

PA 2019-008

**Monte Diablo Ave. & N. Kingston St. SPAR Pre-Application
SAMPLE FINDINGS FOR APPROVAL OR DENIAL**

SITE PLAN AND ARCHITECTURAL REVIEW (SPAR) – APPROVAL FINDINGS (SMMC 27.08.030):

The application shall be approved if the Commission finds all of the following to exist:

- 1) The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood;
- 2) The development will not be detrimental to the harmonious and orderly growth of the City;
- 3) The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare;
- 4) The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site;
- 5) The development will not adversely affect matters regarding police protection, crime prevention, and security.

VESTING TENTATIVE MAP – APPROVAL FINDINGS (SMMC 26.48.060)

The Commission shall deny approval of a tentative map if it makes any of the following findings:

- a) That the proposed map is not consistent with applicable general and specific plans.
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) That the site is not physically suitable for the type of development.
- d) That the site is not physically suitable for the proposed density of development.
- e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body

may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision

STATE DENSITY BONUS LAW – WAIVERS AND MODIFICATIONS OF DEVELOPMENT STANDARD - DENIAL FINDINGS (SMMC 27.15.050)

In accordance with California Government Code Section 65915(e), the City may deny an applicant's request for a waiver if:

- 1) The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- 2) The waiver or reduction would have an adverse impact upon any real property that is listed in the California Register of Historic Resources.
- 3) The applicant has not demonstrated that application of the standard would physically preclude construction of the project with the allowed incentives or concessions.
- 4) The requested waiver or modification is contrary to state or federal law.

HOUSING ACCOUNTABILITY ACT – DENIAL FINDINGS (CA GOVERNMENT CODE 65589.5)

If the project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, the City's grounds for denial would be:

- 1) The development would have a specific adverse impact on public health or safety and there is no feasible method to mitigate or avoid the adverse impact other than disapproval or approval at a lower density; or
- 2) The project is inconsistent with the City's zoning ordinance and general plan Designation.