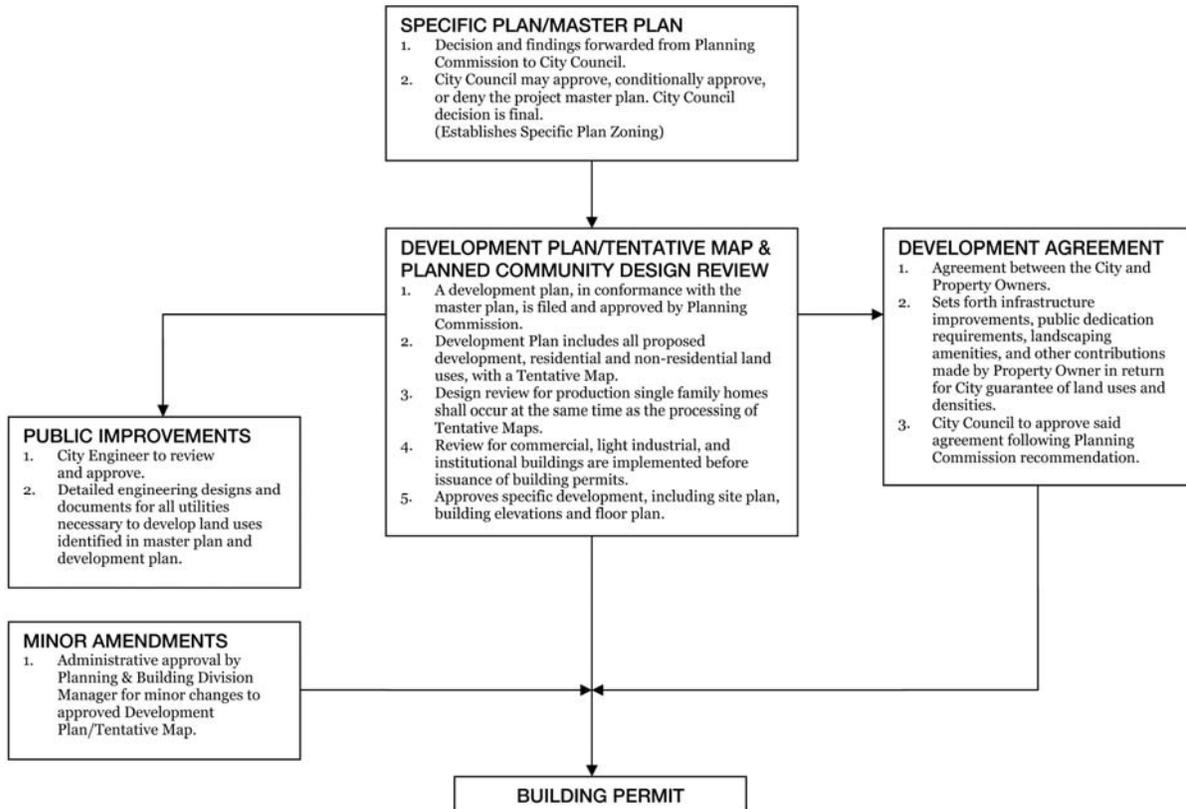


# 11.0 Implementation & Administration

This chapter describes the plan review procedures, development agreements, Specific Plan amendment procedures, enforcement, mitigation monitoring and other mechanisms to be utilized to implement or revise the WLSP. The process flow chart below graphically illustrates the plan review process.



## 11.1 PLAN REVIEW PROCESS

### 11.1.1 Development Plan Process

The Specific Plan represents the "master plan" for the West Landing Plan Area. Subsequent to adoption of the Specific Plan, individual project applications will be reviewed to determine consistency with the Specific Plan and other regulatory documents. Applications such as Tentative Subdivision Maps, commercial or industrial development plans, use permits, variances, etc. will be approved by the Planning Commission. Commercial and industrial buildings, multi-family and single-family projects, will be reviewed using established Planned Community Development Plan (PCDP) process.

