation more aggressively would promote orderly development.

Further discussion ensued regarding county residents' use of city facilities, being more proactive in annexing "county island" areas, whether the city has the authority to initiate annexations on behalf of property owners, deficiencies created by annexing existing development, and the likelihood that deficiencies will ever be corrected. Chairman Ferguson asked for a show of hands on a number of options.

**ACTION:**

1) Retain current General Plan Policy without making changes. Vote: 1:10; *Option Failed*; Stahl, yes; (Bowman, Guthrie, Kildoo, Ross; absent).

**ACTION:**

2) Consider proactive General Plan policies for annexing "county islands." Vote: 4:7; *Option Failed*; Cameron, Paul, Prazeau, Velasco, yes; (Bowman, Guthrie, Kildoo, Ross; absent).

**ACTION**

3) Consider proactive General Plan policies for annexation throughout the community. Vote: 9:2; Prazeau, Stahl, no; (Bowman, Guthrie, Kildoo, Ross; absent).

Further committee discussion ensued. Member Masson contended that the city might desire to proactively pursue an annexation with infrastructure deficiencies and not require property owners to finance improvements if the area is in concert with meeting a city goal and/or vision.

**ACTION:**

Motioned by Member Masson, second by Member Bailey to Consider proactive annexation policies that may include the provision of municipal services in deficiency areas without requiring property owners to finance improvements in areas that address city goals and visions. Vote: 9:2; Prazeau, Stahl, no; (Bowman, Guthrie, Kildoo, Ross; absent).

**ACTION:**

Motion by Member Masson, second by Member Wells to revisit annexation fees to determine their appropriateness for accommodating the General Plan's goals and vision. Vote: 9:2; Prazeau, Stahl, no; (Bowman, Guthrie, Kildoo, Ross; absent). Member Prazeau commented that the annexation fees should not be reduced; deficiencies should be financed by those being counted as new city residents.

**ACTION:**

Motion by Prazeau, second by Stahl to retain annexation fees and not reduce them. Vote: 2:9; Prazeau, Stahl, yes; *Motion Failed*; (Bowman, Guthrie, Kildoo, Ross; absent). Member Paul cited his reason for supporting the motion stating that flexibility regarding fees may be needed in certain instances when the city is pursuing an annexation in order to fulfill a goal or vision.

Chairman Ferguson clarified that the intent of the annexation discussion and motions would be to review all annexation policies for consistency with the city's overall goals and vision for buildout.

**d. Clustering Policies**

Staff discussed historical background on how density was calculated in the previous General Plan, that there was a range of residential densities for each category, and far less specific methodology for yield calculations. The current General Plan addresses those ambiguities by instituting specific residential densities, deductions for steep slopes, stream courses, sensitive habitat, and Circulation Element Streets, and densities are rounded down in cases where partial units are calculated for properties.

In determining the number of residential units permitted for a property, the maximum yield is derived by applying maximum permitted density in each applicable residential land use category, subject to applicable slope density categories adjusted for natural floodways sensitive habitat and Circulation Element Streets. It was noted that the maximum yield is also used for determining municipal facility needs. The methodology for calculating density yields are the same for conventional subdivisions and clustered developments. In the case of clustered developments, there is no requirement to first design a conventional subdivision in order to determine lot yield for a clustered proposal.

Staff gave a synopsis of the current General Plan clustering policies stating that minimum lot size standards are established, clustered developments are approved in conjunction with rezoning to Planned Development or Specific Plan, lot widths, setbacks, building separations and unit bulk consistent with zoning policies. It was noted that the current policy states that clustering is not intended to maximize density or yield, and that reduction in lot sizes shall not exceed open space areas, a minimum 50 percent of all residential lots must back up to open space areas. Additionally, clustering shall not have an adverse visual impact or significantly change the area's surrounding character.

Staff commented that the policy language pertaining to clustered developments as "not intended to maximize density or yield" and that "lot widths, setbacks, building separations and unit bulk shall be consistent with zoning policies" needed clarification. Although the General Plan establishes a formula for calculating maximum density, it was noted that the clustering policy pertaining to "not intended to maximize density" has raised concerns when a clustered project is proposed with the maximum density permitted by the General Plan.

Additionally, because clustered developments are approved in conjunction with a Planned Development or Specific Plan the project would provide its own set of standards for lot widths, setbacks, building separations and unit bulk. The policy language requiring that clustered projects be “consistent with zoning policies” is inappropriate because they are rezoned to Planned Development or Specific Plan upon approval, consequently, any previous zoning would not apply.

Member Jackson said he felt that clustering is a mechanism that provides an opportunity for a project to minimize their impact on the environment. He agreed that the policies needed clarification.

Member Stahl opposed eliminating the policy language pertaining to not maximizing densities in clustered project and did not want to water down the current language. Member Prazeau agreed and expressed her support for maintaining the current language. She cited several developments in the community with both good and bad examples of clustered design.

