

SEC. 10-1.3000 SITE PLAN REVIEW

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SEC. 10-1.3005 PURPOSE.

Site plan review is aimed at fostering development and the establishment of uses which take into account on-site and surrounding structures and uses, which contributes to an attractive City, physical and environmental constraints and traffic circulation, so that new development is accomplished in an orderly manner, complies with the intent of City development policies and regulations, and is operated in a manner determined to be acceptable and compatible with surrounding development.

SEC. 10-1.3010 WHEN REQUIRED.

a. **General.**

All uses which require site plan review, as specified in the zoning district regulations are subject to the regulations and procedures contained herein.

b. **Subdivision.**

- (1) When an application for a site plan review involves a subdivision map requiring approval by an advisory agency, as that term is defined in the City's Subdivision Ordinance, the project shall be processed and reviewed concurrently by the Planning Commission. An application approved by the Planning Commission shall also be reviewed by the City Council on appeal or on a call-up basis. The action of the City Council shall be final.
- (2) In the event a condominium or any other type subdivision involves property for which a site plan review has previously been approved, the Planning Director, the

Commission or the City Council shall have the authority to modify said approved site plan review or the conditions of approval of same to insure that the site plan review and the subdivision are compatible.

c. **Use Permit.**

When the provisions of this Ordinance require both site plan review and use permit approval, an application for a use permit constitutes an application for both. Information as required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

d. **Waiver.**

When in the opinion of the Planning Director the proposed improvements are minor in nature and will not materially alter the appearance or character of the property or area or is not incompatible with City policies, standards and guidelines, the Planning Director may waive the requirement for site plan review.

SEC. 10-1.3015 APPLICATION FORM AND SUBMITTAL.

An application for site plan review shall be submitted as specified in Section 10-1.2815.

SEC. 10-1.3020 ADMINISTRATIVE OPTIONS.

The Planning Director may approve, conditionally approve, disapprove, or refer a site plan review application to the Planning Commission, with or without a recommendation. Except for referrals, an approval action must be based on the findings listed below in Section 10-1.3025.

If after applying for site plan review the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of six months, the application shall be closed and the applicant so informed.

SEC. 10-1.3025 FINDINGS.

The approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- b. The development takes into consideration physical and environmental constraints;
- c. The development complies with the intent of City development policies and regulations;
- d. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

SEC. 10-1.3030 CONDITIONS.

In the event of conditional approval, such conditions as may be reasonably necessary to achieve a beneficial affect may be imposed and may include but not be limited to:

Unless indicated otherwise, all conditions of approval are assumed to be met before occupancy of the structure.

- a. Site plan architectural requirements such as building arrangement, safe and efficient access, adequate open spaces, landscaping, screening, signs, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.
- b. Activities and equipment permitted;
- c. Time of day activities shall be permitted;
- d. Specified time period within which approval is valid;
- e. Furnishing of guarantees assuring compliance with conditions;
- f. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. An application may be referred to qualified consultants if a report is deemed necessary. Cost of consultant services shall be paid for by the applicant;

SEC. 10-1.3035 NOTICE OF DECISION AND EFFECTIVE DATE.

The decision of the Planning Director shall take effect in accordance with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820. Approvals and conditional approvals may be granted when the findings listed for approval in Section 10-1.3025 are met.

SEC. 10-1.3040 TIME LIMITS FOR FINAL DECISION.

Where applicable, a final decision on all applications for a site plan review will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A site plan review application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

SEC. 10-1.3045 APPEALS.

a. **Decision of Planning Director Appealed to Planning Commission.**

The decision of the Planning Director may be appealed to the Planning Commission in accord with the appeals process detailed in Section 10-1.2845. The Planning Commission may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3025.

b. **Decision of Planning Commission Appealed to City Council.**

(1) The decision of the Planning Commission may be appealed to the City Council in accord with the appeals process detailed in Section 10-1.2845. The Council may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3025.

(2) In the event significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and adoption.

SEC. 10-1.3050 REFERRALS.

a. The Planning Director may refer a site plan review application to the Planning Commission at any time, with or without a recommendation. The Planning Commission shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1.2820.

b. The Planning Commission may refer a site plan review application to the City Council at any time, with or without a recommendation. The Council shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1.2820.

c. On referral, the Planning Commission or the Council, as the case may be, may approve or conditionally approve the application based on the findings listed in Section 10-1.3025. The Planning Commission or the Council must disapprove the application if it is unable to make any of the required findings.

SEC. 10-1.3055 LAPSE OF APPROVAL.

a. **General.**

Site Plan Review approval is void 36 months after the effective date of approval unless:

(1) Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval has been granted by the Planning Director.

(2) If a building permit is issued for construction of improvements authorized by the site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit

has been substantially completed or substantial sums have been expended in reliance on the site plan review approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.

- (3) Business operations have commenced in accordance with all applicable conditions of approval.

b. **24-Month Extension.**

- (1) The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided that the cumulative total of time extension(s) does not exceed 24 months. Decisions of the Planning Director regarding time extensions(s) may be appealed to the Planning Commission or the City Council, as appropriate.
- (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
- (3) Notice of said action shall be given pursuant to Section 10-1.2820.
- (4) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
- (5) Conditions of approval may be added or modified by the Planning Director as a result of the processing of an extension of time.

SEC. 10-1.3060 REVOCATIONS AND MODIFICATIONS.

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Director or the Planning Commission may revoke a site plan review, or modify or add to the conditions of approval, or refer the matter to the City Council, with or without a recommendation, for failure to comply with or complete all conditions of approval or improvements indicated on the approved development plans. Requests for modifications may be approved by the Planning Director without a public notice or hearing or notice of such item, if the Planning Director determines that such a proposed modification is of a minor nature.
- b. Site plan review approval may be revoked when the Planning Director or Planning Commission or, upon referral, the City Council finds that:
 - (1) The use or the manner in which it is conducted, managed, or operated impairs the character and integrity of the zoning district and surrounding area; or
 - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.

SEC. 10-1.3065 REAPPLICATION.

A site plan review permit that has been disapproved or revoked may not be reapplied for within one year of the final decision to disapprove or revoke said application unless the Planning Director finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

SEC. 10-1.3070 DISCONTINUED USES.

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the site plan review permit approving such use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new site plan review permit.