Development applications will be submitted to the City of Ceres Planning and Building Division. The Planning and Building Division will conduct an initial review of the application for completeness and consistency with the adopted Specific Plan, as well as other ordinances and standards. The applicant will be notified within 30 days of any deficiencies that must be rectified to deem the application complete.

To streamline the implementation of the Specific Plan, administrative approval by the Planning and Building Division Manager or designee is permitted for any application, except General Industrial applications, that does not require Planning Commission and/or City Council consideration by the Ceres Municipal Code, and that is deemed consistent with the Specific Plan and other regulatory documents.

The Planning and Building Division Manager or designee, acting upon any application that is determined to be complete shall (1) approve the application, (2) approve the application with conditions or modifications, (3) deny the application, or (4) refer the application to the Planning Commission. The Planning and Building Division Manager, designee or Planning Commission determination for approval shall be based on findings that the project application is consistent with the Specific Plan land use plan, circulation plan, site design standards, and design guidelines and any other applicable section(s) of the Ceres Municipal Code.

Proposed General Industrial (GI) development will be reviewed for approval using an Administrative Permit Process. This process will be used for all new development in the GI designation. The Administrative Permit process is used to provide a process for review and approval of site and architectural design issues prior to issuance of building permit. Review under the Administrative Permit will be limited to consistency with City policies, codes, and standards, and is specifically focused on site and architectural design standards of this Specific Plan. Application for an Administrative Permit shall

follow the procedures outlined in Section 4.5.11.6 and shall be reviewed for approval by the Planning and Building Division Manager or designee.

If the applicant or the City believes that an Amendment to the Specific Plan is warranted, an Amendment to the Specific Plan may be requested in accordance with section 11.3, Amendment Procedures. The request must provide adequate justification. The application will also be subject to environmental review as discussed in the following section.

Design Review—Generally, all residential, commercial, and industrial projects within the Planning Area will be subject to Planned Community Development Plan (PCDP) review by the City and approved by the Planning Commission. Also, all public improvements (such as landscape plantings, street and entry signs, lighting, or special paving) are subject to PCDP process.

Design review will be carried out in conjunction with the PCDP process.

### **11.1.2 Public Improvement Plans**

The on-site and off-site public improvements necessary to serve the West Landing Specific Plan Area need to be specifically designed. The applicants shall prepare for City review and approval Public Improvement Plans, consisting of detailed engineering designs and documents for all utilities necessary to develop the land uses identified in the Specific Plan. These plans shall include an infrastructure sequencing program that will allow orderly development throughout the Specific Plan area. The sequencing program shall prioritize roads, water, sewer, drainage and other utilities that must be in place prior to specific levels of development.

### **11.1.3 Environmental Review**

The Environmental Impact Report (EIR) prepared for the West Landing Plan will serve as the master environmental assessment document for development within the Plan Area. Individual project applications will be reviewed for consistency with the Specific Plan EIR. If consistency is determined and the project meets the criteria established in Section 15182 of the CEQA guidelines, the City may determine that a separate environmental document is not required. In all other cases, the City shall prepare an environmental document pursuant to established procedures.

In some cases, individual project applications may require additional environmental information beyond what was provided for the Specific Plan environmental document. For example, a more detailed traffic study may be required for an individual project application. Upon review of this additional information, the City will make a determination as to whether or not the more detailed information

provides evidence that the proposed individual project will cause more significant environmental impacts beyond the scope originally anticipated during the master program analysis. If the City determines that there would be environmental impacts beyond the scope originally anticipated during the original study, further environmental review and a separate environmental document may be required. Conversely, the City may make a determination that the additional information does not raise new environmental issues and is within the scope of the original study, then an EIR will not be required and a Negative Declaration or reference to a prior document will be used to meet CEQA requirements.

The foregoing discussion details the initial project review and environmental review submittal procedures. Projects submitted for consideration will be reviewed for consistency with any development standards, design guidelines, mitigation measures and other applicable conditions of approval, which were adopted as part of the Specific Plan.

