Article 43 Development Plan Review

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4301 Purpose and Applicability

The ensure that new development complies with all applicable requirements of this ordinance, development plans shall be required for development projects as provided in this article.

More specifically, the purposes of development plan review are to:

A. Ensure that the architectural design of structures, and that plans for the landscaping of open spaces conform with the requirements of this ordinance, and with any prior conditions of approval;

B. Ensure that new development will not create public service and facility demands exceeding the capacity of existing and planned infrastructure.

4302 Review Requirements

Development plans shall be reviewed as follows:

A. All development plans shall be reviewed by the Planning Department and by any other City department or division or governmental agency designated by the Planning Director. The Planning Director or Planning Commission shall approve, conditionally approve or deny all development plans except as provided in this section.

B. Development plans for projects in an H Historic Overlay District shall be reviewed by the Historic Preservation Advisory Commission, and approved, conditionally approved or denied by the Planning Commission. Development plans for the alteration, enlargement or demolition of a designated historical site shall be approved, conditionally approved or denied by the Historic Preservation Advisory Commission, as provided by Section 2111.

C. For development plans for projects within designated redevelopment areas, the Redevelopment Director shall recommend approval, conditional approval or denial to the Community Development Commission. For development plans within the Oceanside Small Craft Harbor, recommendations shall be made by the Harbor Chief Executive Officer for processing and action by the Harbor Board of Directors.

D. Development plans for projects in redevelopment areas shall be reviewed and approved, conditionally approved or denied by the Community Development Commission, as provided by an adopted redevelopment plan.

E. All projects within the Oceanside Small Craft Harbor shall require Development Plans which shall be reviewed and approved, conditionally approved or denied by the Harbor Board of Directors. The Board shall have final decision-making authority except for projects which are also within a redevelopment area, in which case the Community Development Commission shall have final authority.

F. The Planning Commission shall approve, conditionally approve, or disapprove development plans for projects as follows:

1. R, A, OS, PS and PD Districts. All projects except (a) single-family residences, (b) projects with less than three housing units, (c) exterior alterations and additions of less than 2,500 square feet of floor area.

2. C Districts. All proposed projects on sites of two acres or more involving new construction, all additions of more than 2,500 square feet of floor area on sites of two acres or more, and any exterior alterations to existing buildings or building complexes greater than or equal to 10,000 square feet of floor area.

3. I Districts. All projects involving new construction of 100,000 square feet of floor area or more, exterior alterations to existing structures of 100,000 square feet of floor area or more, or additions of 100,000 square feet of floor area or more.

G. The Planning Director shall administratively approve, conditionally approve, or disapprove development plans for projects as follows:

1. R and A Districts. Projects as follows: (a) single-family residences in the A district, (b) projects with two housing units in R districts.

2. C Districts. All proposed projects on sites of less than two acres involving new construction, any addition of square footage to existing structures on sites of less than two acres, and all additions of less than 2,500 square feet of floor area on sites of two acres or more.

3. I Districts. All projects involving new construction of less than 100,000 square feet of floor area, all additions of less than 100,000 square feet of floor area, and all exterior alterations to existing buildings or building complexes greater than or equal to 10,000 square feet and less than 100,000 square feet of floor area.

H. The Planning Director may refer development plans for any project to the Planning Commission for review and approval if he finds that the project may conflict with the purposes and standards of the base district and any overlay districts applicable to the project or with the purposes of this article, or if public services and facilities serving the project may be inadequate. Such projects shall be the subject of a public hearing, as provided by Section 4308.

4303 Initiation of Development Plan Review

An application for a development plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of ownership shall be submitted with the application.

4304 Application for Development Plan

The following plans and materials shall be submitted with a Development Plan application provided that the Planning Director may waive submission of items deemed unnecessary to determine compliance with applicable requirements of this ordinance:

A. A completed application package and form, signed by the property owner or authorized agent, accompanied by the required fee, plans and mapping documentation in the form prescribed by the Planning Director;

B. A fully dimensioned site plan showing:

1. The architect's or designer's name, address, and telephone number;

2. Scale of plan and north arrow;

3. Street address of site and vicinity map showing the relationship of the site to the surrounding area;

4. Existing and proposed property lines, right-of-way lines, dedications, and easements;

5. Locations of existing and proposed structures, driveways, walks and open spaces; and

6. Locations, heights, and materials of existing and proposed walls and fences.

C. A statement describing the proposed use and calculations in tabular form showing compliance with applicable density, coverage, parking, and open-space regulations.

