

## Chapter 18.18

### SITE PLAN REVIEW

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#### **18.18.010 Purposes and application.**

A. Purpose. The purposes of the site plan review process are to enable the city council to make a finding that the proposed development is in conformity with the intent and provisions of this title and to guide the building official in the issuance of building permits. More specifically, site plan review is provided to ensure the following:

1. That structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to their sites and to surrounding sites and structures;
2. To prevent excessive grading of the land and creation of drainage hazards;
3. To prevent the indiscriminate clearing of property and the destruction of trees and shrubs of ornamental value;
4. To avoid unsightly, inharmonious, monotonous and hazardous site development, and to encourage originality in site design and development in a manner which will enhance the physical ap-

pearance and attractiveness of the community. The site plan review process is intended to provide for expeditious review of environmental impact assessments required by official policy of the city and the state.

B. Site Plan Review. Site plan review provisions of this chapter shall apply to the following uses:

1. Any use within the RCO, UR, RA, R, RM, PO, C and I districts, excepting single-family residential use which is to be constructed on a residential site with complete street improvements.
2. Any use subject to an environmental impact assessment under applicable provisions of city policy as adopted by resolution pursuant to the California Environmental Quality Act of 1970, as amended.

C. Minor Change in Property Use or Change in Occupancy.

1. Minor changes in property use or occupancy that do not warrant full site plan review as determined by the community development department will be required to make reasonable minor improvements or upgrade existing improvements under the provisions of Section 18.18.040.
2. Minor changes in property use or occupancy that are obviously in a neglected state of repair or maintenance, as determined by the department, will be required to be processed as a site plan review and be required to totally upgrade the property under the provisions of Section 18.18.040.

D. Conditional Use. A separate site plan review shall not be required of any use approved as a conditional use under Chapter 18.17 of this title. (Ord. 437 § 1 (part), 1989)

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#### **18.18.020 Drawings to be submitted.**

The applicant shall submit nine prints of the site plan to the department. The site plan shall be drawn to scale and indicate clearly and with full dimensions, the following information:

- A. Dimensions. Lot or site dimensions;
- B. All Buildings and Structures. Location, size, height, proposed use;

- C. Yards. Yards and space between buildings;
- D. Walls and Fences. Location, height and materials;
- E. Off-Street Parking and Off-Street Loading. Location, number of spaces and dimensions of parking and loading areas, internal circulation pattern;
- F. Access. Pedestrian, vehicular, service, points of ingress and egress, internal circulation;
- G. Signs. Location, size, height and type of illumination, if any, including hooding devices;
- H. Lighting. Location and general nature, hooding devices;
- I. Street Names. Names of all adjacent streets, roads or alleys, showing rights-of-way and dedication widths, reservation widths, and all types of improvements existing or proposed;
- J. Landscaping. Location, type, size and botanical name of plants and method of irrigation;
- K. Refuse Enclosures. Location, type and material;
- L. Other Data. Such other data pertaining to site development as may be required by the city council to make the required findings. (Ord. 437 § 1 (part), 1989)

#### **18.18.030 Referral and action.**

- A. Within fifteen working days after submission of the site plan, the community development director shall review the site plan. If the director determines that the site plan cannot be approved without the granting of a variance or use permit, or the enactment of an amendment to this title, the director shall inform the applicant and shall not act on the application until proper application for a variance or an amendment has been filed with the director and acted upon as prescribed by this title.
- B. Except as provided under subsection A of this section and Section 18.18.070, within fifteen working days after the submission of a complete application for site plan review as required under Section 18.18.020, the city council shall approve, approve with conditions, or reject the site plan. In

approving the site plan, the council shall make the findings prescribed under Section 18.18.050.

C. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the community development director, with one copy mailed to the applicant and one copy filed with the building official.

D. Revisions by the applicant to an approved site plan shall be resubmitted to the department in the manner required for drawings first submitted. (Ord. 486 § 22, 1997; Ord. 437 § 1 (part), 1989)

#### **18.18.040 Conditions of approval.**

In recommending approval of a site plan, the director shall state those conditions of approval necessary to protect the public health, safety and general welfare. To the extent applicable, such conditions shall include consideration and/or requirement of the following:

- A. Special yards, spaces and buffers.
- B. Fences and walls.
- C. Surfacing of parking areas and provisions for surface water drainage subject to city specifications.
- D. Requiring street dedications and improvements, subject to the provisions of Section 18.18.060, including service roads or alleys when practical, and the requiring of drainage, sewer and water connection fees when applicable.
- E. Regulation of points of vehicular-ingress and egress.
- F. Regulation of signs, in accordance with the standards prescribed under Chapter 18.14 of this title.
- G. Requiring maintenance of the grounds and the undergrounding of utilities.
- H. Requiring landscaping and refuse enclosures and maintenance thereof.
- I. Regulation of noise, vibration, odors and other similar characteristics.
- J. Measures necessary to eliminate or to effect mitigation to acceptable levels of environmental impact.