## 11.2 DEVELOPMENT AGREEMENTS

Subject to the provisions of the Specific Plan, the property owners and the City may execute Development Agreements in accordance with Government Code and local ordinance. The Development Agreements will set forth the infrastructure improvements, public dedication requirements, landscaping amenities, and other contributions to be made by a property owner in return for guarantees by the City that certain land uses and densities in effect at the time of execution of the agreement will not be modified. These agreements should only be arranged where the developer is prepared to proceed in accordance with a specific time table for seeking the required approvals and commencing construction.

Both the City and the project sponsors would commit themselves to proceed with the terms of the agreement. The City can agree to process future development applications in accordance with the Plans and laws that were in existence when the agreements were made. The City then commits to maintaining its planning or zoning statutes related to the developments for an agreed-upon period of time. In return, the developer/applicant agrees to develop according to an agreed-upon time schedule or commit to other measures which the City might otherwise have no authority to require the developer/applicant to perform.

Generally, Development Agreements include the following provisions, or similar variations:

- Specify how the Specific Plan and General Plan will be implemented in connection with the Development Agreement;

- Provide the terms for reimbursement in the event that a developer provides advance funding for facilities which have community benefit;
- Provide for adequate public facilities for each project phase in a timely manner;
- Shorten the approval process by consolidating and coordinating various discretionary approvals;
- Specify the monetary responsibilities of the developers

### **11.3 RIGHT-TO-FARM PROVISIONS**

It is recognized that the West Landing Specific Plan Area is bounded on the West and portions of the south by existing agricultural uses of various kinds and intensities. It is also acknowledged that as the project site builds out, several existing parcels on-site could remain in their existing agricultural state for some foreseeable period of time. In order to ensure the viability of the on-going agricultural uses, this WLSP shall require that a “right-to-farm” provision be included as a part of any subsequent stage in the land entitlement process, such as a Tentative Map submittal. Along these same lines, the Tentative Maps and other entitlement applications or documents shall mandate full right-to-farm disclosures at point-of-sale of lots and/or homes within the WLSP community. This provision shall include all properties on site which may be impacted or affected by on-going farming operations.

### **11.4 AMENDMENT PROCEDURES**

In order to ensure consistency between the Specific Plan and the General Plan, there is a necessity for adoption of an amendment to the City General Plan. The General Plan is amended for the purpose of adding Specific Plan land use designations that will accommodate the types and densities of development envisaged in the West Landing Plan Area. This is for the purpose of fulfilling the long term goals of the City for this area and establishing a more detailed description of this vision for West Landing.

With respect to future proposed changes in the Specific Plan, large project specific plans are adopted in a dynamic development environment, often with lengthy build-out horizons and multiple developers/builders. Situations may arise where future amendments to the adopted Specific Plan can be considered because of changing circumstances beyond the control of the Specific Plan. Additionally, because of unforeseen circumstances, some design guidelines or development standards may not be

feasible on a particular parcel. In these situations, the procedures listed below will be followed to amend the adopted Specific Plan.

#### **11.4.1 Applicants**

Typically, property owners or developers will request amendments to a Specific Plan. There may also be circumstances where the City may wish to request an amendment to the plan. For example, the City may propose an amendment to the plan to address shifting land use patterns outside the Plan Area or changing demographics.

A Specific Plan processing fee to be determined by the City shall accompany applications for amendments submitted by property owners. This fee would be in addition to existing fees for accompanying development applications.

#### **11.4.2 Scope of Amendment**

Amendments to an adopted Specific Plan should be categorized as either minor or major. The Planning and Building Division Manager or his/her designee shall administratively make a written determination as to whether or not a requested amendment is major or minor within 10 working days of receipt of the application. No development plan, subdivision, use permit or other entitlement for use shall be approved by the City and no public improvement shall be approved by the City until a finding has been made that the proposed entitlement or public improvement is substantial conformance with this Specific Plan.

#### **11.4.3 Major Amendments**

The following are examples of what could be considered major amendments:

- Introduction of a new type of land use not specifically provided for in this Specific Plan.
- Significant changes to the distribution of land uses, major acreage changes of land uses, or other changes affecting land use which may substantially affect the key planning concepts set forth in this Specific Plan.
- Significant changes to the collector street system that would substantially alter the land use or circulation concepts set forth in this Specific Plan.

