Roll Call: Council Member Pete McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Eddie Hernandez, Mayor Cameron Hamilton

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation - A Moment of Silence was observed.

ORAL COMMUNICATIONS
Greg Shelton, 888 Williford Drive, came forward and spoke about the disbanding of the Subdivision Review Committee. He stated that with the mandatory processing through the Project Review Committee (PRC), came the mandatory fee of $753.00. Mr. Shelton stated that they then had the initial processing fee for their project, and then the $753 on top of that. He asked the Council to revisit this item and change it to where the minor items did not go to PRC and incur that cost.

SCHEDULED MATTER

1. SUBDIVISION ORDINANCE AMENDMENT

Recommendation: That the City Council provide direction to Staff on preparing the final ordinance and direct staff to schedule a public hearing.

The City Manager stated that this was a study session to review the draft ordinance. He stated that following this meeting modifications would be made and then it would return to a public hearing. He stated that Mr. Dunlap and Mr. Reed, the City Engineer, would present the item.

Community Development Director Brad Dunlap then gave the staff report and highlighted the three main points of the revisions which were basically procedural changes, quality of life issues, and legal issues.

On the procedural changes, Mr. Dunlap stated that Section 21-12, Subdivision Review Committee (SRC), had been eliminated, along with the definition of the SRC, and any reference to the Committee. Mr. Dunlap stated that they could achieve what had been achieved in the SRC without a formally agenized meeting and putting all the staff together, but any impasses would come to the Council. He clarified that this did streamline the process by eliminating having to notice and meet the cycle of the SRC to allow time to integrate any comments from that into the staff report for City Council. The SCR meetings were typically on Wednesday afternoons, and packets went out on Thursday for Council, so if there was any reconciliation of issues needed, they could miss the next Council meeting and delay the project. Mr. Dunlap further clarified that the proponent received
the conditions of approval by transmittal, and they looked them over and commented, and the item was then forwarded to Council for consideration.

City Attorney Julia Lew stated that the City’s Subdivision Ordinance was already fairly consistent with the State Subdivision Map Act, and they just wanted to make sure they continued to be consistent with those laws. There was some ‘oddball stuff’ for the Permit Streamlining Act, and they tried to fix that.

Mr. Dunlap stated that Mike Reed was the resident expert on the Subdivision Map Act, and Mike and Mr. Winton had sat down with him and provided substantial input into these revisions to make sure they work out.

Mr. Dunlap stated that the second primary point was Section 21-1.4, Authority to Vary Regulations. He stated that there were two provisions for varying regulations, one for subdivision maps and one for parcel maps, and the basic difference was four or fewer lots on parcel maps versus more than four on a subdivision map. He stated that process and concept were very consistent, so it didn’t make sense to have two separate sets of findings made when there could be one standardized set of findings made for either. So they had combined that into one section. Mr. Dunlap stated that the types of variations typically granted, and Council would see them in the reports that came before them, were when they had a double-frontage lots. He stated that sometimes, based on the lot configuration, they would go with deeper lots as opposed to the 180 foot limit. Mr. Dunlap stated that these types of exceptions would continue to be done in the same way as currently done, and what they had built in was an ability to consider other varying regulations as subdivisions were proposed, based on unique circumstances.

Council clarified that conditional use permits could only be approved by Council, and the Zoning Administrator could approve only minor modifications to conditional use permits that did not change the conditions of approval.

The City Attorney stated that the City needs to have a development agreement ordinance put into place which would relate to more than just subdivisions, it would also deal with any complex commercial project. This would give the City and the developer more flexibility and would also be another way to allow for variances and so staff may want to look at how they tie that in. Ms. Lew stated that they would want the concept of the conditional use permit, but she wasn’t sure they needed to actually have the concept of the conditional use permit when dealing with a recorded development agreement, which was essentially a way to make legislative changes due to a specific application. She stated that it was allowed pursuant to California law, but an ordinance had to be adopted in conformity with the very complex body of California law that covers that area. Ms. Lew stated that it was referenced here, and it needed to be done to give the Council flexibility. She stated that they needed to figure it out so there was not competing areas of flexibility, conditional use permit versus development agreement, and when it was appropriate for one versus the other.

