

## Chapter 14.76 DESIGN REVIEW—SINGLE-FAMILY DISTRICTS<sup>1</sup>

### 14.76.010 Purpose.

~~It is the policy of the city to review the proposed construction or exterior alterations of single family dwellings and accessory structures under circumstances which include, but are not limited to, where such structures might constitute an unreasonable invasion of privacy, unreasonable interference with views, light and air, or create adverse impacts upon the aesthetic character of neighboring residential structures.~~ The purpose of this section is to establish a set of criteria, objectives and procedures to be followed with respect to the design review of any proposed single-family main or accessory structure, or addition or alteration thereto, and to insure that the new development occurs in a manner which is consistent with the objectives of this chapter, the objective design criteria of single-family residential objective design guidelines, and the goals and policies of the general plan.

(Ord. No. 2012-381, § 1, 5-22-2012)

### 14.76.020 Single-family residential objective design guidelines.

Any new main or accessory structure, or addition or alteration thereto, shall be consistent with the policies and implementation techniques described in the single-family residential objective design guidelines as adopted by the city council.

(Ord. No. 2012-381, § 1, 5-22-2012)

### 14.76.030 Requirement for administrative design review.

No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto within a single-family district, until such construction has received administrative design review approval by the ~~community~~ development services director or their designee. Window replacements, reroofing and rooftop venting and exhausting equipment, ~~and~~ mechanical equipment, attached or detached accessory dwelling unit(s) and junior accessory dwelling unit(s) are exempt from this requirement.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 1, 2, 9-27-2016)

### 14.76.040 Requirement for zoning administrator design review ~~commission design review~~.

In each of the following cases, no building permit shall be issued for the construction, addition or alteration of any main or accessory structure within a single-family district until the zoning administrator has approved such structure following a noticed public hearing, ~~has received design review approval by the design review commission~~ pursuant to this chapter:

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<sup>1</sup>Editor's note(s)—Ord. No. 2012-381, § 1, adopted May 22, 2012, amended Ch. 14.76 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. Former Ch. 14.76, §§ 14.76.010—14.76.100, pertained to similar subject matter and derived from Ord. No. 04-261, § 1; Ord. No. 08-323, § 2; and Ord. No. 2011-368, § 1, adopted July 26, 2011.

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- A. Any new two-story structure;
  - B. Any conversion of a one-story structure to a two-story structure;
  - ~~C. Any addition of habitable area to the second floor of an existing two-story structure;~~
  - ~~D.C.~~ Any new one-story structure over twenty (20) feet in height;
  - ~~E.D.~~ Whenever design review is specifically required under the terms or conditions of any tentative subdivision map, use permit, variance or conditional rezoning; and
  - ~~F.E.~~ Whenever, as determined by the ~~community~~ development services director or their designee, the construction or expansion of a main or accessory structure may be in conflict with the design review findings contained in Section 14.76.050 of this chapter.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 1, 2, 9-27-2016)

### **14.76.050 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. ~~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. The application shall be reviewed for completeness and processed in accordance with the Permit Streamlining Act, Government Code Section 65920, et seq.~~
- C. 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).
- D. 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.
- E. 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 services 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.
- F. Environmental information. After an application has been accepted as complete, the ~~community~~ development services director or their designee may require additional information as necessary for the project's environmental review.

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(Ord. No. 2016-423 , § 3, 9-27-2016)

#### **14.76.060 Design review findings.**

In approving an application for design review, the approving authority shall make the following findings:

- A. The proposed structure or alteration complies with all provisions of this chapter;
- B. The height, elevations and placement on the site of the proposed main or accessory structure or addition, when considered with reference to the nature and location of residential structures on adjacent lots, ~~will avoid unreasonable interference with views and privacy,~~ and will consider the topographic and geologic constraints imposed by particular building site conditions;
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized ~~and will be in keeping with the general appearance of neighboring developed areas;~~
- D. The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will minimize ~~the perception of~~ excessive bulk;
- E. General architectural considerations, including the ~~character,~~ size, ~~and~~ scale ~~and quality of the design,~~ the architectural relationship with the site and other buildings, building materials and similar elements have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings on the same project site; and
- F. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimal impervious cover and maximum erosion protection. A stepped foundation shall ~~generally~~ be required where the average slope beneath the proposed structure is ten (10) percent or greater.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 3, 9-27-2016)

Editor's note(s)—Ord. No. 2016-423, § 3, adopted September 27, 2016, enacted a new § 14.76.050 and renumbered §§ 14.76.050 and 14.76.060 as §§ 14.76.060 and 14.76.070. The historical notation has been retained with the amended provisions for reference purposes.

#### **14.76.070 Variance findings.**

- A. 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 ~~design review planning~~ commission may grant 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 those properties located in single-family zoning districts.
- B. The ~~design review planning~~ commission may grant a variance as applied for if, on the basis of the application and the evidence submitted, the commission makes the following positive findings:
  - 1. 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;
  - 2. 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

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3. 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.
  - C. 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. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 3, 9-27-2016)

Editor's note(s)—See editor's note, § 14.76.060.

#### **14.76.080 Notification.**

Notification shall be provided whenever an application for ~~design review commission zoning administrator~~ design review or variance is required pursuant to this chapter via first-class mail to the adjoining property owners, in the manner set forth by the ~~community~~ development services director or their designee, at least ten (10) days prior to the meeting at which the application is to be reviewed. The property owners who shall be mailed notice include, but are not limited to, the following:

- A. The two adjoining property owners on each side;
- B. The three adjoining rear property owners; and
- C. The five adjoining front property owners across the street.
- D. As deemed appropriate or necessary, the ~~community~~ development services director ~~or their designee~~ may require that notification be mailed to a greater or lesser number of property owner(s) than are identified above based on the configuration of the properties adjoining the site of the application.
- E. Notice shall also be posted on the project site near the front property line in accordance with the standards set by the ~~community~~ development services director ~~or their designee~~.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 9-27-2016)

#### **14.76.090 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 design review and/or variance approval and construction thereof is commenced and prosecuted diligently toward completion.
- B. Design review and/or variance approvals may be granted a one-time extension~~ed~~ 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 design review and/or variance approval are contingent on the ~~community~~ development services director ~~or their designee~~ finding that the project complies with all current zoning ordinance regulations.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 9-27-2016)

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#### **14.76.100 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 (15~~4~~) days of any denial of an administrative design review request, or of the approval or denial of a zoning administrator design review request, the decision may be appealed to the ~~design review planning~~ commission. Within fourteen (14) calendar days of the announcement of the planning commission's decision on the record, the decision may be appealed to the city council.
- B. Within ~~fifteen~~fourteen (15~~4~~) days of any approval or denial of a ~~design review commission design review and/or~~ variance request, the decision may be appealed to the city council.

#### **14.76.110 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. 2012-381, § 1, 5-22-2012)