

ORDINANCE NO. 2142

AN ORDINANCE AMENDING CHAPTER 3 OF APPENDIX B OF THE SANTA ROSA CITY CODE TO CREATE AND ESTABLISH THE POWERS OF A DESIGN REVIEW BOARD FOR THE CITY OF SANTA ROSA.

Section 1. Chapter 3 of Appendix B of the Santa Rosa City Code is hereby amended to delete Articles 1 and 1.5.

Section 2. Appendix B of the Santa Rosa City Code is hereby amended by adding Chapter 2.5 which shall read as follows:

CHAPTER 2.5 DESIGN REVIEW

ARTICLE 1. GENERAL PROVISIONS.

Section 250. Purpose.

The purpose of design review is to secure the general purposes of this Appendix and the General Plan, to promote good design of buildings and building sites, and to achieve a harmonious relationship of buildings to one another. The provisions of this Chapter are not intended to authorize the Design Review Board to impose any particular architectural style or design.

Section 251. Definitions.

The following definitions shall be used in this Chapter, unless the context clearly indicates otherwise.

(a) Conceptual design review. Review by the decision making authority for the purpose of providing the applicant with the authority's tentative reaction to the general design concept of a proposed project. Such review shall not include a formal decision on the application by the decision making authority.

(b) Preliminary design review. Review by the decision making authority for the purpose of providing the applicant with specific responses to the application prior to final design review. Such review shall include a preliminary decision on the application by the decision making authority subject to the final decision on the project which will be made at the time of final design review.

(c) Final design review. Review by the decision making authority for the purpose of rendering a final decision on the application, as required on all design applications.

(d) Decision making authority. The Design Review Board, or where permitted by this Chapter, the City Council or the Director of Community Development or a representative designated by the Director, when reviewing and determining an application pursuant to this Chapter.

(e) Director. The Director of the Department of Community Development of the City of Santa Rosa.

Section 252. Design Review Board established.

The Design Review Board is hereby created consisting of five members who shall be selected by a majority vote of the City Council.

Section 253. Design review required.

(a) Every building permit and use permit application, except any permit for construction of a single-family dwelling or building accessory thereto, shall be subject to review and determination in accordance with this Chapter prior to issuance of a building permit.

(b) The decision making authority may conduct conceptual design review and preliminary design review and must conduct final design review of every permit subject to the provisions of this Chapter.

Section 254. Projects by the City of Santa Rosa.

The Design Review Board shall review every building permit application for a project by the City of Santa Rosa, Santa Rosa Redevelopment Agency, and Santa Rosa Housing Authority for which review is required by Section 253. Notwithstanding other provisions of this Chapter, such review shall be for the purposes of providing advice to the Santa Rosa City Council, Santa Rosa Redevelopment Agency, or Santa Rosa Housing Authority, respectively, and shall not abrogate the authority of the City Council, Redevelopment Agency, or Housing Authority to make any final determination regarding any such project.

ARTICLE 2. DESIGN REVIEW PROCEDURE.

Section 260. Final design review.

(a) At the conclusion of final design review, the decision making authority may approve, approve with conditions, or disapprove a design review application.

(b) At the conclusion of final design review, the decision making authority may impose such conditions as are reasonable and necessary to carry out the purposes of this Chapter and may, in addition, require such public improvements as are deemed necessary for the promotion of the public health, safety and welfare.

Section 261. Findings in support of decision.

(a) The decision making authority shall make appropriate findings of fact in support of each final design review decision, including but not limited to findings regarding each of the following matters:

(1) The consistency of the project design with the General Plan and Zoning Ordinance.

(2) Compliance of the project with the California Environmental Quality Act, and

(3) Consistency of the project with policies set forth in the Santa Rosa Design Review Manual.

(b) The decision making authority may not base any final decision upon consideration of the following matters:

(1) Design details such as the color, shape, volume, texture, or construction materials to be used on a project, except where such details are of a magnitude which will significantly affect the overall appearance of the project or the compatibility of the project with its surroundings or where such details are inconsistent with adopted policies contained within the Design Review Manual.

(2) The interior design of a fully enclosed building.

Section 262. Notification of decision.

Upon the rendering of a final decision of the decision making authority, the secretary of the Design Review Board shall prepare and mail or deliver to the applicant, a formal statement thereof stating the fact of the decision and any conditions which have been attached thereto. Where the decision making authority is the City Council pursuant to Section 254, such notification shall be by the City Clerk.

Section 263. Time Limitation on approval.

If construction in harmony with the permit for any development for which design approval has been granted has not been commenced within one year from the date of notification of approval, such approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the same decision making authority which originally granted design approval, said extension shall be for one additional year.