Mr. Dunlap stated that he would like to add another comment. When they adopt their hillside development ordinance, they would also make additional changes to the Subdivision
Ordinance. He stated that they didn’t want the Council to not go forward with this while waiting for the Hillside Development Ordinance, because there were things in this ordinance that were appropriate and beneficial to move forward with. He stated that they would be back to integrate some components that were coming out of the Hillside Development Ordinance effort into this because this was the comprehensive Subdivision Ordinance. He stated that they would be coming back to visit this in the next few months.

When asked why they would need a development agreement ordinance when the City was already using them, Ms. Lew stated that, although they were contractual, they change the existing standards, and in order to do that, a mechanism was needed which was why Mr. Dunlap was suggesting a conditional use permit, because that was one way to do it. Staff stated that each development agreement was approved by ordinance, as it was a legislative act, and there was a limitation on the term of the agreement and it was subject to referendum. Staff stated that primarily what they had used so far were more of subdivision agreements or public improvement agreements. Ms. Lew pointed out that a development agreement was different from a public improvement agreement.

Mr. Dunlap stated that if they equated a development agreement with a vested tentative map, it basically established, at that point in time, all of the provisions and requirements of law and code in zoning that would pertain to that project for the life of the agreement. He stated that any code changes during the life of the document, didn’t pertain to that project unless those changes were built into the agreement. It gives the proponent a vested right. Staff stated that the development agreement ordinance would give a set of standards—exactly how they were processed, and reviewed. Just as there was a subdivision ordinance or zoning ordinance, the development ordinance agreement would just specify how they go about it. Mr. Dunlap stated that when they had a project that required an environmental, it was part of the project description that came in from the beginning.

Mr. Dunlap stated that the third general category was the quality of life category that contains both the lighting and landscape maintenance districts, as well as the pocket parks. Section 21-8.5 addresses Landscaping and Lighting Maintenance Districts, and they have built into the ordinance the current practice. Section 21-8.6 addresses pocket parks and, while they went through the process with representatives from the BIA and discussed that aspect, generally this was the method that was derived that was a logical way of determining an area for a pocket park. He stated that the communication to them was that the developers were not in agreement with doing pocket parks, but if it was done, this was the way to do it. Mr. Dunlap then reviewed that section.

Mayor Hamilton stated that the two percent site area was written in stone instead of negotiating parcels, so there was no flexibility. He stated that the way it was written, he felt it should be part of the landscape maintenance districts. He stated that perhaps it could be zero to two percent, so there was not a firm perimeter at two percent of whatever the acreage was. Mayor Hamilton stated that depending on what they came up with during the tentative parcel map.

Mr. Dunlap stated that, if that was the will of the Council, he might suggest that if there was a zero to two percent allowance, there would be some developers that would want to do zero. If
Council wanted the ability to adjust, then it needs to either say a percent, or its covered as an exception and its built into the authority to vary regulations. Mr. Dunlap stated that they could build this into the exceptions provided there were offsets to compensate for a reduction in land.

Greg Woodard stated that most developments come in at more than 49 lots, and obviously they would participate in this, but for the projects under 50 lots, he didn’t think that was equitable either. If they had something in there that basically said ‘in lieu of’, he thought that everybody should be required to participate, no matter how many lots.

Greg Shelton stated that last night at the Parks and Leisure Services Commission meeting they discussed coming up with an idea about impact fees, and would be discussing it at their next meeting in order to bring something to Council for consideration.