K. Regulation of time for certain activities to be conducted on the site.

L. Regulation of the time period within which the proposed use shall be developed.

M. A bond, deposit of money, recorded lien secured by deed of trust or letter of credit for the completion of street and site improvements and other facilities or for the removal of such use within a specified period of time to assure conformance with the intent and purposes set forth in this title.

N. Such other requirements which reasonably may be required by the city council. (Ord. 437 § 1 (part), 1989)

**18.18.050 Required findings.**

In taking action on a proposed site plan, the city council shall make all of the following findings:

A. That the site plan complies with all applicable provisions of this title.

B. The following are so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and welfare are protected and there will not be adverse effect on surrounding property:

1. Facilities and improvements.
2. Vehicular ingress, egress, internal circulation and off-street parking and loading.
3. Setbacks.
4. Height of buildings.
5. Location of service.
6. Walls and fences.
7. Landscaping, including screen planting and street trees.
8. Drainage of site.
9. Refuse enclosures.

C. Proposed lighting is so arranged as to deflect the light away from adjoining properties.

D. Proposed signs will comply with all of the applicable provisions of Chapter 18.14 of this title.

E. That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.

In making the above findings, the city council shall determine that approvals will be consistent

with established legislative policies relating to traffic safety, street dedications and street improvements, environmental quality and to zoning, fire, police, building and health codes. (Ord. 437 § 1 (part), 1989)

**18.18.060 Street dedications and improvements.**

Because of changes that may occur due to drainage conditions, utility service requirements, or vehicular traffic generated by facilities requiring a site plan review, the following dedications and improvements may be deemed necessary and may be required as a condition or conditions to the approval of any site plan:

A. Development bordering or traversed by an existing street. If the development borders or is traversed by an existing street, the applicant may be required to:

1. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half the ultimate width established by the city as the standard for such minor or collector street, or the full extent required for a frontage road.
2. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the city as the standard for such minor or collector street.
3. Dedicate all necessary rights-of-way to widen a bordering or traversing arterial street to the standards of width established by the city for an arterial street.
4. Set back all facilities the required distance from ultimate property lines along an arterial street as shown on any master, official or precise plan of streets and highways or by the city's general plan.
5. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or arterial street.
6. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.

7. Grade and improve traversing minor or collector streets from curb to the center line of the ultimate right-of-way.

8. Grade and improve traversing minor or collector streets from curb-to-curb.

9. Grade and improve the parking lane and one traffic lane adjacent to the development, along a bordering arterial street.

10. Grade and improve both parking lanes and the two outside traffic lanes of a traversing major arterial street.

B. New Roads. Except as provided in subsections C and D of this section, all new roads shall be dedicated and improved in accordance with the requirements of subsection A of this section.

C. Frontage Road. Where a frontage road is provided and improved along an arterial street in accordance with city standards, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of subsections (A)(5) and (10) of this section, pertaining to arterial streets shall not be required.

D. Access. Where total access to or from a bordering or traversing arterial street is prohibited as a condition of approval, or by law, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of subsections (A)(5) and (10) of this section, pertaining to arterial streets, shall not be required.

E. Improvements. All improvements shall be to city standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the city that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the city for the provision of improvements before a building permit may be issued, at which time there shall be money deposited with or in favor of the city, or a letter of credit or performance bond posted with the city, in an amount equal to one hundred twenty-five percent of the estimated cost

of improvements, as estimated by the city engineer, to guarantee the making of such improvements.

F. Street Dedications. Street dedications and improvements which may be required by this section shall be considered only on the principle that they are required as near as practical in proportion to the traffic, utility and other demands generated by the proposed development. (Ord. 437 § 1 (part), 1989)

#### **18.18.070 Relationship to environmental assessment and environmental impact reporting procedures.**

A. Environmental Impact Assessment. A site plan approved pursuant to the provisions of this chapter shall be considered in relation to requirements of city policy governing the preparation of environmental impact assessments, including initial studies prepared as a basis for a determination for a negative declaration or an environmental impact report. It is the intent of this chapter that an initial study environmental impact assessment be made concurrently with and as part of the site plan review process, and that a site plan may be approved with conditions that will permit the city council to find that the proposed project will not have significant adverse physical effect on the environment and that a negative declaration should be prepared.

