

Exhibit A

Proposed Amendments to the Santa Rosa Zoning Code

- Section 20-50.040(F) – Concept Review – Noticing of Review
- Section 20-50.050(A) – Application Preparation and Filing – Notification Required
- Section 20-50.050(E) – Application Preparation and Filing – Notice of Application
- Section 20-52.030(H) – Design Review – Public Notice and Hearing
- Section 20-66.020(C) – Public Hearings – Notice of Hearing - Method of Notice Distribution
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- Section 20-66.020(F) – Public Hearings – Notice of Hearing – Additional Notice

Chapter 20-50 PERMIT APPLICATION FILING AND PROCESSING

20-50.040 Concept review.

A. Purpose and intent. Concept review is intended to provide an opportunity for non-binding comments from the Design Review Board (DRB) or Cultural Heritage Board (CHB) to the applicant and interested citizens, as to how an application may meet the City's development priorities. Concept review is designed to offer advice and suggestions only, and shall not result in conclusions by the DRB or CHB.

B. Applicability. Concept review may occur when clarification or interpretation is needed regarding the application of City policies (e.g., the General Plan, Zoning Code, applicable design guidelines, etc.) or when it is agreed that guidelines or standards may not be clear. Typically, concept review may be conducted with large complex projects or when locations, or conditions of significant local concern are involved.

C. Review authority. The CHB shall conduct concept review for a project within the -H overlay; the DRB shall conduct concept review for projects elsewhere.

D. Application requirements. A request for concept review shall include the application form provided by the Department, the information required by the Department handout on concept review, and any required filing fee.

E. Scheduling of review. Concept review shall occur prior to the submittal of a development application. Scheduling shall depend on submittal of the necessary information, availability of staff resources, and available agenda time.

F. Noticing of review.

1. Mailed Notice. Concept review shall be noticed by mail to real property owners and occupants located in whole or in part within a radius of 600 feet from the exterior boundaries of the Assessor's parcels that are the subject of the concept review.

2. Site posting. Notice shall also be given by:

a. The City posting notices in at least two public places within the City boundary as specified by the Director; and

b. The applicant installing a sign on the subject property in a place conspicuous to the public, at least 10 days before the scheduled concept review, as indicated in Section 20-66.020 C.3.b.

3. Online posting.

a. Notice shall be given on the Department's webpage.

b. Alternative online postings including, but not limited to social media are encouraged at the discretion of the Director.

4. Electronic notice.

a. Notice shall be emailed to the Community Advisory Board (CAB).

b. Notice shall be posted to an electronic distribution list for City public notices.

5. Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater radius for notice for projects of particular interest, scale or size.

G. Form of review. Concept review shall:

1. Be conducted as a public forum, open to interested citizens, and shall include an opportunity for citizens to comment; and
2. Not include environmental review, referral comments, or staff analysis, and shall not substitute for development review and formal review by the DRB and/or CHB.

H. Role of DRB and CHB. During concept review, the DRB or CHB shall not take action or make decisions; comments made by members of the DRB or CHB are not binding on future DRB or CHB actions. Individual DRB or CHB members are not required to comment or participate in concept review items.

(Ord. 3677 § 1, 2004)

20-50.050 Application preparation and filing.

A. Pre-application neighborhood meeting required. Each discretionary project shall require a pre-application neighborhood meeting in compliance with the following requirements, to provide the opportunity for early input by affected neighbors. While neighborhood consensus or agreement is the goal, it is not a required outcome of the neighborhood meetings.

