

- A. The major components of a Planned Development in residential projects shall include the following:
 - 1. Commonly owned or publicly dedicated open space lands of at least 30 percent of the total site. Within a community area, the commonly owned open space can be developed for recreational purposes such as parks, ball fields, or picnic areas. Commonly owned open space does not include space occupied by infrastructure (e.g., roads, sewer, and water treatment plants).
 - 2. Clustered housing units or lots designed to conform to the natural topography.
- B. Non-residential planned developments shall be accomplished through the Zoning Ordinance.

Policy 2.2.3.2 The calculation of development density for purposes of Planned Developments shall be based on the maximum density permitted by the underlying zone district(s). No density shall be attributed to bodies of water, such as lakes, rivers, and perennial streams, excluding wetlands.

Policy 2.2.5.4 All development applications which have the potential to create 50 parcels or more shall require the application of the Planned Development combining zone district. However, in no event shall a project require the application of the Planned Development combining zone district if all of the following are true: (1) the project does not require a General Plan amendment; (2) the project has an overall density of two units per acre or less; and (3) the project site is designated High-Density Residential.

The two key components of these policies are section A.1 of 2.2.3.1 that requires 30 percent open space for all residential planned developments and the maximum density of two units per acre for exemption of the PD requirement under Policy 2.2.5.4. Staff believes that additional exemptions should be provided or alternatives to the mandatory open space requirements to further other goals of the General Plan.

Some of the types of projects that have faced difficulties meeting these requirements are smaller, infill projects, townhouse and mixed use projects, and condominium conversions. All of these have the potential to create greater affordability but have been stymied by the requirement to set aside 30 percent of the site for open space. Usually this percentage of the site ends up not providing usable open space and simply drives up the costs associated with the projects.

ALTERNATIVES

There are several different approaches that could be taken to modify these policies, which are discussed below. The Commission may have other suggestions.

Provide exemptions to the mandatory open space requirement without further consideration – This alternative would simply create exemptions for certain types or sizes of projects that would not have to meet the 30 percent open space requirement. Possible exemptions would be the

conversion of existing rental units to condominiums, creation of new attached single family projects of limited size (either number of units or size of property), or approval of smaller, infill projects to be consistent with surrounding land use patterns. The County will need to establish appropriate thresholds for the size of projects that would be able to utilize such an exemption, and any recommendation from the Commission would be helpful.

Provide alternatives to 30 percent open space – One of the basic premises of Policy 2.2.3.1 is that a planned development is to provide a public or common benefit. Presently, the only such benefit that has been identified in this policy is on-site open space. Below are a few alternatives that would also benefit the public other than on-site open space. Other suggestions may be provided by the public or members of the Commission.

- Housing – One of the reasons for initiating this amendment was that the requirement hindered the ability to create more affordable housing units. As an alternative to a percent of open space, a comparable percentage of the units could be income restricted. This would assist with the County's need to provide more affordable housing, to meet its housing goals, and to get its housing element certified by the state.
- Off-site Open Space – Another alternative would be to provide funds (similar to the Quimby fee) to assist in the acquisition of additional off-site open space, such as ecological preserves, oak or wetland mitigation banks, or other similar programs that may be developed by the County.

This could be the applicant's choice of what alternative is most suitable given the type of project; or it could be the County's determination based on what benefit is most needed based on the type and location of the project. For example, a project in the rare plant Mitigation Area 1 could provide additional funding (over and above the basic ecological preserve fee) to assist in providing additional open space for protection of rare plants.

Provide partial reduction of the 30 percent open space requirement – The purpose of this alternative is to provide greater flexibility in design while still providing some public benefit. The flexibility could be based on the size of the parcel or other, alternative benefits that would be provided. In effect, this is a combination of the alternatives described above. For example, if the site is less than an acre, the reduction would be greater than for a five-acre parcel, or only 20 percent open space would be required if a certain amount of affordable housing or other specific amenities were provided.

RELATED POLICIES

One related policy is Policy 2.2.4.1, providing a density bonus for any project that sets aside lands for public benefit. It is unclear whether the bonus applies to land set aside over and above the minimum set forth in 2.2.3.1 or other policies mandating non-buildable areas (oak woodlands, steep slopes, etc.) or simply applies to any project with open space areas. Staff has found that this provision has only spurred additional development in the Rural Regions, providing the potential for additional units outside of areas that the Land Use Element intended that growth should occur, but has not been utilized in Community regions, that would

accommodate higher density and reduction in infrastructure needs. Staff would like to clarify this policy and its accompanying calculation example.

Other related provisions of the General Plan are in the Housing Element, particularly Policy HO-1r and Implementation Measure HO-H requiring the development of a density bonus ordinance for affordable housing. The intent of this amendment would be complimentary to the draft ordinance the County has been working on and is mandated by both the General Plan and State law.

RECOMMENDATION

Staff recommends that the Planning Commission provide direction to proceed with the amendment as follows:

- Exempt condominium conversions from the 30 percent provisions for multifamily units that have been occupied for at least ten years;
- Provide a range of alternative public benefits that the applicant may choose from in-lieu of providing open space;
- Provide a scale of requirements, so that an applicant could provide a combination of benefits if so desired; and
- Delete the 2 d.u./acre standard of Policy 2.2.5.4 while providing a new threshold to ensure that larger projects are considered under a planned development and provide the requisite public benefit.

Upon receiving that direction, staff will prepare a draft text amendment, complete any necessary environmental review, and return to the Commission for a public hearing and recommendation to the Board.