- Changes to design guidelines and/or development standards which, if adopted would substantially change the physical character of the Plan Area as envisioned by the Specific Plan.
- Any change to the Plan that could significantly increase environmental impacts.

*Application Requirements for Major Amendments:*

All Specific Plan Amendments shall be consistent with the City's General Plan. Major amendments may therefore require an accompanying General Plan Amendment. Applications for major amendments to the adopted Specific Plan shall conform to the requirements set forth in the Zoning Ordinance Chapter 18.54, Amendments. Generally, the process for amending the Specific Plan is similar to that for amending the City's General Plan, with the main difference that there is no limitation to the number of Specific Plan amendments that may be approved in any one year. The materials and documents necessary to process a major amendment application should be consistent with those outlined in the City of Ceres Development Permit Form for Rezones/Amendments. A detailed justification statement shall be submitted which explains in detail why an amendment to the Specific Plan is warranted. All requirements of CEQA will be applicable. The Specific Plan processing fee, as previously mentioned, shall be submitted to cover all processing costs. Major amendments shall require City Council approval, with a recommendation forwarded by the Planning Commission.

#### **11.4.4 Minor Amendments**

An amendment shall be considered a minor amendment when it is determined that it does not have a significant impact on the character of the plan or on the environment. A Specific Plan Amendment application fee shall accompany any applications for minor amendments to the Specific Plan. When the Planning and Building Division Manager determines that a requested amendment is minor, the Manager will either approve or deny the request. The Manager's decision may be appealed to the Planning Commission within 10 working days of the decision. The following are examples of what could be considered minor amendments:

- Change in the configuration of a particular Specific Plan land use which does not significantly alter its relationship to other land uses or compromise the concept and principles of the WLSP.

- Minor changes to land uses which result in changes in unit counts, minor acreage changes of land uses, or other changes altering land uses, which do not substantially affect the key planning concepts or principles set forth in this Specific Plan.
- Allowance of a use not listed in the Permitted Uses, if the use is consistent with or similar to the Specific Plan designation for the area in which the use is requested.
- Changes to the collector street system and alignments that do not substantially alter the intended land use or circulation functioning as set forth in this Specific Plan.
- The relocation or reconfiguration of a park or open space that is not less in acreage size than the specified minimums in the WLSP, and that does not compromise the WLSP park concept as shown on the Land Use diagram in this SP.
- Changes to design guidelines (architectural types and materials, landscape materials, etc.) and/or development standards that do not substantially change the physical character of the West Landing community as envisioned by the Specific Plan.
- Minor amendments will not significantly increase environmental impacts.

*Application Requirements for Minor Amendments:*

Applications for minor amendments shall be submitted to the Planning and Building Division and shall include a description of the requested amendment, a justification statement, the application processing fee (determined by the City Council), and a Specific Plan Amendment processing fee.

#### **11.4.5 Findings**

The Planning and Building Division Manager or hearing body when acting upon any minor or major amendment requests to the Specific Plan shall consider the following findings:

- Significant changes to the character of the community have occurred subsequent to the adoption of the Specific Plan which warrants amendments as requested;
- The requested amendment will benefit the Specific Plan Area and/or the City;
- The amendment is consistent with the General Plan;
- The amendment will not adversely affect adjacent properties and can be properly serviced;

- Where applicable, the physical constraints of the property area are such that the requested amendment is warranted.

## 11.5 ENFORCEMENT

The West Landing Specific Plan includes a considerable number of development regulations and environmental mitigation measures. Assurances must be made that adequate enforcement mechanisms are in place to ensure that all adopted regulations and mitigation measures are adhered to. If a field inspection is conducted and a particular requirement has not been satisfactorily completed, or site development activities have been undertaken that are not performed as mandated in the Specific Plan and EIR, City staff may ensure completion or correction of the development activity through actions including, but not limited to, the following:

- Meeting with the proponent to negotiate timing or corrective action in the context of established City of Ceres Planning and Building Division Zoning Enforcement procedures.
- Issuance of a stop work order that will not be lifted until signed by the City of Ceres.
- Apply the measures of any City enforcement ordinances based upon the police power to protect the public's health, safety and welfare.
- Require performance bonds for landscaping, tree preservation, wetland preservation, or other items determined appropriate by City staff.
- Revocation of use permits or other similar actions may occur if City staff discovers violations.
- City staff may recommend denial of subsequent approvals necessary to complete and occupy the project.
- City staff will carry out initiation of any enforcement or penalty provisions in applicable development agreements.
- Request for legal action by the City Attorney's office.

