

§ 10-35.090. Revolving door prohibition.

No former member of the City Council, former member of the Planning Commission, Board of Public Utilities, Design Review and Preservation Board, ~~Cultural Heritage Board~~, Redevelopment Agency or Housing Authority, or former City employee may serve as a lobbyist with respect to matters before the City within one year of leaving office or employment with the City.

CHAPTER 17-22
HISTORIC AND CULTURAL PRESERVATION

~~Article I~~
~~Purpose~~

§ 17-22.010. ~~Purpose~~ Historic and Cultural Preservation and Review Authority.

The regulations and review procedures related to historic and cultural preservation within the City of Santa Rosa is located in Title 20, Zoning, Chapter 20-58, Historic and Cultural Preservation. The appointment, responsibilities, and other aspects of the Design Review and Preservation Board, which shall serve as the City of Santa Rosa's historic and cultural preservation review authority, is located within Title 20, Zoning, Chapter 20-60, Administrative Responsibility, Section 20-60.060 (Design Review and Preservation Board).

~~The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the community by providing a mechanism for the identification, protection, enhancement, perpetuation and use of buildings, structures, signs, objects, features, sites, places, areas, districts, neighborhoods, streets, works of art, natural features and significant permanent landscaping having special historical, archaeological, cultural or architectural value in the City for the following reasons:~~

- ~~(A) To safeguard the City's heritage as embodied and reflected in such resources;~~
- ~~(B) To encourage public knowledge, understanding, and appreciation of the City's past;~~
- ~~(C) To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;~~
- ~~(D) To promote the use and enjoyment of cultural resources beneficial to the education and welfare of the people of the City;~~
- ~~(E) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary, contemporary design and construction;~~
- ~~(F) To protect or enhance property values and to strengthen the economy of the City and the financial stability of its inhabitants;~~
- ~~(G) To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;~~
- ~~(H) To identify as early as possible and resolve possible conflicts between the preservation of cultural resources and alternative land uses;~~
- ~~(I) To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;~~
- ~~(J) To conserve valuable material and energy resources by the ongoing use and maintenance of the existing built environment;~~
- ~~(K) To foster and encourage the preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby prevent future urban blight.~~

Article II
Cultural Heritage Board

§ 17-22.020. Establishment and membership.

~~There is created and established the Cultural Heritage Board of the City which shall consist of seven members appointed by the City Council.~~

~~(A) Qualifications of Members of the Board. It is desirable, but not required, that the Board include:~~

~~(1) One member who is a State licensed architect;~~

~~(2) One member who is a State licensed general contractor;~~

~~(3) One member who is a State licensed structural engineer or civil engineer;~~

~~(4) One member who is a practicing architectural historian, historian or archaeologist; and~~

~~All members should have a demonstrated knowledge or interest in the history and architectural and cultural development of the City and be interested in the preservation of historic structures and sites. Members shall have such additional qualifications as the City Council, by resolution, may require. A member of the Board shall serve at the pleasure of the City Council and may be removed by the affirmative vote of four members of the City Council.~~

~~(B) Terms. The members of the Board shall be appointed to terms of four years and may serve thereafter until their successors are appointed, qualify and are seated; provided, however, that of the first Board appointed, in order to achieve staggered terms, two members shall be appointed to initial terms of two years, three members shall be appointed to initial terms of three years, and two members shall be appointed to terms of four years.~~

~~(C) Director of Community Development. The City's Director of Community Development, or designated representative, shall attend meetings of the Board and serve as the principal advisor to the Board. The Director of Community Development, or his or her designated representative, shall also serve as secretary to the Board and in such capacity, among other things, shall prepare and keep the minutes of its meetings and all other records of the Board.~~

~~(D) Quorum. Four members of the Board shall constitute a quorum. The Board may not transact any business unless a quorum is present and voting. Any Officer of the Board or its Secretary shall have the power to adjourn a meeting of the Board if a quorum is lacking.~~

~~(E) Organization. The Board shall elect from among its members a Chairman and a Vice Chairman who shall serve for a period of one year and thereafter until their successors are elected. The Chairman shall preside at meetings of the Board and shall represent the Board at functions and perform such other duties as are appropriate or as may be assigned by the Board or the City Council. The Vice~~

~~Chairman shall preside at meetings and perform the duties of the Chairman in the Chairman's absence.~~

~~(F) Meetings. The Board shall meet at least monthly and shall meet as often as the Board determines is necessary in order to expeditiously carry out its duties and responsibilities under this chapter.~~

~~(G) Procedures, Rules and Regulations. The Board may adopt such procedures, rules and regulations for the purposes of scheduling and conducting its meetings, transacting its business, and exercising its functions and powers as it deems appropriate, provided the same do not violate the procedures set forth in this chapter or applicable State statutes or the State or Federal constitutions.~~