Section 264. Modification.

Upon request of the applicant, the decision making authority may authorize modification of any application previously approved by the decision making authority.

Section 265. Delegation of decision making authority by the Design Review Board.

The Design Review Board may delegate its authority to conduct conceptual design review, preliminary design review, and final design review regarding any particular project or one or more categories of projects to the Director of Community Development. The Director may in turn designate a member of the Department of Community Development to perform such delegated responsibility.

Section 266. Referrals to Planning Commission.

Whenever the Design Review Board determines that issues involved in a particular application relate directly to land use considerations which should be resolved by the Planning Commission, the Design Review Board shall suspend its consideration of the application and immediately refer the item to the Planning Commission for determination. The Planning Commission shall report back to the Design Review Board within forty-five (45) days.

Section 267. Installation of landscaping and irrigation.

(a) Prior to issuance of a building permit for the project, final landscape plans and irrigation plans, where required, shall be approved by the Department of Community Development as being consistent with the final design review decision on the project.

(b) The final landscape plans and irrigation plans shall be fully implemented prior to final building inspection of the project, provided that if implementation has not been completed on such date, an extension of time for completion may be granted by the Director if implementation is secured by an agreement and the posting of adequate security.

ARTICLE 3. APPEAL AND REVIEW.

Section 270. Filing of appeal.

The applicant or any affected person may appeal any final decision of the Design Review Board to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days after the date of the Board's action. The applicant or any affected person may appeal any final decision of the Director of Community Development or the Director's designated representative to the Design Review Board by filing a Notice of Appeal with the secretary of the Board within fifteen (15) days after the date of the action being appealed.

Section 271. Setting time for hearing appeal.

The hearing of the appeal shall be set for a time not later than thirty (30) days after the date on which the appeal was filed. The appellate body may thereafter continue the hearing from time to time until its determination of the appeal.

Section 272. Notice of hearing on appeal.

The secretary of the Board or City Clerk shall give notice of the time and place of hearing an appeal by the Board or City Council, respectively, by mailing a copy of a notice by first class mail, postage prepaid, to the applicant, the appellant, and to any other person who has filed a written request for such notice with the secretary or City Clerk.

Section 273. Form of notice of hearing on appeal.

The notice of hearing on appeal shall state:

- a. The time and place of the hearing.
- b. A brief description of the land, which is the subject of the appeal.
- c. The purpose of the hearing.

ARTICLE 4. ESTABLISHMENT AND ORGANIZATION OF THE DESIGN REVIEW BOARD.

Section 280. Qualification of members.

The Design Review Board members shall be qualified as follows:

- (a) Two members shall be architects licensed by the State of California.
- (b) One member shall either be a licensed landscape architect or a licensed landscape contractor.
- (c) One member shall either be a licensed building designer or engineer licensed by the State of California.
- (d) One member shall be a representative of the community at large, preferably involved in the construction industry or having demonstrated interest in the quality of architectural design in the community.

Section 281. Term of office.

Except as provided in Section 282, the term of office for each member shall be two years, provided that such term shall be automatically extended until a successor has been qualified. The terms of two of the Board members shall expire in even numbered years, and the terms of three members shall expire in odd numbered years. This section shall not alter the length of terms being served at the time this ordinance is adopted.

Section 282. Removal or vacancy.

Any member of the Board may be removed at any time by a majority vote of the City Council. A vacancy shall be filled in the same manner as the original appointment. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

Section 283. Vacancy caused by absence from meetings.

Any member of the Board who is absent without cause from two successive regular meetings of the Board shall be deemed to have abandoned such membership, and the office shall thereafter immediately become vacant. The Chair of the Board shall immediately notify the City Council of such vacancy. A member is not absent without cause if the member provided the secretary of the Board with written notice of the absence in advance of the meeting, along with a statement of the cause which is satisfactory to at least two other members of the Board.

Section 284. Adoption of Rules and Policy Manual.

The Board shall adopt rules for the transaction of its business and a Design Review Manual containing its design policies. Annually, the Design Review Manual shall be reviewed and revised as appropriate.

Section 285. Board records.

The Department of Community Development shall maintain a public record of the resolutions, transactions, and determinations of the Design Review Board.

Section 3. This ordinance shall be in full force and effect from and after its adoption and publication or as soon thereafter as all precedents of law have been met.

IN COUNCIL DULY PASSED this 25th day of November, 1980.

AYES: (4) Councilmen Barone, Born, Guggiana and Healy
NOES: (1) Mayor Wilhelm
ABSENT: (0)

APPROVED: *Jerry Wilhelm*
MAYOR

ATTEST: *Katherine Calverly*
ASSISTANT CITY CLERK