1. When neighborhood meetings are required:
 - a. A development proposal that is a discretionary project, requires a public hearing, and that may affect a residential neighborhood shall require one or more neighborhood meetings in compliance with this Section.
 - b. A discretionary project is one that requires a decision based on the application of judgment by the Council, Commission, DRB, CHB, Director, or the Zoning Administrator.
2. When neighborhood meetings are not required:
 - a. Neighborhood meetings are not required for nonresidential development proposals that are surrounded by nonresidential zoning districts and General Plan land use categories, unless there is an effect on a residential neighborhood, regardless of whether or not a public hearing is required.
 - b. Neighborhood meetings are not required for “ministerial” projects.
 - c. Ministerial proposals include the issuance of a Building Permits, or other applications where the discretionary approval or permit has been granted.
3. When a neighborhood meeting may be required. A neighborhood meeting may be required for a development proposal that otherwise would not require a meeting, if there is significant controversy or if interest has been expressed by the neighborhood regarding the proposal. In these cases, the Director shall determine whether to hold a meeting.
4. Waiver of meeting requirement. The requirement for a neighborhood meeting may be waived in cases where the position of a neighborhood is established and/or recent contact indicates that there is no interest in holding a meeting. In these cases, the Director shall determine whether to waive the requirement for a meeting.

5. Timing of neighborhood meeting.
 - a. When required, a neighborhood meeting shall be held before submittal of the application for the development proposal, except as identified in Subparagraph 3, above.
 - b. If the neighborhood meeting is not held before submittal of the application for development, the application shall be deemed incomplete until the neighborhood meeting has been held.

6. Follow-up meeting encouraged. When a neighborhood meeting has been held before submittal of the application, applicants are encouraged to hold a follow-up neighborhood meeting to explain project changes to the neighborhood, before the public review by the DRB or Commission.

7. Notification required.

a. A neighborhood meeting shall be noticed by mail to real property owners and occupants located in whole or in part within a radius of 600 feet from the exterior boundaries of the Assessor's parcels that are the subject of the development proposal.

b. The applicant shall install a sign on the subject property in a place conspicuous to the public, at least 10 days before the scheduled neighborhood meeting, as indicated in Section 20-66.020 C.3.b.

c. The City shall post notices in at least two public places within the City boundary as specified by the Director.

d. Notice shall also be given by posting on the Department's City webpage. Alternative online postings, including but not limited to social media are encouraged and at the discretion of the Director.

e. Notice shall be emailed to the Community Advisory Board (CAB) and posted to an electronic distribution list for City public notices.

f. Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater radius for notice for projects of particular interest, scale or size.

8. Staff responsibilities at meeting. City staff is required to attend the neighborhood meetings. The staff role is to identify and explain City policies, including provisions of the General Plan and this Zoning Code as they relate to the development proposal under consideration. Staff may provide objective commentary on the proposal, but is not expected to present a position or recommendation on the proposal at the neighborhood meeting. Staff shall also serve as moderator/ facilitator, and take meeting notes.

9. Applicant responsibilities at meeting. The applicant or representative is required to attend the neighborhood meeting and provide basic information including the following:

- a. Site analysis, graphically depicting existing conditions and the neighborhood context;

- b. Conceptual site plan showing locations of all proposed structures, roads, parking areas, landscaping, and conceptual parcel lines with approximate dimensions;
- c. Conceptual building design information and the proposed density of the project;
- d. Purpose of the project and its target market.

10. Independent professional staff recommendation required. Neighborhood or applicant comments and recommendations are not binding on staff. City staff will consider the neighborhood comments, as well as those of all referral agencies/organizations, but will formulate its own independent professional recommendation to the applicable review authorities.

B. Application contents. Land use permit applications shall be filed with the Department using the forms provided by the Department. Applications shall include all necessary fees and/or deposits, and all other information and materials required by the Department. It is the responsibility of the applicant to provide information in support of any findings required by Chapter 20-52 (Permit Review Procedures) for the approval of the permit or other approval being requested.

C. Eligibility for filing. Applications may only be filed by the owner of the subject property, or other person with the written consent of the property owner. If filed by another person, the property owner signature shall be on the application form.

D. Filing date. The filing date of any application described in this Chapter shall be the date when the Department receives the last submission of information or materials required by Subsection B, above, in compliance with Section 20-50.080 (Initial Application Review), below.

E. Notice of application. All applications requiring a public hearing, and minor projects that received concept design review, shall be noticed by mail to real property owners and occupants located in whole or in part within a radius of 600 feet from the boundaries of the subject Assessor's parcels, posted to the Department's webpage, emailed to the Community Advisory Board (CAB), and posted to an electronic distribution list for City public notices within 45 days of the application submittal. Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater radius for notice for projects of particular interest, scale or size.