~~(Ord. 2668 § 1, 1988; Ord. 2919 § 1, 1991; Ord. 3114 § 5, 1994)~~

~~§ 17-22.025. Powers and duties.~~

~~(A) The Cultural Heritage Board shall:~~

~~(1) Conduct surveys, as needed, of structures, buildings, sites, neighborhoods, places and objects within the City that may qualify or be eligible for designation as a landmark or preservation district under the provisions of this chapter;~~

~~(2) Recommend designations of landmarks and preservation districts to the City Council pursuant to the provisions of this chapter and as to each recommended designation:~~

~~(a) Recommend the environmental determination that should be made for the designation.~~

~~(b) Recommend the determination that should be made with respect to the designation's consistency with the general plan.~~

~~(3) Review and make determinations on restoration, rehabilitation, alteration, development and demolition proposals for landmarks and preservation districts pursuant to the provisions of this chapter;~~

~~(4) Compile and maintain a current register of all landmarks and preservation districts designated as such under the provisions of this chapter;~~

~~(5) Work for the continuing education of the citizens of the City about the heritage of the City and the landmarks and preservation districts designated pursuant to this chapter;~~

~~(6) Seek means for the protection, retention and preservation of any landmark and preservation district, including, but not limited to, suggesting appropriate legislation, seeking financial support from individuals and local, State and Federal governments, and establishing a private funding organization;~~

~~(7) Coordinate its activities, where practical and advantageous to do so, with the Sonoma County, the State and Federal Governments;~~

~~(8) Consult with and advise the City Council in connection with the exercise of the Board's duties and functions.~~

~~(B) The Cultural Heritage Board may:~~

~~(1) Prepare and adopt plans for the preservation of landmarks and preservation districts;~~

~~(2) Recommend zoning and general plan amendments to the Planning Commission and City Council for the purpose of preserving landmarks and preservation districts.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 1, 1991)~~

Article III
Landmarks

~~§ 17-22.030. Landmark.~~

~~A landmark is any site, including significant trees or other significant permanent landscaping located thereon, place, building, structure, street, street furniture, sign, work of art, natural feature or other object having a specific historical, archaeological, cultural or architectural value in the City and which has been designated a landmark by the City Council.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 2, 1991)~~

~~§ 17-22.032. Initiation.~~

~~The designation of a landmark, or the repeal or the modification of a landmark designation, may be initiated by resolution of the Cultural Heritage Board, the City Council, or the City's Planning Commission, or by application of the record owner of the property involved. An application shall be made upon such forms and accompanied by such data and information as may be required for that purpose by the Cultural Heritage Board so as to assure the fullest practical presentation of the facts for proper consideration of the application. Where the initiation is by resolution of the Board, the Planning Commission or the City Council, the City Staff shall collect and compile the data and information which otherwise would have been required to accompany an application. Once such information has been compiled by the Staff, the initiating resolution shall be processed in the same manner as an application that has been determined to be complete.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.034. Hearing date.~~

~~Upon the filing of a completed application and the making of an environmental determination thereon by the Environmental Coordinator, the matter shall be set for public hearing before the Cultural Heritage Board. The date of the hearing shall be not more than 30 days from the date of the staff's environmental determination on the proposed designation or the certification of an environmental impact report, if one is required.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.036. Notice of hearing.~~

~~Notice of the date, time, place and purpose of the public hearing before the Cultural Heritage Board shall be given by at least one publication of the notice in a newspaper having general circulation in the City not less than 14 days prior to the date of the hearing and by depositing in the United States Mail, first class postage prepaid, at least 21 days prior to the date of the hearing, a copy of the notice addressed to the owner of the property being considered. The notice shall identify the property involved and the requested or proposed action being considered with respect to it. The notice shall also state where additional information concerning the matter can be obtained. When the~~

~~property being considered is not real property, the notice shall be given to both the owner and the person in possession of the real property where the object is situated. The last known name and address of each owner as shown on the records of the County Assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or failure to receive any mailed notice shall not invalidate any proceedings in connection with the proposed designation.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.038. Investigation.~~

~~The Cultural Heritage Board shall cause to be made by any of its own members or by the Director of the Department of Community Development, or his or her representatives, such investigation of the facts bearing upon an application as in the opinion of the Board will provide the necessary information to assure that the Board's action will be consistent with the intent and purposes of this chapter.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.040. Hearing and determination.~~

~~At the time and place so fixed and noticed, a public hearing shall be conducted before the Cultural Heritage Board. The Board may continue such hearing to a time and place certain when such action is deemed necessary under the circumstances or to allow the property owner additional time to respond to the application or the resolution of initiation. The member of the Board presiding at such hearings is empowered to administer oaths to any person testifying, if such is deemed desirable under the circumstances present. The Board shall render its decision in the matter within 30 days of the close of the public hearing.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.042. Decision of Board.~~

~~(A) The Board, by resolution, may recommend to the City Council that a specific site, place, building, structure, street, street furniture, sign, work of art, natural feature or other object be designated a landmark, if the Board, based on the information presented to it, finds the same has specific historical, archaeological, cultural or architectural value in the City and that the purposes of this chapter would be furthered by such designation; or~~

