

Ordinance , Exhibit F: Amended Article 25 Site Plan Approval

Note: underlined and bolded text represents new text; ~~strike through~~ represents text to be eliminated

Sections:

5-2500	Intent
5-2502	Applicability
5-2504	Exemptions
5-2506	Review and Approval Authority
5-2508	Hearing and Noticing Requirements
5-2510	Appeals
5-2512	Site Plan Review Standards
5-2514	Conditions of Approval
5-2516	Effective Date; Lapse and Renewal; Alterations

5-2500 Intent

The purpose of this Article is to provide a process for Site Plan review, assuring that new development complies with the applicable site development standards of this Code and that older nonconforming sites are upgraded at the time the uses or structures on such sites are expanded or intensified. The Site Plan review process is integral to the City's other discretionary and non-discretionary development review procedures in order to facilitate the permitting process.

5-2502 Applicability

Site Plan review is required for certain nonresidential development, two- and multi-family development, and single-family development in RD, RM, C, NA, SA, and I Districts. Review of single-family construction projects in RO, RS, RS-40, and RS-VP Districts is regulated by the requirements of Article 5.

Site Plan Approval is required prior to issuance of a building permit for any of the following improvements:

- A. Development Requiring Discretionary Zoning Permit. Any commercial, industrial, institutional, or two- and multi-family residential development that requires a conditional use permit or planned development approval.
- B. Other New or Expanded Development, as listed below:
 1. Single-, Two-, and Multi-Family Residential: DA, RD, RM, C, P, ~~PHD~~, NA, SA, and I Districts. All proposals for new development, and proposed additions to existing development (where permitted or conditionally permitted per base district regulations), which would either:

Ordinance , Exhibit F: Proposed Amended Article 25

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- a. Result in an additional dwelling unit, or
 - b. Result in an addition or partial demolition with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: two thousand five hundred (2,500) square feet and fifty percent (50%) of the gross floor area of the existing development, or
 - c. Result in a new freestanding structure, such as a carport or garage, greater in size than two thousand five hundred (2,500) square feet, or
 - d. Create or enlarge a second- or third-story.
2. Two-Family Residential: DA, RS, RS-40, RO, and SA-2 Districts—Special Review Requirements for Additions. Additions to existing two-family dwellings that would require Site Plan review per Subsection 1 above, are instead subject to the noticing, hearing, and findings requirements of Section 2-580: Residential Site Plan Review.
3. Non-Residential Projects: DA, R, C, P, NA, SA, OS, and PS Districts. The following development proposals require Site Plan Review:
- a. Development of new structures greater in size than two thousand five hundred (2,500) square feet.
 - b. Additions, or partial demolitions with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: two thousand five hundred (2,500) square feet and ten percent (10%) of the gross floor area of the existing development.
 - c. Major structural upgrades that can extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.

Upgrades That Are Excluded. Mandatory safety upgrades, such as compliance with disabled access; building and fire code requirements; minor cosmetic façade upgrades, such as awnings and window replacement; maintenance upgrades, such as roof repair and replacement; relocation of demising walls; and general repair of damaged structures as allowed by Section 4-2008 (A) are not subject to Site Plan Review.

4. Industrial and Commercial Projects: I Districts. The following development proposals require Site Plan Review:

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- a. Development of new structures greater in size than five thousand (5,000) square feet.
- b. Additions, or partial demolitions with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: five thousand (5,000) square feet and ten percent (10%) of the gross floor area of the existing development.
- c. Major structural upgrades that can extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.

Upgrades That Are Excluded. Mandatory safety upgrades, such as compliance with disabled access; building and fire code requirements; minor cosmetic façade upgrades, such as awnings and window replacement; maintenance upgrades, such as roof repair and replacement; relocation of demising walls; and general repair of damaged structures as allowed by Section 4-2008.A are not subject to Site Plan Review.