(Ord. 3677 § 1, 2004)

20-52.030 Design Review.

D. Design Review process. The stages of Design Review established by this Chapter are as follows.

- 1. Conceptual Design Review. Conceptual Design Review is highly advised and provides the applicant with the review authority's tentative reaction to the general design concept of a proposed project. The review shall not include a formal decision on the application by the review authority. This review is optional, except within an -H combining district (see Section 20-58.060).

2. Preliminary Design Review. Preliminary Design Review is formal review to provide the applicant with specific responses to the proposed design.
 - a. This review shall conclude with final Design Review.
 - b. The DRB shall adopt a formal resolution approving the design.
 - c. In the case of a project of 5,000 square feet or larger within the -H combining district, the DRB and Cultural Heritage Board (CHB) jointly conduct the Preliminary Design Review.

3. Final Design Review. Final Design Review may be delegated by the Design Review Board to the Community Development Director following Preliminary Design Review approval by the Design Review Board. Final Design Review shall confirm that the final design complies with the previous preliminary Design Review approval.

E. Application requirements. An application for Design Review approval shall be filed in compliance with Chapter 20-50 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Design Review approval applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection J (Findings and decision), below.

F. Project review. The review authority shall consider the location, design, site plan configuration, and the overall effect of the proposed project upon surrounding properties and the City in general. Review shall be conducted by comparing the proposed project to the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, consistency of the project with the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans).

G. Review with other entitlements. Final Design Review approval for projects that also require the approval of a discretionary permit (e.g., Conditional Use Permit, Variance, etc.) shall be acted upon following land use approval by the review authority in compliance with Table 5-1 (Review Authority).

H. Public notice and hearing. ~~Any application for Design Review shall be scheduled for consideration once the Department has determined the application complete. Notice of the public hearing shall be provided in compliance with Table 5-2 (Design Review Authority and Notice Requirements), above and Chapter 20-66 (Public Hearings).~~

1. Major Design Review—Public notice and hearing required. The Board shall conduct a public hearing on an application for Design Review before a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 20-66 (Public Hearings).

2. Minor Design Review—Public notice required. Before a decision on a Minor Design Review, the Department shall provide notice in compliance with Chapter 20-66 (Public Hearings).

a. Public notice. The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Minor Design Review application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

b. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 20-66, and the Zoning Administrator shall conduct the public hearing before a decision on the application in compliance with Chapter 20-66.

I. Final Design Review. At the conclusion of final Design Review, the review authority may approve, approve with conditions, or disapprove a Design Review application based on the findings required by Subsection J (Findings and decision), below.

J. Findings and decision. Design Review approval shall require that the review authority first find all of the following:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans);
2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the framework of Design Review (Design Guidelines, Introduction, subsection C);
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments;
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood;
5. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained;
6. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity; and
7. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

K. Time limit on approval. Design Review approvals shall be granted for the same period of time as other discretionary permit approvals, but in no case for more than a 24-month period.

1. If construction in compliance with the Design Review approval has not been commenced within the approval period, the approval shall expire and be deemed automatically void.
2. Upon request of the applicant, an extension of time may be granted by the same review authority which originally granted the Design Review approval.
3. The extension shall not exceed 24 additional months.

L. Modifications. Upon request of the applicant, the review authority may authorize modifications of any application previously approved by the review authority in compliance with Section 20-54.060 (Changes to an Approved Project).

M. Installation of landscaping and irrigation.

1. Before issuance of a Building Permit for the subject project, final landscape and irrigation plans, where required, shall be approved by the Director as being consistent with the final Design Review decision on the project.
2. The landscape materials and irrigation equipment shown in the approved final landscape and irrigation plans shall be installed before final building inspection except where the Director has approved an extension of time for completion and has obtained from the applicant an agreement and adequate security, in compliance with Section 20-54.040 (Performance Guarantees).