~~(B) The Board, by resolution, may deny an application or proposal to designate a landmark based upon the evidence, or lack thereof, presented to it. A denial by the Board shall be final and shall terminate all proceedings in the matter, unless an appeal to the City Council is timely filed with the City Clerk. A denial by the Board which is not appealed or a denial by the City Council shall preclude reconsideration of the subject matter of the application or proposal for a period of one year from the date of the denial, unless the denial was specifically made without prejudice to the filing of a new application or proposal at any time.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 3, 1991)~~

~~§ 17-22.043. City Council consideration—Public hearing.~~

~~The City Council, within 40 days of receipt of a recommendation from the Cultural Heritage Board to designate a landmark, shall hold a noticed public hearing thereon. Notice shall be given in accordance with the notice provisions of Section 17-22.036. Following the closing of the hearing, the City Council, based upon the information presented, shall act on the Board's recommendation by either making the recommended designation, in whole or in part, or denying the application or proposal.~~

~~(Ord. 2897 § 4, 1991)~~

~~§ 17-22.044. City Council actions.~~

~~A landmark shall be designated by a resolution of the City Council adopted by the affirmative vote or a majority of the Council membership. Failure of a Board recommendation to receive three Council votes in favor thereof, in whole or in part, shall constitute a denial of the proposed designation or a denial of that portion of the recommendation which failed to receive three affirmative votes. A Board recommendation may also be denied by a resolution adopted by the affirmative vote of a majority of the Council's membership.~~

~~(A) A copy of the City Council resolution designating a landmark shall be sent to the landmark's owner(s) in the manner prescribed by Section 17-22.036.~~

~~(B) A proposal or application to terminate or modify a landmark designation shall be processed under the same rules and procedures required to designate a landmark.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 5, 1991)~~

~~§ 17-22.046. Notice of designation.~~

~~Notice of the designation of a landmark shall be transmitted by the City Clerk to the Cultural Heritage Board, the City's Departments of Community Development, Parks and Recreation, Fire, Public Works, the Building Division of the Department of Community Development, the City Manager, the Housing Authority of the City, the Sonoma County Assessor, the Recorder of Sonoma County, and any other interested Departments and governmental and civic agencies. Each City department and division shall make note of such landmark designation, so that future decisions (including any approvals) regarding or affecting any designated landmark made by the City, or an official of the City, will be made with the knowledge of the landmark designation and in accordance with the applicable procedures set forth in this chapter. Whenever any project to be carried out by the City may have an impact on a designated landmark, reasonable notice shall be given to the Cultural Heritage Board by the City department or division responsible for the project, so that the Cultural Heritage Board can review and make recommendations concerning the project early in the decision-making process.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 6, 1991)~~

~~§ 17-22.048. Appeal.~~

~~Any person aggrieved by a decision of the Board with respect to a landmark, or a proposed landmark, may appeal the decision to the City Council. The appeal shall be~~

~~in writing and shall be filed, together with any fee that may have been established for such an appeal, with the City Clerk within 15 days after the date on which the Board makes its decision. The appeal shall state the name, address and telephone number of the person filing the appeal, shall identify the landmark or proposed landmark involved and the decision of the Board which is the subject of the appeal, shall set forth each ground and each fact upon which the appeal is based and what action the person filing the appeal wishes the City Council to take, and shall be signed by the person filing the appeal. The City Clerk shall give notice of a public hearing upon the appeal in the same manner and time as is required in connection with a public hearing on an application before the Board. The date of the public hearing on the appeal shall be not more than 40 days from the date of the filing of the appeal, unless the Council's agenda will not permit such scheduling, in which case the hearing will be scheduled for the next Council meeting at which time for the public hearing is available. Within 21 days after the close of the public hearing on the appeal, the City Council shall, by resolution, affirm, reverse or modify the decision of the Board.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 7, 1991)~~

~~§ 17-22.049. Effective date of designation.~~

~~The provisions of this chapter regulating landmarks shall apply from the date a landmark is designated by the City Council and shall become inapplicable only after the City Council, in the manner provided in this chapter, terminates the landmark designation.~~

~~(Ord. 2897 § 8, 1991)~~

~~§ 17-22.050. Duty to maintain.~~

~~Every person in possession or control and every owner of a landmark and any appurtenant premises shall maintain and keep in good repair the exterior of such landmark and premises. Good repair is defined as that level of maintenance and repair which clearly insures the continued availability of the landmark and premises for lawful reasonable uses and prevents deterioration, dilapidation and/or decay of such landmark and premises.~~

~~(Ord. 2668 § 1, 1988)~~

~~Article IV
Preservation Districts~~

~~§ 17-22.060. Preservation district.~~

~~A preservation district is any clearly described geographic area having historical significance or representing one or more architectural periods or styles typical to the history of the City which has been designated a preservation district by the City Council. (Ord. 2668 § 1, 1988; Ord. 2897 § 9, 1991)~~