- d. The creation of, or addition to, any substantial outdoor storage area or truck loading bays that would be visible from off-site.
 - e. Any site modification involving the addition of a newly paved area, in excess of five thousand (5,000) square feet. This requirement for Site Plan Review does not apply to the repair and replacement of pre-existing paved areas.
- C. Projects Within Redevelopment Areas. Projects within redevelopment areas where the Redevelopment Agency requires either a Disposition and Development Agreement (DDA) or an Owner Participation Agreement (OPA). (Ord. 2007-020 § 2; Ord. 2004-007 § 9; Ord. 2001-015 § 1)

5-2504 Exemptions

Non-structural alterations that do not require building permits are exempt from this Article. (Ord. 2001-015 § 1)

5-2506 Review and Approval Authority

- A. Site Plan Review for Projects that Require Discretionary Zoning Permits.

Ordinance , Exhibit F: Proposed Amended Article 25

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1. Projects Requiring Conditional Use Permit or Variance Approval. The Board of Zoning Adjustments shall review and either approve, conditionally approve, or deny a Site Development Plan in conjunction with its review of the Use Permit or Variance.
 2. Projects Requiring Planned Development Approval. The Planning Commission shall review and either recommend approval or conditional approval to the City Council, conditionally approve, or shall deny a Site Plan in conjunction with its review of the Planned Development.
- B. Site Plan Review for Projects that Do Not Require Discretionary Zoning Permits. The Zoning Enforcement Official shall be the decision maker, unless the Zoning Enforcement Official defers action to the Site Development Sub-Commission. The Zoning Enforcement Official or Site Development Sub-Commission shall approve, conditionally approve, or deny the Site Plan. Action on the Site Plan may occur prior to or concurrently with a request for building permit approval. The Zoning Enforcement Official may, at his or her sole discretion, refer any development proposal to the Board of Zoning Adjustments for action.
- C. Site Plan Review for Projects That Require Planning Commission Review. When Planning Commission review is required for a development application, the Planning Commission shall review and either recommend approval or conditional approval to the City Council, conditionally approve, or shall deny the discretionary approvals. (Ord. 2008-015 § 1; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

5-2508 Hearing and Noticing Requirements

- A. Notice of Public Hearing for Site Plan Review of Projects that Require Discretionary Zoning Permits. Shall be concurrent with that required for the zoning permit, as specified by Section 5-2208.
- B. Notice of Hearing for Site Review of Projects that Do Not Require Discretionary Zoning Permits.
1. When Required.
 - a. For non-discretionary projects, notice of hearing is generally not required, but such notice may be required for projects that the Zoning Enforcement Official determines may have a significant impact on adjacent uses or may generate significant public concerns.
 - b. For projects referred to the Site Development Sub-Commission by the Zoning Enforcement Official pursuant to Section 5-2506.B.

Ordinance , Exhibit F: Proposed Amended Article 25

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2. Content and Procedure for Notice of Hearing for Site Review. Written notification of the time, place, and purpose of the hearing by either the Zoning Enforcement Official or Site Development Sub-Commission shall be mailed to the applicant, property owner, and property owners adjoining and across the street from the subject site, not less than ten (10) days prior to the hearing.
3. Administrative Review for Projects Where Hearing is Not Required. For project where noticing is not required, Zoning Enforcement Official may take action on the application without holding a public hearing. (Ord. 2001-015 § 1)

5-2510 Appeals

- A. A Decision by Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments pursuant to the requirements of Article 28.
- B. A Decision by Site Development Sub-Commission may be appealed to the Board of Zoning Adjustments pursuant to the requirements of Article 28.
- C. A Decision by Board of Zoning Adjustments may be appealed to the City Council pursuant to the requirements of Article 28. (Ord. 2001-015 § 1)

5-2512 Site Plan Review Standards

To approve or conditionally approve a Site Plan, the decision maker or the decision making body shall find that the proposal is in substantial compliance with the following standards:

- A. Site plan elements (such as, but not limited to, building placement, yard setbacks, size and location of landscape areas, parking facilities, and placement of service areas) are in compliance with the minimum requirements of this Code and are arranged as to achieve the intent of such requirements by providing a harmonious and orderly development that is compatible with its surroundings. Parking, loading, storage, and service areas are appropriately screened by building placement, orientation walls, and/or landscaping.
- B. The building(s) has(have) adequate articulation, with appropriate window placement, use of detailing, and/or changes in building planes to provide visual interest. The exterior materials, finishes, detailing, and colors are compatible with those of surrounding structures. Visually incompatible elements, such as roof-mounted utilities, are fully screened from public view. If the proposal is for an addition to an existing building, such additions shall appear as an integral element of the building. Additions shall not have a “tacked on” appearance, and either the addition should be consistent with the existing building’s design element, or the existing building should be remodeled concurrently with construction of the addition.

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- C. The landscaping complements the architectural design, with an appropriate balance of trees, shrubs, and living ground covers, and provides adequate screening and shading of parking lots and/or driveways.
- D. Detail features, such as signs, fences, and lighting for buildings, parking lots, and/or driveways are visually consistent with the architectural and landscape design and minimize off-site glare.
- E. Exceptions to Above Regarding Expansions and/or Alterations to Existing Nonconforming Structures and Sites. The decision maker or the decision making body may vary from the standards outlined in Subsections A through E above and approve a Site Plan that cannot achieve compliance with these standards due to the limitations created by pre-existing nonconforming structures and site features. In such cases, the priority of Site Plan review is to reduce, to the degree feasible given the scale and scope of the proposal, the nonconforming features. The nonconforming features to be addressed shall include, but are not limited to, the following:
 - 1. Deficiencies in landscaping shall be corrected, with selective additional plantings, primarily where such landscaping can have the greatest visual benefit to the overall area. The scale and scope of such landscaping requirements will be relative to both the degree of non-compliance with current Code requirements and the changes/improvements being proposed by the applicant.
 - 2. Obsolete and unused equipment, such as roof-mounted utilities, exterior manufacturing equipment, and unused pole sign and wall sign cabinets shall be removed, as required.
 - 3. The effects of past “deferred maintenance,” where such has been identified, shall be corrected by such effort as repainting, replanting of existing landscape areas, and removal of unused equipment, vehicles, and debris.
- F. All site plan elements in the SA-1, SA-2, and SA-3 Districts shall be reviewed for general consistency with the Design Guidelines contained in the East 14th Street South Area Development Strategy.
- G. All site plan elements in the DA-1, DA-2, DA-3, DA-4, ~~DA-5~~ and DA-6 Districts shall be reviewed for general consistency with the Design Guidelines contained in the Downtown San Leandro Transit-Oriented Development Strategy. (Ord. 2007-020 § 2; Ord. 2004-007 § 9; Ord. 2001-015 § 1)

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5-2514 Conditions of Approval

In approving a Site Plan, reasonable conditions may be imposed as necessary to achieve consistency with the intent of the applicable District's development standards and the standards of this Article. When approving a Site Plan for projects that expand and/or alter existing nonconforming sites, complete consistency may not be obtainable, and conditions may be imposed to reduce, if not eliminate, the nonconforming site features. (Ord. 2001-015 § 1)

5-2516 Effective Date; Lapse and Renewal; Alterations

- A. Effective Date. Site Plan approval shall become effective on the fifteenth (15th) day after the date the decision maker or the decision making body approves the site plan, unless appealed, as provided in Article 28.
- B. Lapse of Approvals and Renewals. Site Plan approval shall lapse after one (1) year or at an alternate time specified as a condition of approval after its date of approval unless:
1. A grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or
 2. An occupancy permit has been issued; or
 3. The approval is renewed, as provided for in Section 5-2218.E.
- C. Changed Plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project by the decision making body as required by Section 2506 of this Article. (Ord. 2001-015 § 1)

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