D. A fully dimensioned landscape plan.

E. A grading plan showing proposed changes in grade and the total volume of land to be cut or filled, with proposed drainage patterns indicated by arrows.

F. A fully dimensioned parking and loading plan showing:

1. Locations and dimensions of all parking and loading spaces, driveways and vehicular entrances, with proposed traffic circulation patterns indicated by arrows; and

2. Calculations showing the number of parking and loading spaces required by size and the number proposed.

G. Elevations of proposed structures, showing exterior wall openings and describing exterior materials.

H. Floor plans showing the proposed use and exterior wall openings.

I. Locations, dimensions, and heights of all signs.

J. Any other informational items deemed necessary by the Planning Director in order to fully analyze and review the proposed development.

4305 Notice, Administrative Decision, and Public Hearing

A. Administrative Decision. For projects that require development plans to be considered by the Planning Director, the Planning Director shall administratively approve, conditionally approve, or disapprove the development plan application.

B. Public Hearing Required. For projects that require development plans to be considered by the Planning Commission, a public hearing of the Planning Commission shall be held to approve, conditionally approve, or disapprove the development plan application.

C. Time of Administrative Decision or Public Hearing. Within 10 working days after acceptance of a complete application, the Planning Director shall set a time and place for an administrative decision or a public hearing to be held within 60 days.

D. Notice. Notice of the Planning Director's administrative decision, or the Planning Commission's public hearing as the case may be, shall be given in the following manner:

1. Published Notice. Notice shall be published in at least one newspaper of general circulation within the City at least 10 days prior to the administrative decision or public hearing on the project.

2. Mailed or Delivered Notice. At least 10 days prior to the administrative decision or public hearing, notice shall be mailed to the applicant and all owners of property within 300 feet of the boundaries of the site, as shown on the last equalized property tax assessment role.

E. Contents of Notice. The notice for the administrative decision or the public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;

2. A statement of the time, place, and purpose of the administrative decision or public hearing;

3. A reference to application materials on file for detailed information; and

4. A statement that any interested person or an authorized agent may comment or appear and be heard.

4306 Required Findings

The Planning Commission, or the Planning Director as the case may be, may approve an application for a development plan if, on the basis of the application, plans, materials, and testimony submitted, the Planning Commission or the Planning Director finds:

A. For the Development Plan

1. That the site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance.

2. That the Development Plan as proposed conforms to the General Plan of the City.

3. That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.

4. That the project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood.

5. That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of this ordinance.

4307 Conditions of Approval

In approving a development plan, the Planning Commission, or the Planning Director as the case may be, may impose reasonable conditions necessary to:

A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the project is located, or to make it consistent with the General Plan;

B. Protect the public health, safety, and general welfare; and

C. Ensure that the site plan and physical design of the project is compatible with existing and potential uses on adjoining properties or in the surrounding neighborhood.

4308 Effective Date; Lapse of Approvals; Time Extensions; Changed Plans

A. Effective Date. Development plans administratively approved by the Planning Director shall become effective on the date of the Planning Director's administrative decision, unless appealed to the Planning Commission, as provided for in this article. Development plans approved by the Planning Commission shall become effective on the date of adoption of the Planning Commission resolution, unless appealed, as provided for in Article 46.

B. Lapse of Approvals. Development plan approvals shall lapse two years after the effective date of approval or conditional approval or at an alternate time specified as a condition of approval unless:

1. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued, and construction diligently pursued; or

2. An occupancy permit has been issued; or

3. The approval is extended; or

4. In cases where a Development Plan is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.

5. In the situation where items #1 and/or #2 above have occurred and site activity had commenced and been completed in earlier phases of the overall development plan but no site grading or building permit activity had occurred on the remaining undeveloped portion of the site for a period of five years, a new development plan must be obtained.

C. Time Extension. Upon application by the project applicant filed prior to the expiration of an approved or conditionally approved development plan, the time at which the development plan expires may be extended by the Planning Director, or the Planning Commission as the case may be, for a period or periods not to exceed a total of three years. Application for renewal shall be made in writing to the Planning Director no less than 30 days or more than 90 days prior to expiration.

D. Changed Plans. A request for changes in conditions of approval of a development plan, or a change to the development plan that would affect a condition of approval, shall be treated as a new application. The Planning Director may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

4309 Appeals

A. Rights of Appeal and Review. Development plan decisions of the Planning Director may be appealed by any interested party to the Planning Commission. Development plan decisions of the Planning Commission may be appealed by any interested party to the City Council.

B. Procedures; Public Hearings. Procedures for appeals shall be as prescribed by Article 46.