~~§ 17-22.062. Initiation.~~

~~The designation of a preservation district, or the repeal or the modification of a preservation district designation, may be initiated by resolution of the Cultural Heritage Board, the City Council, or the City Planning Commission, or by application of a record property owner. An application shall be made upon such forms and accompanied by such data and information as may be required for that purpose by the Cultural Heritage Board so as to assure the fullest practical presentation of the facts for a proper consideration of the application. Where the initiation is by resolution, the City Staff shall collect and compile the data and information which otherwise would have been required to accompany an application. Once such information has been compiled by the Staff, the initiating resolution shall be processed in the same manner as an application that has been determined to be complete. (Ord. 2668 § 1, 1988)~~

~~§ 17-22.064. Hearing date.~~

~~Upon the filing of a completed application and the making of an environmental determination thereon by the Environmental Coordinator, the matter shall be set for public hearing before the Cultural Heritage Board. The date of the hearing shall be not more than 30 days from the date of the Staff's environmental determination or the certification of an environmental impact report, if one is required. (Ord. 2668 § 1, 1988)~~

~~§ 17-22.066. Notice of hearing.~~

~~Notice of the date, time, place and purpose of the public hearing before the Cultural Heritage Board shall be given by at least one publication of the notice in a newspaper having general circulation in the City not less than 14 days prior to the date of the hearing and by depositing in the United States Mail, first class postage prepaid, at least 21 days prior to the date of the hearing, notices addressed to the owners of all property being considered for inclusion within the proposed preservation district. The notice shall describe the boundaries of the proposed district by streets or other commonly understood terms or shall contain a map indicating the boundaries of both and shall contain a brief description of the effects of the designation. The notice shall also state where additional information concerning the matter can be obtained. The last known name and address of each owner of property as shown on the records of the County Assessor may be used for the notice. Failure to send any notice by mail to any property owner where the address~~

~~of such owner is not a matter of public record on the County's assessment roll or failure to receive any mailed notice shall not invalidate any proceedings in connection with the proposed designation.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.068. Investigation.~~

~~The Cultural Heritage Board shall cause to be made by any of its own members or by the Director of Community Development, or his or her representatives, such investigation of the facts bearing upon an application as in the opinion of the Board will provide the necessary information to assure that the Board's action will be consistent with the intent and purposes of this chapter.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.070. Hearing and determination.~~

~~At the time and place so fixed and noticed, a public hearing shall be conducted before the Cultural Heritage Board. The Board may continue such hearing to a time and place certain when such action is deemed necessary or desirable. The Board may establish rules for the conduct of such hearings and the member of the Board presiding at such hearings is empowered to administer oaths to any person testifying, if should such be necessary or appropriate under the circumstances. The Board shall render its decision in the matter within 30 days of the close of the public hearing.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.072. Decision of Board.~~

~~(A) The Board, by resolution, may recommend to the City Council that an area of the City be designated a preservation district, if the Board, based upon the information presented to it, finds that the area proposed for the designation has historical significance or represents one or more architectural periods or styles typical to the history of the City and that the purposes of this chapter are furthered by such designation. In making a recommendation for such designation, the Board may specify those significant features, other than buildings and structures, which will require a permit under Section 17-22.090 before they can be restored, altered, demolished, removed or otherwise changed as specified in that section; or~~

~~(B) The Board, by resolution, may deny an application or proposal to designate a preservation district based upon the information, or lack thereof, presented to it. A denial by the Board shall be final and shall terminate all proceedings in the matter, unless an appeal to the City Council is timely filed with the City Clerk. A denial by the Board which is not appealed or a denial by the City Council shall preclude reconsideration of the subject matter of the application or proposal for a period of one year from the date of the denial, unless the denial was specifically made without prejudice to the filing of a new application or proposal at any time.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 10, 1991)~~

~~§ 17-22.073. City Council consideration—Public hearing.~~

~~The City Council, within 40 days of receipt of a recommendation from the Cultural Heritage Board to designate a Preservation Board, shall hold a noticed public hearing thereon. Notice shall be given in accordance with the notice provisions of Section 17-22.036. Following the close of the hearing, the City Council, based upon the information presented, shall act on the Board's recommendation by either making the recommended designation, in whole or in part, or denying the application.~~

~~(Ord. 2897 § 11, 1991)~~

~~§ 17-22.074. City Council actions.~~

~~A Preservation District shall be designated by a resolution of the City Council adopted by the affirmative vote of a majority of the Council's membership. Failure of a Board recommendation to receive three votes in favor thereof, in whole or in part, shall constitute a denial of the proposed designation, or a denial of the portion failing to receive three affirmative votes. A Board recommendation may also be denied by a resolution adopted by the affirmative vote of a majority of the Council's membership. A resolution designating a preservation district may specify those significant features, other than buildings and structures, which will require a permit under Section 17-22.090 before they can be altered, demolished, removed or otherwise changed as specified in that section.~~

~~(A) A copy of the City Council's resolution designating a preservation district shall be sent to the owners of the real property situated within the district in the manner prescribed by Section 17-22.066.~~