B. Environmental Impact Reports. Where it is determined by the city that an environmental impact report (EIR) is required for a proposed project, action on a proposed site plan shall be deferred until such time as the EIR has been prepared and reviewed pursuant to provisions of the city's guidelines and state law. The city council shall, at the completion of said EIR review, attach such conditions to the approval of the site plan as in their judgment will mitigate or reduce to acceptable levels any of the environmental impacts identified during review of the EIR. The city council may deny a site plan if it is found that such mitigation or reduction of environmental impacts is not feasible.

**C. Monitoring Program to Assure Compliance with Mitigation Measures.**

1. As a condition of the agreement between the city and the applicant, or as a condition of site plan approval, the city shall institute an EIR mitigation monitoring program to meet the requirements of AB 3180 (codified as Public Resources Code Section 21081.6, and as may be amended). Mitigation monitoring shall take place during all successive review procedures of the building construction and land development process, including at the time of plan checking for buildings and public and private improvements, during field inspection of construction, at the time of the issuance of an occupancy permit and during ensuing operations of the project after project completion.

2. The ultimate responsibility for the monitoring of mitigation measures shall rest with the city. However, to the extent practical, short-term or on-going responsibility may be shared by the city with the party responsible for project management and operation after project completion, and especially where on-going operations are required to meet specific standards. The initiation and conduct of an adequate mitigation monitoring program shall apply to a project approved with a "mitigated" negative declaration or to an EIR.

3. The provisions of the mitigation monitoring program for any given project shall be established by a "mitigation monitoring agreement" between the applicant and the city immediately following completion of the environmental review process. The proposed provisions of the contract shall be presented to the city council at the time of certifying the adequacy of the negative declaration or final EIR, whichever procedure applies, and prior to formal project approval, so that the program provisions will be known to all parties in interest and can be discussed as to their adequacy prior to city council certification of a negative declaration or EIR.

4. The programming and monitoring process to be followed generally shall be that process established by resolution of the city council specifying

general responsibilities of city personnel for participation in the process, and including procedures for the prompt resolution of disputes that may arise during the monitoring process. Where the extent of mitigation may be complex, and/or where mitigation may require action to satisfy more than one governmental agency having participated in the environmental review process for a given project, the "monitoring team" should involve appropriate personnel of such other agencies. For projects where all mitigation can be completed prior to or at the time of project completion, the city shall notify the applicant in writing that the project has been completed in compliance with all applicable mitigation measures.

5. The city shall levy such fees as may be necessary to fully cover the city's costs of conducting the mitigation monitoring program for any given project. Provision for such charges shall be included in the mitigation monitoring agreement established between the city and the applicant as an enforceable contract. (Ord. 437 § 1 (part), 1989)

**18.18.080 Building permit.**

Before a building permit shall be issued for any building, structure or sign proposed as part of an approved site plan, the building official shall determine that the proposed building location, facilities and improvements are in conformity with the approved site plan and any applicable mitigation monitoring agreement. Before a building may be occupied or a sign erected, the building official shall certify to the community development department that such improvements have been made in conformity with the plans, programs and conditions approved by the city council. (Ord. 437 § 1 (part), 1989)

**18.18.090 Lapse of site plan approval.**

A site plan approval shall lapse and shall become void one year following the date on which approval by the community development department or city council became effective unless, prior to the expiration of one year, a building permit is

issued by the building official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for an additional period or periods of one year upon written application to the city council before expiration of the first approval. (Ord. 437 § 1 (part), 1989)

**18.18.100 Revocation.**

The revocation of a site plan shall be governed by the provisions of Section 18.17.130 of this title. (Ord. 437 § 1 (part), 1989)

**18.18.110 Site plan approval to run with the land.**

A site plan approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan. (Ord. 437 § 1 (part), 1989)

**18.18.120 Minor revisions to a previously approved site plan.**

A site plan granted under the provisions of this chapter may be revised as to features of the site plan previously approved; provided, that such provisions are minor as determined by the community development director. Application for minor revisions shall be made in the same manner as prescribed by Section 18.17.170 of this title. (Ord. 437 § 1 (part), 1989)