Jim Winton stated that he was not against the concept, but he was bothered that some of the language didn’t seem to belong in the subdivision ordinance, as they appeared to be zoning considerations, such as improvement requirements. Mr. Winton stated that the City had recently done an increase in the percentage of lot coverage, but the zoning ordinance already sets up setback and lot coverage, which he assumed was set up in order to provide the open space and areas around the houses. He stated that it bothered him that they apply the requirement to a zone regardless of the size of the lots. Mr. Winton stated if they added 10,000 or 12,000 sf lots in the R-1 Zone, it seemed that they were already providing a lot of uncovered space within the subdivision, although it was for personnel use rather than public use, as opposed to what would be provided with a 4,000 sf lot with a 2,000 sf house on it. He stated that the application to the zone period was not going to be consistent with need. When asked how he would implement pocket parks into the procedure, Mr. Winton stated that if the requirements were incorporated into the zoning ordinance where it recognizes what densities are being created, perhaps there should be ten percent with small lots and high lot coverage, as opposed to the two percent. He stated that it just seemed overly broad to just apply to the R-1 Zone.

Mr. Dunlap stated that it was basically a compromise as they worked through the process. He stated that they could apply this to subdivisions with an average lot size of 10,000 sf or less, which was non-zone specific but took into consideration a threshold where lot sizes were on average above the standard 6,000 sf lot.

Mr. Winton then spoke about lot sizes and densities and lot coverage, and the loss of personal open space not being made up by the public open space.

Mr. Dunlap stated that nothing in the ordinance was intended to result in a reduction in lot sizes for the residential lots.

Brian Ennis stated that he felt more developers supported pocket parks when they served the neighborhood they were building. He stated that the reluctance to be open toward pocket parks was due to outside elements coming in and using the area.
Mayor Hamilton stated that would be a reason to tie it to landscape maintenance, so the pocket park would be maintained without blight.

Mr. Ennis spoke about Section 21-8 (d) and requiring the pocket park to be fenced off, which might create a hazard. He stated that it would be better with a wrought iron fence. The Mayor stated that he liked that idea.

Parks and Leisure Services Director Jim Perrine stated that concept was to place the pocket parks in areas of the greatest visibility, for a variety of reasons. He stated that the masonry wall was not intended to be placed around the pocket park, but rather to be used instead of wood fences between the park and residential back yards. When questioned about walking trails in conjunction to open areas and whether the trail would have to be fenced, Mr. Perrine spoke about the layout of the Royal Oaks pocket park and trails.

Mr. Dunlap stated that staff would be looking at various items as they review plans. He stated that they would add intent in the language.

Staff discussed the use of park impact fees, and as a part of the General Plan Update, they would be revisiting impact fees for implementation. Mr. Dunlap stated that he had touched on the high points of the revisions and the other items were technical updates to bring the ordinance into compliance with the Subdivision Map Act.

Mr. Winton spoke about the Subdivision Review Committee and asked the Council to reconsider eliminating that Committee. He stated that he didn’t get his conditions of approval or the resolution of approval until the Friday before the Council meeting. He stated that the SRC was more valuable to him then the PRC.

Mr. Dunlap stated that the intent was that he get the information earlier than the agenda packet, and that was possible. He stated that he could provide the list of conditions earlier than Friday.

Council Member McCracken clarified that he heard Mr. Dunlap state that what took place at SRC would take place earlier on an informal staff basis, and negotiations back and forth would be earlier than SRC.

Mr. Dunlap stated that this addressed R-1 and they would be looking at multiple family when directed by Council.

ORAL COMMUNICATIONS

Greg Shelton, 888 Williford Drive, spoke again about the Project Review Committee and the $753 cost, in addition to revisiting the mandatory PRC meetings.
Mr. Dunlap stated that they would make the revisions to the draft ordinance and would come back to for a public hearing.

ADJOURNMENT
The Council adjourned at 1:46 p.m. to the Council Meeting of January 16, 2006.

Georgia Hawley, Chief Deputy City Clerk
SEAL

Cameron Hamilton, Mayor