~~(B) A proposal or application to terminate or modify a preservation district designation shall be processed under the same rules and procedures required to designate a district.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 12, 1991)~~

~~§ 17-22.076. Notice of designation.~~

~~Notice of the designation of a preservation district shall be transmitted by the City Clerk to the Cultural Heritage Board, the Departments of Community Development, Parks and Recreation, Fire, Public Works, the Building Division of the Department of Community Development, the City Manager, the Housing Authority of the City, the Sonoma County Assessor, the Recorder of Sonoma County, and any other interested Departments and Governmental and Civic Agencies. Each City Department and Division shall note the designation of a Preservation District in its records, so that future decisions (including any approvals) regarding or affecting any Preservation District or any portion thereof made by the City or an Official of the City will have been made with the knowledge of the Preservation District designation and in accordance with the procedures set forth in this chapter. Whenever any project to be carried out by the City may have an impact on a designated Preservation District, or any part thereof, reasonable notice shall be given to the Cultural Heritage Board by the City Department or Division responsible for the project, so that the Cultural Heritage Board may review and make recommendations~~

~~concerning the project early in the decision-making process.
(Ord. 2668 § 1, 1988; Ord. 2897 § 13, 1991)~~

~~**§ 17-22.078. Appeal.**~~

~~Any person aggrieved by a decision of the Board with respect to a Preservation District, or a proposed Preservation District, or any structure, building or feature therein, may appeal the decision to the City Council. An appeal may be taken from the inclusion of a particular lot or parcel within the District. The appeal shall be in writing and shall be filed, together with any fee that may have been established for such an appeal, with the City Clerk within 15 days after the date on which the Board makes its decision. The appeal shall state the name, address and telephone number of the person filing the appeal, shall identify the Preservation District or proposed Preservation District involved and the decision of the Board which is the subject of the appeal, shall set forth each ground and each fact upon which the appeal is based and what action the person filing the appeal wishes the City Council to take, and shall be signed by the person filing the appeal. The City Clerk shall schedule a public hearing on the appeal in accordance with Section 17-22.048 and shall give notice thereof in accordance with the provisions of Section 17-22.066. Within 21 days after the close of the public hearing, the City Council shall, by resolution, affirm, reverse or modify the decision of the Board.
(Ord. 2668 § 1, 1988; Ord. 2897 § 14, 1991)~~

~~**§ 17-22.079. Effective date of designation.**~~

~~The provisions of this chapter regulating preservation districts shall be effective from the date a preservation district is designated by the City Council and shall become inapplicable only after the City Council, as provided in this chapter, terminates the designation.
(Ord. 2897 § 15, 1991)~~

~~**§ 17-22.080. Duty to maintain.**~~

~~Every person in possession or control and every owner of property located within a designated Preservation District shall maintain and keep in good repair the exterior of any structure, building and premises located within the district. Good repair is defined as that level of maintenance and repair which clearly insures the continued availability of the structures, buildings and premises for lawful reasonable uses and prevents deterioration, dilapidation and decay of such structures, buildings and premises.
(Ord. 2668 § 1, 1988)~~

Article V

Permits for Restoration, Rehabilitation, Alteration, Removal or Demolition

~~§ 17-22.090. Permit required.~~

~~No person or entity shall restore, rehabilitate, alter, develop, construct, demolish, remove or change the exterior appearance of any designated landmark or any structure, building or significant feature within a preservation district without having first applied for and been granted a permit to do so by the Cultural Heritage Board of the City, or, on appeal, by the City Council, as provided in this article.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.092. Application.~~

~~The permit application shall be made on a form and in the manner specified by the Cultural Heritage Board or the Director of the Department of Community Development. The application shall be filed with the Department of Community Development and be accompanied by such fee as may be required by resolution of the City Council.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.094. Review and standards.~~

~~The Cultural Heritage Board shall consider the following matters, standards, guidelines and criteria to the extent applicable, in determining whether to grant or deny a permit:~~

- ~~(A) Whether the proposed change is consistent or incompatible with the architectural period of the building;~~
- ~~(B) Whether the proposed change is compatible with any adjacent or nearby landmark structures or preservation district structures;~~
- ~~(C) Whether the colors, textures, materials, fenestration, decorative features and details proposed are consistent with the period and/or are compatible with adjacent structures;~~
- ~~(D) Whether the proposed change destroys or adversely affects an important architectural feature or features;~~
- ~~(E) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1983 Revision); and~~
- ~~(F) Such other matters, criteria and standards as may be adopted by resolution of the Cultural Heritage Board.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.096. Review, notice and decision time limit.~~

- ~~(A) The Cultural Heritage Board may refer the completed application to the design review Board prior to its consideration by the Cultural Heritage Board, and all comment and recommendations received from the design review Board shall be~~

