

## Chapter 14.78 DESIGN AND TRANSPORTATION REVIEW—MULTIPLE-FAMILY, PUBLIC AND COMMUNITY FACILITIES, OFFICE AND ADMINISTRATIVE, AND COMMERCIAL DISTRICTS<sup>1</sup>

### 14.78.010 Purpose.

The purpose of this chapter is to preserve and protect ~~the character and~~ public safety of the city and to enhance the aesthetic qualities and bicycle and pedestrian safety and functionality of its multiple-family, public and community facilities, office and administrative and commercial districts by requiring design and transportation review of new structures and certain expansions of existing structures.

(Ord. No. 2012-382, § 1, 5-22-2012)

### 14.78.020 Requirement for design review.

Any work that requires a building permit, including new building construction, existing building alterations and expansions, and site improvements, but excluding properties in an R1 or R3-4.5 district, shall be subject to design review pursuant to this chapter as follows:

- A. Administrative design review.
  - 1. Site improvements, exterior alterations or modification, or additions to existing buildings of up to five hundred (500) square feet require approval by the ~~community~~ development services director or their designee.
- B. Planning commission design review.
  - 1. ~~Additions to existing buildings that exceed five hundred (500) square feet but are equal to or less than 50 percent of the total floor area on the subject site and do not increase the existing height of the building(s) require approval by the planning commission at a public meeting.~~
- ~~C. City Council Design Review.~~
  - ~~1. All new buildings, and additions to existing buildings that exceed fifty (50) percent of the total floor area on the subject site and/or increase the height of the existing building(s), require approval by the city council planning commission at a public meeting.~~
  - ~~2. Prior to consideration by the city council, the planning commission shall review the application at a public meeting and provide a recommendation to the city council.~~
- C. Zoning Administrator design review.

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<sup>1</sup>Editor's note(s)—Ord. No. 2012-382, § 1, adopted May 22, 2012, amended Ch. 14.78 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. Former Ch. 14.79, §§ 14.78.010—14.78.050, pertained to similar subject matter and derived from Ord. No. 04-260, § 1; and Ord. No. 07-306, § 9.

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Notwithstanding the foregoing, the development of a housing development project of five or fewer units that is not otherwise subject to design review pursuant to chapter 14.76 and 14.78 of this code or subsection (A) of this section shall be subject to design review by the zoning administrator following a noticed public hearing. Notwithstanding any other provision of this code, and unless otherwise required by state law, any additional planning applications for such a project including, without limitation, tentative or parcel maps, variance requests, or conditional use permits, shall be heard and decided by the zoning administrator concurrently with the design permit application. As used in this subsection, a "housing development project" includes a project to construct one or more dwelling units, including a mixed-use development project for which not more than one-third of total floor area is dedicated for commercial use.

D. Exempt from the requirements of Design Review.

1. Site improvements, exterior alterations or modification, or additions to existing buildings of up to one thousand (1,000) square feet in the Public/Community Facilities (PCF) District shall be exempt from the requirement of Design Review.

E. Authority of the Development Services Director.

1. The Development Services Director shall have the authority to require administrative design review to any improvement to a property or parcel of land that is determined to have special circumstances or potentially negative impacts on the community.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 5, 9-27-2016; Ord. No. 2019-457 , § 1, 1-28-2020)

### **14.78.030 Public meeting requirements.**

Notice of public meetings before the zoning administrator shall be provided pursuant to Government Code Section 65091. Notice of public meetings before the planning commission and/or city council shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:

- A. Mailing of notices via first-class mail to all property owners within ~~one thousand three hundred (1,0300)~~ feet of the project site at the mailing address on record with the county assessor; and
- B. Mailing of notices via first-class mail to all commercial business tenants within ~~one thousand three hundred (1,0300)~~ feet of the project site at the addresses shown on the latest city business license records; and
- C. Posting of a notice on the project site in accordance with the standards set by the ~~city council and community~~ development services director ~~or their designee~~; and
- D. All meetings before the planning commission and/or city council conducted under this section, excluding study sessions, shall be noticed separately and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 5, 9-27-2016; Ord. No. 2019-457 , § 1, 1-28-2020)

### **14.78.040 Recommendation for pre-application study session design review.**

Projects subject to design review pursuant to Section 14.78.030 of this chapter are eligible for pre-application design review before the planning ~~and transportation~~ commission. This review is in a study session format and is best served early in the design preparation process. This review is encouraged to receive early design

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input from the commission. Study session review is also available at any point in the application process, and may be requested by an applicant or, subject to applicable state law, may be required by the ~~community~~ development ~~services~~ director ~~or their designee~~.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 9-27-2016)

#### **14.78.050 Initial application review.**

All applications filed with the ~~community~~ development ~~services~~ department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:

- ~~A. The application shall be reviewed for completeness and processed in accordance with the Permit Streamlining Act, Government Code Section 95920, et seq. Review for completeness. The community development director or their designee shall review all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as proscribed in the "submittal requirements" documents provided by the community development department.~~
- ~~B. — Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date.~~
- CB. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).
- DC. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.
- ED. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.
- FE. Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review.

