

17.108.010 Purposes.

Design review is intended to implement general plan policies. More specifically, the purposes of design review are to:

- A. Ensure that the location and configuration of structures are visually harmonious with their sites and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use;
- B. Ensure that the architectural design of structures, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;
- C. Ensure that plans for the landscaping of open spaces conform with the requirements of this title, and that they provide visually pleasing settings for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape;
- D. Prevent excessive and unsightly grading of hillsides, and preserve natural landforms and existing vegetation where feasible;
- E. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title;
- F. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site;
- G. Ensure that new development is consistent with specific design guidelines developed for use within the community, where applicable, and to any specific plan or planned development plan.

17.108.020 Applicability.

- A. In an H Historic Overlay District. Design approval shall be required prior to issuance of a permit for any project that involves demolition, construction, or exterior alterations as provided in Section 17.108.030.
- B. In All Other Districts. Design approval shall be required prior to issuance of a permit for all projects that involve new construction, exterior alterations and additions or requests for an exception to criteria.
- C. Exemptions. The following projects are exempt from design review:
 - 1. Single-family residences and related accessory buildings that are located outside of an H- overlay district, unless otherwise specified in an adopted planned development plan;

2. Site alterations and buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet in gross floor area and do not require a use permit or variance;
3. Emergency shelters;
4. Accessory dwelling units; and
5. Signs.

17.108.030 Review responsibilities.

A. Administrative. The community development director shall be responsible for design review for the following applications:

1. In the industrial districts: for projects greater than 50,000 square feet of gross floor area;
2. Outside the industrial districts: for projects that involve construction of less than 2,500 square feet of floor area;
3. In a H- overlay district: for projects that are specified in Section 17.108.040;
4. Exceptions to criteria: for requests for exceptions to zoning criteria as specifically authorized in this Title.

B. Commission. The historic preservation review commission shall be responsible for design review of the following applications:

1. Projects that are not exempt as specified in Section 17.108.020 and that are not subject to administrative review.
2. In an H- overlay district: for projects that are specified in Section 17.108.040
3. Administrative projects that the community development director refers to the commission where the director determines that the project may substantially change the design of a building or character of a neighborhood; generate significant public interest; involve matters of public policy; or require other land use entitlements subject to approval by the zoning administrator or planning commission.

17.108.040 Design review in an H- Overlay District.

The design review procedures specified herein shall apply to exterior alterations of any structure in a H- overlay district; except for exterior alteration of a non-historic residence in the Eastern Residential Area of the Downtown Historic District or as modified by the Arsenal Historic Conservation Plan.

A. H- overlay exemptions. In addition to the exemptions of section 17.108.020, no design review shall be required for repairs and replacements of a minor, routine nature that do not modify the exterior appearance of a historic structure, as determined by the community development director, including the following activities:

1. Emergency stabilization of an unsafe condition to address an imminent threat to public health and safety, without demolition;
2. Replacement of a roof when there are no structural or architectural changes;
3. Landscaping, fences or landscape features;
4. Projects that do not require a building or demolition permit;
5. Replacement of doors or windows that restore a building to its original materials and design.

B. Administrative. The community development director shall review any project in an H-overlay district that is not subject to review by the historic preservation review commission as specified herein. The director shall refer a project to the commission for a public hearing upon a determination that it does not conform to the adopted design guidelines for the historic district.

C. Commission. The historic preservation review commission shall review projects that would:

1. Demolish, partially demolish or remove a historic structure;
2. Relocate a historic structure;
3. Remove, destroy, alter or obscure a character-defining feature of a historic structure as determined by the community development director;
4. Install alternative (non-original) exterior building materials on a historic structure as such materials are described in the adopted design guidelines;
5. Alter the primary or highly visible secondary façade for any historic structure; or
6. Construct a building or new addition that is visible from the public street, except as otherwise specified in Section 17.108.020.C.

17.108.050 Procedures.

A. Initiation. A design review project shall be initiated by filing a completed application, signed by the property owner or authorized agent, accompanied by a fee established by city council resolution, and such plans and documentation as shall be prescribed by the community development director.

B. Public notice.

1. Administrative. Notice of pending administrative action shall be given to owners of property located within 100 of the subject property and posted prominently on the project site. Notice shall be provided at least 10 days prior to the administrative action on a form set by the community development director and shall include the project location, a description of the project, a reference to materials on file in the

community development department, a statement that any interested party may provide comment, and a date on which the decision is to be made.

2. Commission. A public hearing shall be required for design review by the historic preservation review commission. Notice of public hearing shall be given pursuant to the procedures prescribed herein and the requirements of California Government Code sections 65090 and 65091.

a. Posted Notice. Notices shall be posted at least 10 days prior to the hearing on the site of the project.

b. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll.

C. Decision. A decision to approve, conditionally approve, or deny an application shall be based on the findings that the application is in compliance with the purposes of this chapter and any applicable design guidelines or planned development plan. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title. Changes in a project required as a condition of approval shall not include use, density, floor area ratio, parking, or loading requirements more restrictive than those prescribed by applicable district regulations or a valid use permit or variance.

D. Applications deemed withdrawn. The community development director may deem an application withdrawn if the applicant has been notified that more information is needed to process the application and there is no submittal of new or revised information to complete the application for a period of 120 days, unless the community development director determines there is good reason to grant a further extension to provide the needed information.

17.108.090 Effective date – Lapse and renewal – Alterations.

A. Effective Date. Design review decisions shall become effective at the end of the appeal period, unless appealed as provided in Chapter 1.44 BMC.

B. Lapse of Approvals. Design approval shall lapse two years from its effective date unless:

1. A building permit has been issued and construction diligently pursued; or
2. An occupancy permit has been issued; or
3. The approval is renewed.

C. Renewal. The community development director may renew design approval for a period of one year upon determining that the findings made remain valid. Application

shall be made in writing prior to the lapse of the original approval, but no more than 120 days prior to that date.

D. Changed Plans. The community development director 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 are 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.

17.108.100 Appeals.

A. Rights of Appeal and Review. Design review decisions of the community development director may be appealed by any interested party to the historic preservation review commission. Design review decisions of the historic preservation review commission may be appealed, by any interested party, to the planning commission.

B. Procedures – Public Hearings. Procedures for appeals shall be as prescribed by Chapter 1.44 BMC.

C. Limits on Appeals. Appeal decisions of the historic preservation review commission shall be final.