N. Time for Final Design Review on referrals. Within 120 days following DRB preliminary approval, or Commission or Council final action on the project, whichever is later, the applicant shall submit the information and materials required for a final Design Review decision.

1. The project shall be reviewed for compliance with the recommendations of the DRB and the final approvals granted by the Commission and/or Council.
2. Failure to submit the materials for final Design Review or to request an extension (Subsection N.4) within this 120-day period shall result in withdrawal of the Design Review application.
3. A withdrawn application shall not prevent an applicant from filing a new application, along with the required fees, at the time the applicant is ready to proceed with the project.
4. An applicant may submit a written request for additional time to complete the final Design Review submittal, before the expiration of the first 120-day submittal period.
5. The Director may grant one time extension for a period not to exceed an additional 90 days, and may also grant a second 90-day extension where the Director determines that the applicant has demonstrated that extraordinary circumstances have caused the delay.
6. If the final Design Review application materials are not submitted before the end of the extension period, the application shall be deemed withdrawn.

O. Conditions of approval. In granting Design Review approval, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the project would comply with the findings required by Subsection J (Findings and decision), above.

P. Post approval procedures. The procedures relating to appeals, project changes, issuance of a Building Permit, performance guarantees, and revocation in Division 6 (Zoning Code Administration), and those in Chapter 20-54 (Permit Implementation, Time Limits, and Extensions), shall apply following Design Review approval.

(Ord. 4026 § 4, 2014; Ord. 3995 §§ 11, 12, 2012; Ord. 3968 § 17, 2011; Ord. 3933 § 2, 2010; Ord. 3711 § 1 Exh. A, 2005; Ord. 3677 § 1, 2004)

Chapter 20-66 PUBLIC HEARINGS

20-66.020 Notice of hearing.

When a land use permit, Variance, or other matter is required by State law or this Zoning Code to have a public hearing, the public shall be provided notice of the hearing in compliance with the provisions of this Chapter.

A. Authority to give notice.

1. The Director is authorized to give notice of public hearings to be held by the Zoning Administrator, DRB, CHB, or Commission, under the provisions of this Zoning Code.
2. The City Clerk is authorized to give notice of public hearings to be held by the Council, under the provisions of this Zoning Code.
3. A defect (failure) in the notice procedure shall not affect the jurisdiction or authority of a review authority to take action on a matter, unless otherwise provided by law applicable to and binding upon a charter city.

B. Contents of notice. The contents of a notice of a public hearing shall be as follows, except where another provision of this Zoning Code requires that a notice provide different information.

1. Hearing information. The notice shall provide the following information about a scheduled public hearing, except in the case of a Minor Conditional Use Permit (see Section 20-52.050.E.2), Minor Variance or Minor Adjustment (see Section 20-52.060.F).
 - a. The date, time, and place (e.g., address, room, etc.) of the hearing and the name of the review authority holding the hearing;
 - b. A brief description of the City's general procedure concerning the conduct of hearings and decisions;
 - c. A statement that:
 - (1) Any interested person is invited to appear and be heard on the request or proposal,
 - (2) Anyone so requesting in writing filed with the Department shall be notified of the action taken on the application in question, and
 - (3) In the case of a Minor Conditional Use Permit, the Zoning Administrator will decide whether to approve or disapprove the application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision;
 - d. The phone number and street address of the Department, where an interested person could call or visit to obtain additional information; and
 - e. Any additional information as may be required by State or Federal law applicable to and binding upon the City, including information required under the City's implementation of the Americans with Disabilities Act (ADA).