(Ord. No. 2016-423 , § 6, 9-27-2016)

#### **14.78.060 Design review findings.**

In approving applications for design review approval under this chapter, the ~~community development director or their designee, planning commission and the city council~~ approval authority shall make the following findings:

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- A. The proposal meets the goals, policies and objectives of the general plan and any specific plan, objective design guidelines and ordinance design criteria adopted for the specific district or area.
  - B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.
  - C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays and balconies.
  - D. Exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.
  - E. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.
  - F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions.
  - G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing.
  - H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 6, 9-27-2016; Ord. No. 2016-427 , § 3, 11-8-2016; Ord. No. 2019-457 , § 2, 1-28-2020)

Editor's note(s)—Ord. No. 2016-423, § 6, adopted September 27, 2016, enacted a new § 14.78.050 and renumbered the remaining §§ 14.78.050—14.78.080 as §§ 14.76.060—14.76.090. The historical notation has been retained with the amended provisions for reference purposes.

### **14.78.070 Variances.**

- A. Purpose. In order to avoid such practical difficulties, unnecessary physical hardships and results inconsistent with the objectives of the zoning plans stated in article 1 of Chapter 14.02, as would result from a strict or literal application of the provisions of this chapter, the planning commission may approve or recommend variances to the regulations controlling site area, width, depth and coverage, yards, and other open spaces, parking spaces, loading spaces, height of structures, allowable building floor area and fences for a property located in any district, except for those located in an R1 or R3-4.5 district.
- B. Procedure. The approving authority for variance applications shall be as follows:
  - 1. The planning commission shall be the approving authority for all variance applications ~~that are not subject to city council design review~~ pursuant to Section 14.78.020.C.
  - 2. A public hearing shall be required. Notice of the meeting shall be given not less than ten (10) days prior to the date of the meeting by the methods required in Section 14.78.030

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~~23. The city council shall be the approving authority for all variance applications that are subject to city council design review pursuant to Section 14.78.020.C. of the application and A variance request shall be granted if, based upon~~ the evidence submitted, the following positive findings can be made:

- a. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
  - b. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
  - c. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
- D. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 6, 7, 9-27-2016; Ord. No. 2019-457 , § 2, 1-28-2020)

Editor's note(s)—See editor's note, § 14.78.060.

#### **14.78.080 Expiration of design review and/or variance approval—Extensions.**

- A. Design review and/or variance approvals granted pursuant to this chapter shall expire twenty-four (24) months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued for the improvements constituting the subject of the approval and construction thereof is commenced and prosecuted diligently toward completion.
- B. Design review and/or variance approvals may be extended for a period of time not exceeding twelve (12) months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by resolution of the city council. Extensions of the approval are contingent on the community development director or their designee finding that the project complies with all current zoning ordinance regulations.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 6, 8, 9-27-2016)

Editor's note(s)—See editor's note, § 14.78.060.

#### **14.78.090 Multimodal transportation review.**

- A. An application for ~~city council-planning commission~~ design review pursuant to Section 14.78.020.C shall be subject to a multimodal transportation review as part of the approval process in order to assess potential project impacts to various modes of transportation such as but not limited to bicycle, pedestrian, parking, traffic impacts on public streets, and/or public transportation.
  - 1. When a multimodal transportation review is required by this code the complete streets commission shall only recommend improvements that are immediately adjacent to the subject site under consideration. Immediately adjacent to the subject site shall mean improvements along any property line of the subject site.
- B. Projects subject to a multimodal transportation review pursuant to this section shall be reviewed by the complete streets commission at a public meeting with the commission providing a recommendation to the

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planning commission ~~and the city council~~ on the multimodal transportation impact analysis and on the elements of the project that pertain to bicycle, pedestrian, parking, traffic and public transportation issues.

1. When a multimodal transportation review is required by this code the complete streets commission shall provide their recommendations to the planning commission at a joint meeting.

C. Notice of an agenda item before the complete streets commission at which multimodal transportation review is conducted shall be per the public notice meeting requirements of Subsection 14.78.030.

D. EXCEPTIONS. All residential and/or mixed-use developments shall be exempt from review of the complete streets commission. No multimodal transportation review before the complete streets commission shall be required of any residential and/or mixed-use development.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 6, 9-27-2016; Ord. No. 2019-457 , § 3, 1-28-2020)

Editor's note(s)—See editor's note, § 14.78.060.

### **14.78.100 Appeals.**

The basis for any appeal of a housing development shall only be allowed and based on objective standards consistent with State law.

A. Within ~~fifteen~~fourteen (154) days of an action (approval or denial) on an administrative ~~or zoning administrator~~ design review application, the decision may be appealed to the planning commission by any interested party.

B. Within ~~fifteen~~fourteen (154) days of an action (approval or denial) on a design review and/or variance application by the planning commission, the decision may be appealed to the city council by any interested party.

C. Within ~~fifteen~~fourteen (154) days of an action (approval or denial) on a design review and/or variance application by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk pursuant to Section 1.12.040.

### **14.78.110 Number of Hearings Allowed.**

A. When public hearings are required, the number of hearings for solely design review approval shall be no more than three (3) public hearings.

(Ord. No. 2016-423 , § 9, 9-27-2016; Ord. No. 2019-457 , § 3, 1-28-2020)