~~specifically considered by the Cultural Heritage Board. The Cultural Heritage Board shall hold a hearing on the application not more than 30 days from the date of the Staff's environmental determination on the proposed project as described in the application or the certification of an environmental impact report if one is required. If the application involves substantial changes in the exterior, or the removal or demolition of a landmark or any structure, building or significant feature situated within a preservation district, the Board shall hold a public hearing on the application. Notice of the public hearing shall be given in accordance with the provisions of Section 17-22.036. Notice of a nonpublic hearing shall be given to the applicant by first class mail sent not less than 10 days before the hearing. If warranted by the circumstances present, a hearing may be continued by the Board to a time and date certain.~~

- ~~(B) Application to Restore, Alter or Change. When the application is for permission to restore, rehabilitate, alter, develop, construct, or change the exterior appearance of any landmark, or any structure, building or significant feature within a preservation district, the Cultural Heritage Board, based upon the evidence presented, may, by resolution, approve, conditionally approve, or deny the application. The Cultural Heritage Board shall render its decision within 15 days following the close of the hearing. A copy of the resolution shall be sent to the applicant by first class mail.~~
- ~~(C) Application to Demolish or Remove. When the application is for permission to demolish or remove any landmark, or any structure, building or significant feature within a preservation district, the Cultural Heritage Board, based upon the evidence presented, may, by resolution, approve, conditionally approve, or object to the proposed demolition or removal. The Cultural Heritage Board shall render its decision within 15 days following the close of the public hearing. A copy of the resolution shall be sent to the applicant by first class mail.~~
- ~~(D) Objection. In the event the Board objects to the proposed demolition or removal, it shall, within five days after its decision, file its objection with the City Clerk and with the Department of Community Development. Upon the filing of an objection, the Cultural Heritage Board shall take such steps within the scope of its powers and authority as it determines are necessary for the preservation of the landmark or the structure, building or significant feature within a preservation district. At the end of 30 days from the date of the filing of the objection, the Cultural Heritage Board shall report its progress to the City Council and may request an extension of time to accomplish the preservation of the landmark or structure, building or significant feature within the preservation district. The Council may, upon review of the Board's report, by resolution, withdraw and cancel the objection to the proposed demolition or removal and approve, conditionally approve or deny the application, or it may grant an extension or extensions to the objection, each extension not to exceed 30 days and all such extensions not to exceed a total of 90 days. When the Council determines that the granting of an extension is unlikely to assist in, or lead to, the preservation of the landmark or the structure, building or significant feature situated within the preservation district, it shall deny the request for an extension and approve, conditionally approve or deny the application for demolition or removal. A final decision to approve, conditionally approve, or deny the application~~

~~shall be made within one year from the date the application was accepted as complete.
(Ord. 2668 § 1, 1988)~~

~~§ 17-22.098. Prior approval required.~~

~~No City permit shall be issued for any purpose regulated by this article for any landmark, or any structure, building or significant feature within a preservation district, unless and until the proposed work or development has been approved or conditionally approved by the Cultural Heritage Board or, on appeal, by the City Council. A City permit shall be issued only in conformity with such approval or conditional approval.
(Ord. 2668 § 1, 1988)~~

~~§ 17-22.100. Appeal.~~

~~Any person aggrieved or affected by a decision of the Cultural Heritage Board to approve, conditionally approve, or deny an application filed under the provisions of this article or by a failure of the Board to act within the time as required by this article, may appeal the matter to the City Council. The appeal shall be in writing and shall be filed with the City Clerk within 15 days after the date on which the Board makes its decision or within 15 days after the date on which the Board was required to have acted. The appeal shall state the name, address and telephone number of the person filing the appeal, shall identify the decision of the Board or the application if no decision was made, shall set forth each ground and each fact upon which the appeal is based and what action the person filing the appeal wishes the Council to take, and shall be signed by the person filing the appeal. The City Clerk shall schedule a public hearing on the appeal in accordance with Section 17-22.048, and give notice thereof in the manner and time set forth in subsection A of Section 17-22.096. Within 30 days of the close of the hearing, the City Council shall, by resolution, affirm, reverse or modify the determination of the Board or, if applicable, render a decision in the matter.
(Ord. 2668 § 1, 1988)~~

~~§ 17-22.102. Staff approval.~~

~~When the Cultural Heritage Board has adopted a plan for the preservation of a landmark or the structures, buildings and significant features within a preservation district which sets forth particular development standards, an application to the Cultural Heritage Board to accomplish repairs, rehabilitation or remodeling, which is in accordance and conformity with the adopted plan's development standards, may be approved, or conditionally approved, without a hearing, by a City Staff person designated by the Director of Community Development. If the designated Staff person does not approve or conditionally approve the application, it shall be processed as otherwise set forth in this article. A Staff approved or conditionally approved application may be appealed by any interested party to the Cultural Heritage Board within seven days after the date of its approval by the filing of a written appeal with the Department of Community Development. The written appeal shall contain the information required by Section 17-22.100. The written appeal shall be heard by the Board within 30 days of its filing. Whether a public hearing shall be held and what manner of notice shall be given shall~~