The City of Ceres currently has established a code enforcement program to ensure that adequate and proper investigations of land use violations take place. As with any other development with conditions of approval and/or mitigation measures, complaints of violations of any Specific Plan requirements will

be investigated consistent with established procedures and due process. Complaints of violations will be referred to the City of Ceres Planning and Building Division's Zoning Enforcement Section for any violation of adopted Specific Plan regulations or associated approvals. Many of the more drastic foregoing remedies would be considered only if repeated attempts to rectify any violations go unheeded.

## **11.6 MITIGATION MONITORING**

The California Environmental Quality Act requires all state and local agencies to establish reporting and monitoring programs for projects approved by a public agency whenever approval involves adoption of either a "mitigated negative declaration" or specified environmental findings related to environmental impact reports.

The Mitigation Monitoring and Reporting Program is intended to satisfy the requirements of CEQA as they relate to the final EIR for the West Landing Specific Plan. This monitoring program is to be used by City staff and the project developers in ensuring compliance with adopted mitigation measures during project implementation.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Ceres staff. City staff will monitor mitigation implementation as outlined in the recorded MMRP for the West Landing Specific Plan.

## **11.7 SPECIFIC PLAN FEE**

In accordance with Government Code 65456, the City may impose a fee for the purpose of recovering the costs associated with the preparation and adoption of the Specific Plan, including CEQA review. The basis for the fee shall be those direct costs incurred by the applicants and approved as reimbursable expenses by the City. Upon approval of the costs, the City may enter into a reimbursement agreement with the sponsoring property owners through which the City will forward Specific Plan fees collected or will otherwise grant credits.

As discussed in Chapter 2, the Plan Area contains multiple property owners each with their own unique desires and goals. At the time this plan was formulated a group of 3 property owners controlling approximately 494 acres or 51% of the Plan Area agreed to financially sponsor the preparation of this specific plan effort, and all of the required engineering and environmental studies needed to evaluate the project.

The remaining property owners elected not to financially participate in this specific plan effort. Their parcels are designated for urban uses and analyzed by the engineering studies, however, any subsequent request for development on these parcels will be subject to a reimbursement agreement to compensate the sponsoring landowners and/or the City of Ceres the cost of the specific plan effort. There may also be a need for additional site-specific environmental studies.

The non-participating property owner will be required to pay a Specific Plan Fee upon submittal of an application requesting subsequent entitlements, prior to the issuance of building permits, based on the number of acres included in the application or the size of the parcel, whichever is greater. This “fair-share” fee will be calculated based on the following formula:

$$(\text{Total Specific Plan Cost} \div \text{total acres}) \times \text{parcel acreage} = \text{Specific Plan Fee}$$

The items to be included in the Specific Plan Cost have been determined in coordination with the City of Ceres and may include, but not necessarily be limited to the following:

- Costs expended by the City to review or hire consultants to prepare and/or review the Specific Plan, engineering studies, financing plans and district formation, project specific agreements, environmental studies, and/or the EIR.
- The Total Specific Plan Costs may be adjusted by a yearly interest rate or inflation factor, to fairly account for the passage of time.

Parcels owned by sponsoring property owners that financially participated in the preparation of the plan will not be required to pay the Specific Plan Fee and are granted zoning or land use designations as illustrated and discussed in Chapter 4. Specific Plan Fees collected by the City shall be utilized to reimburse sponsoring property owners. Reimbursement to the sponsoring property owners should be made in lump sum payments as Specific Plan Fees are collected.