Jon Brindle cited the genesis for the current clustering policies as a reaction to the Sonata Development where the overall density is two units per acre, but units are built on “postage stamp” lots. The project raised concern in the community as being out of character with the surrounding area. The current General Plan includes provisions for minimum lot sizes and connectivity to open space as a means to protect community character.

Member Masson expressed his opposition to the requirement in Clustering Policy D1.6 that 50% of clustered lots must back on to open space. He cited that this requirement as resulted in projects with linear open space areas that are not functional.

Member Prazeau discussed her interpretation of “maximizing density” and stressed that the language in the General Plan provides advance notice to developers that clustering provisions may not result in the maximum number of units. She expressed support for clarifying lot widths, setbacks, building separations and unit bulk in clustered project as recommended by staff, as well as eliminating the provision that 50% of clustered units must back up to open space.

**ACTION:**

Motion by Member Prazeau, second by Member Stahl that the clustering policies clarify provisions regarding minimum lot widths, setbacks, building separations, and unit bulk. Vote: unanimous; (Bowman, Guthrie, Kildoo, Ross; absent).

**ACTION:**

Motion by Member Prazeau, second by Member Stahl to delete policy language requiring that at least 50% of all residential lots must back up to open space areas, provided that in no event shall the reduction of lot sizes for clustered projects exceed the open space areas within the development. Vote: unanimous; (Bowman, Guthrie, Kildoo, Ross; absent).

Member Hudson was called away and was absent for the remainder of the meeting.

Further discussion ensued regarding the clustering policy text pertaining to “not intended to maximize the density or yield.”

**ACTION:**

Motion by Member Prazeau, second by Member Stahl to retain the current language in Clustering Policy D1.3: "Clustering is not intended to maximize the density or yield, or to circumvent the existing zoning." Vote: 2:8; Prazeau, Stahl, yes; *Motion Failed*; (Bowman, Guthrie, Hudson, Kildoo, Ross; absent).

Chairman Ferguson discussed Cluster Policy D1.1 regarding the minimum lot sizes for single-family cluster development. He asked whether the committee wanted to further discuss reducing the minimum clustered lot size in Rural I areas from 2 acres to 1 acre in light of water conservation goals and other benefits of a smaller development footprint. Member Stahl opposed the suggestion and felt that there are instances where such larger lots would be appropriate in very rural areas.

Member Prazeau expressed support for retaining the General Plan paragraphs regarding clustering that appear before Clustering Policy D1.1 because it is a "heads up" to developers about the intent to preserve open space and not to develop the most possible number of lots.

**e. Smart Growth Policies in Relation to Setbacks, Open Space, Recreational Amenities**

Member Stahl mentioned that she requested that the Committee further discuss her concern regarding recent developments in the urban core that she felt were undesirable. She cited projects that did not provide sufficient setbacks, open space, amenities, and recreational areas for children, and that there should be standards in the General Plan to ensure that multifamily developments projects incorporate better design standards. Member Prazeau agreed that the General Plan should provide more guidance in this area.

Member Jackson commented that the Downtown Specific Plan contains standards for amenities and that such standards are more appropriately located in a Specific Plan or Design Guidelines rather than the General Plan.

Member Stahl felt that design standards that currently exist to promote attractive development with adequate amenities are not being followed.

Member Cameron questioned the development at the northwestern corner of Citrus Avenue and East Valley Parkway. He felt that the entire project consisting of two-story, single family detached units on "postage stamp" lots with very small setbacks and minimal open space was a poor design. He asked if Smart Growth Design Guidelines would have prohibited this type of development.

Staff responded that the project was the result of a developer catering to market demand for providing single-family detached units, and when applied in a multi-family zone the end result is not as desirable as an attached unit project might be where open space can be more functionally designed. It was noted by staff that the project does not comply with Smart Growth Design Guidelines and would not be supported in the Downtown urban core.

**ACTION:**

Motion by Member Masson, second by Member Jackson that standards related to setbacks, streetscape appearance, open space and recreational amenities should be resolved with design guidelines and specific project conditions. Vote: 8:1:1; Stahl, no; Prazeau, abstained (Bowman, Guthrie, Hudson, Kildoo, Ross; absent).

**6. Staff Comments**

Jay Petrek thanked the committee for their input on behalf of staff, mentioned a pending presentation of the General Plan to the Planning Commission scheduled for February 9, 2010, and summarized the next steps regarding the General Plan Update.

Members Wells and Cameron thanked Chairman Ferguson and staff for their efforts.

**7. Public Comments**

Barbara Benedict: Ms. Benedict stated her support for annexation and that consideration for reducing fees might be appropriate for long-time residents, particularly on fixed incomes, versus new construction. Other options might include fee deferrals, a graduated scale, or linking the date of the home's purchase to the fee. She also mentioned that a notice to new buyers about potential costs associated with annexations would be effective for communicating the information. She commented that lot sizes should not be further reduced in clustered development based on water limitations; water supply is already artificial. She cited Portland, Oregon as a good planning example where open space is within 20 minutes of downtown.

The meeting concluded at 10:05 p.m.