~~be determined in accordance with the provisions of subsection A of Section 17-22.096, provided, that if the person filing the appeal is other than the applicant, the person appealing shall be given the same notice as the applicant.
(Ord. 2668 § 1, 1988)~~

~~Article VI~~
Enforcement and Penalties

~~§ 17-22.120. Civil actions.~~

~~The City Attorney, at the request of the Director or acting Director of Community Development, the Cultural Heritage Board or the City Council, may file and maintain a civil action for injunctive relief to prohibit or enjoin any violation, or threatened violation of the provisions of this chapter and/or to compel the correction of any violation of this chapter.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.122. Violation.~~

~~Every person who violates any provision of this chapter is guilty of a misdemeanor.~~

~~(Ord. 2668 § 1, 1988; Ord. 3238 § 28(c), 1996)~~

Article VII
Exceptions

~~§ 17-22.130. Dangerous condition.~~

~~The provisions of this chapter shall not prevent any construction, removal or demolition determined by the City's Building Official to be immediately necessary to correct an unsafe and dangerous condition, as identified and declared in writing by the Building Official, of any structure or building which has been designated a landmark or which is located within a Preservation District. Only such work as is determined by the Building Official to be necessary to correct the dangerous and unsafe condition may be performed pursuant to the provisions of this section. In the event that any designated landmark or any structure or building within a Preservation District is damaged by fire or other calamity to such an extent that, in the written determination of the Building Official, it cannot feasibly be repaired or restored, it may be demolished in conformity with normal building permit procedures and applicable laws and regulations.
(Ord. 2668 § 1, 1988)~~

~~§ 17-22.132. Economic hardship.~~

- ~~(A) In the event an owner of property which has been designated, or is proposed for designation, as a landmark or which is situated within a designated or proposed preservation district, believes that the burdens associated with such a designation will cause an unreasonable economic hardship on his or her ownership and use of the property, such an owner may apply to the Cultural Heritage Board for a certificate of economic hardship to alter, remove, or demolish the landmark or the improvements within a preservation district.~~
- ~~(B) An application for a certificate of hardship shall identify the landmark or proposed landmark or structure, building or significant feature within a designated or proposed Preservation District, describe what the owner wishes to do with the same, and shall include the following information:~~
- ~~(1) An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of the cost that would be incurred to comply with the provisions of this chapter;~~
 - ~~(2) A report from a licensed structural engineer or architect with experience in rehabilitation as to the structural soundness of any existing structures on the property and their suitability for rehabilitation;~~
 - ~~(3) The estimated value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; and in the case of a proposed demolition, after renovation of the existing property for continued use;~~
 - ~~(4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or re-use of the~~

existing structure(s) on the property;

- ~~(5) The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and the buyer;~~
- ~~(6) If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;~~
- ~~(7) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;~~
- ~~(8) All appraisals obtained within the previous two years by the owner or applicant in connection with any actual or contemplated purchase, financing or sale of the property;~~
- ~~(9) Any listing of the property for sale or rent, including the rent or price asked and offers received, if any, within the previous two years;~~
- ~~(10) Assessed value of the property according to the most recent assessment;~~
- ~~(11) The form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, listed partnership, joint venture or other;~~
- ~~(12) Any other information considered necessary by the Board to make a determination as to whether the property does yield or may yield a reasonable return to the owners;~~
- ~~(13) Any other information considered relevant by the owner on the issue of economic hardship.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.134. Determination of economic hardship.~~

~~The Board shall review all evidence and information required of an applicant for a certificate of economic hardship and make a determination, by resolution, within 60 days of the completion of the environmental review of the application, as to whether the denial of a certificate of economic hardship would deprive the owner of the property of the reasonable use of, or economic return on, the property. If the Board determines that a denial of the certificate would so deprive the property owner, then the Board shall, by resolution, issue the requested certificate subject to the fulfillment of such feasible mitigation measure(s) as are set forth in the environmental documents for the project proposed in the application. The Board may solicit expert testimony on these issues, but may not incur costs in this regard without the prior appropriation of funds by the City Council.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.136. Appeals.~~

~~Any person aggrieved by a decision of the Board under this article may appeal the same to the City Council in accordance with the written appeal requirements set forth in Section 17-22.048. The appeal shall be filed with the City Clerk, together with any fee that may have been established for such an appeal, within 15 days after the date of the decision. The City Clerk shall schedule a public hearing on the appeal in accordance with Section 17-22.040, and give notice thereof in accordance with Section 17-22.036, provided, that if the person filing the appeal is other than the applicant, the person appealing shall be given the same notice as the applicant. Within 21 days of the close of the hearing, the City Council shall, by resolution, affirm, reverse or modify the determination of the Board.~~

~~(Ord. 2668 § 1, 1988; Ord. 2897 § 16, 1991)~~

Article VIII
General Provisions

~~§ 17-22.140. CEQA.~~

~~All actions, determinations and/or approvals given under the provisions of this chapter are "discretionary" and relate to "discretionary projects" as such terms are used in the California Environmental Quality Act (CEQA), and any permit, including a building permit, or approval which would authorize any change in the exterior of any proposed or designated landmark, or the exterior of any structure, building or significant feature situated within a designated or proposed preservation district, is a discretionary permit or approval within the meaning of CEQA.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.142. Definitions.~~