2. Project information. The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered); and a general description, in text and by diagram, of the location of the property that is the subject of the hearing; and

3. Statement on environmental document. If a draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project, in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures identified in Title 17 of the City Code, the hearing notice shall include a statement that the hearing body would also consider approval of the draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

C. Method of notice distribution. Notice of a public hearing required by this Chapter for a land use permit, Variance, or other matter shall be given as follows:

1. Mailed notice.

a. Who shall receive notice. Notice shall be mailed or delivered, at least 10 days before the date of the scheduled public hearing, via first class mail with postage prepaid, to the following:

(1) The applicant, if any, or the applicant's agent as designated and authorized in writing by the applicant as part of the project application;

(2) The owner of the subject property, if different from the applicant or if there is no applicant; or the owner's agent as designated and authorized in writing by the owner as part of the project application;

(3) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

(4) All owners **and occupants** of real property that is located in whole or in part within a radius of **600** feet from the exterior boundaries of the Assessor's parcels that are the subject of the hearing, as shown on the last equalized assessment roll and its master index update. The **600**-foot radius shall be measured from the exterior boundaries of the subject parcels to the exterior boundaries of the neighboring parcels, without reference to structures existing on either parcels;

(5) Any person who has filed a written request for notice with the Director and has paid the fee established by the Council's Fee Schedule for the notice; and

(6) Any additional persons as may be deemed appropriate by the Director, Commission, or Council.

2. Newspaper publication.

a. Notice shall also be given at least once by publication in a newspaper of general circulation within the City, at least 10 days before the scheduled public hearing.

- b. In rezoning matters, the notice shall be published in a newspaper of general circulation, circulated in the area proposed to be rezoned.
- 3. Site posting. Notice shall also be given by:
 - a. The City posting notices in at least two public places within the City boundary as specified by the Director; and
 - b. The applicant installing a sign on the subject property in a place conspicuous to the public, at least 10 days before the scheduled public hearing, as follows.

(1) The size of the sign shall comply with Table 6-2.

**TABLE 6-2—PUBLIC HEARING NOTICE
SIGN AREA REQUIREMENTS**

Parcel Size	Minimum Sign Area
Under 6,000 sq. ft. or store front	6 sq. ft.
6,000—20,000 sq. ft.	12 sq. ft.
20,001 sq. ft.—1 acre	24 sq. ft.
Over 1 acre	32 sq. ft.

(2) Sign height shall not exceed six feet.

(3) The sign shall be placed not less than five feet inside the property line in residential zoning districts, and not less than one foot inside the property line for commercial and industrial zoning districts.

(4) The sign shall be located in a position most visible to the public, but not within a required vision triangle.

(5) Other restrictions:

(a) The sign shall not be illuminated;

(b) One sign shall be displayed on each public street frontage of the subject property; and

(c) The sign shall be removed within 15 days after the public hearing.

(6) On or before the required date of posting, the applicant shall submit to the Department a signed affidavit verifying installation of the sign.

(7) The area of the sign copy shall comply with standards adopted by the DRB.

4. Online posting.

a. Notice shall be given on the Department's webpage.

b. Alternative online postings including, but not limited to social media are encouraged at the discretion of the Director.

5. Electronic notice. Notice shall be emailed to the Community Advisory Board (CAB) and posted to an electronic distribution list for City public notices.

D. Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with Subsection C.1 above is more than 1,000, the City may, as an alternative to the mailing ~~and posting of notice~~ requirements of this Chapter, provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 day before the scheduled hearing. However, any site-specific development must include on-site posting consistent with Subsection C.3.b. above

E. Combined notices. A notice of public hearing required by this Chapter may be combined with a notice of public hearing required by other provisions of the City Code, or State or Federal law, applicable to or binding upon the City, provided the requirements of this Chapter relating to content, timing, or methods of giving notice, are complied with in the combined notice.

F. Additional notice. In addition to the types of notice required by Subsections C and D, further noticing may be required at the discretion of the Director, including, but not limited to, the use of a greater radius for notice for projects of particular interest, scale or size.

G. Public notice of Zoning Administrator action. The Zoning Administrator is authorized by this Code to consider certain applications in the first instance, including applications for a Minor Conditional Use Permit, Minor Variance, and certain Hillside Development Permits and Design Review. Prior to taking action on any such application, the Zoning Administrator shall notify by mail nearby property owners and others as set forth in Section 20-66.020 C.1. The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date of the decision. If a public hearing is thereafter requested in writing in a timely manner, notice of the public hearing shall be provided in accordance with this Chapter.

(Ord. 3711 § 1 Exh. A, 2005; Ord. 3677 § 1, 2004)