~~The words "building" and "structure" as used in this chapter shall have the same meanings as are set forth in Chapter 20-70 of this code.~~

~~(Ord. 2668 § 1, 1988)~~

~~§ 17-22.144. Trees.~~

~~(A) A tree, as defined in Section 17-24.020(P), or group of trees which is not situated upon a designated landmark site or which has not been designated a "significant feature" on either a designated landmark site or within a designated preservation district shall not be subject to the provisions of this chapter, but shall be subject to the provisions of Chapter 17-24 of this title.~~

~~(B) A tree and each tree within a group of trees which has been designated a "significant feature" on a landmark site or within a preservation district are "heritage trees" as that term is used in Chapter 17-24 of this title and each such tree shall come within and be subject to the provisions of Articles III through VII of Chapter 17-24 as a heritage tree; provided, however, that before the Planning Commission considers an application to alter, remove, or relocate any such tree or group of trees, the application shall first be referred to the Cultural Heritage Board for its comments and recommendation(s), which shall be considered by the Planning Commission, and on appeal by the City Council, before any determination is made on the application.~~

~~(Ord. 2858 § 2, 1990)~~

§ 19-69.090 No approval prior to Design Review and Preservation Board approval.

No approval or conditional approval of a vesting tentative map creating any of the developments described in Section 19-69.060B(18) shall be given by the Planning Commission prior to final approval of its design plans by the Design Review Preservation Board.

§ 20-10.040 Responsibility for administration.

This Zoning Code shall be administered by: the City Council, hereafter referred to as the "Council"; Planning Commission, hereafter referred to as the "Commission"; Design Review and Preservation Board, hereafter referred to as the "DRBDRPB"; Director of the Department of Community Planning and Economic Development, hereafter referred to as the "Director"; the Zoning Administrator; and the Department of Community Planning and Economic Development, hereafter referred to as the "Department" in compliance with Title 20 of the City Code and Chapter 20-60 (Administrative Responsibility) of this Zoning Code .

§ 20-12.030 Procedures for interpretations.

Whenever the Zoning Administrator determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation generally, or as applied to a specific case, the Zoning Administrator shall issue an official interpretation, or refer the matter to the Commission in compliance with Subsection B.

- A. Request for interpretation. The request for an interpretation or determination shall be filed with the Department and shall include all information required by the Department.
- B. Referral of interpretation. The Zoning Administrator has the option of forwarding any interpretation or determination of the meaning or applicability of any provision of this Zoning Code directly to the Commission for consideration.
- C. Findings, basis for interpretation. The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan, and any applicable Specific Plan.
- D. Record of interpretations. Official interpretations shall be:
 1. Written, and shall quote the provisions of this Zoning Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and
 2. Distributed to the Council, Commission, Director, ~~DRB~~DRPB, City Manager, City Attorney, City Clerk, and affected Department staff.

Any provision of this Zoning Code that is determined by the Zoning Administrator to need refinement or revision will be corrected by amending this Zoning Code as soon as is practical. Until an amendment can occur, the Zoning Administrator will maintain a complete record of all official interpretations as an appendix to this Zoning Code, and indexed by the number of the Chapter or Section that is the subject of the interpretation.

- E. Appeals. Any interpretation of this Zoning Code may be appealed in compliance with Chapter 20-62 (Appeals).

§ 20-26.060. PD zoning district standards.

- A. Requirements for rezoning. A rezoning of property to the PD zoning district in compliance with Chapter 20-50 (Permit Application Filing and Processing) shall be subject to the following requirements, including the concurrent filing and approval of a Development Plan and Policy Statement.
1. Minimum site area for rezoning. The site proposed for rezoning to the PD district shall be a minimum of 15 acres.
 2. Application requirements. The application for rezoning shall include the following information and materials, in addition to those normally required by the Department for a rezoning application.
 - a. Project description. A written and/or diagrammatic project description that provides sufficient information to evaluate the merits of the proposed zoning, including a statement of how proposed Residential development will comply with the City's affordable housing and growth management requirements.
 - b. Site features map. A site features map depicting the existing topography, structures and natural features including areas of significant vegetation. Properties within 300 feet of the site shall be included on the site features map.
 - c. Infrastructure. A description of the infrastructure necessary for each phase of the proposed project.
 - d. Policy Statement. A Policy Statement that provides the following information for each land use area proposed in the Development Plan, organized and formatted as required by the Department:
 - (1) Permitted uses, allowable accessory uses, and uses allowed with Conditional Use Permit approval;
 - (2) Subdivision regulations including minimum lot area and dimension requirements;
 - (3) Site planning and development regulations establishing maximum densities, setback and building height requirements for primary and accessory structures, site coverage limits (including paved areas, except for those on single-family detached residential lots), and parking requirements; and
 - (4) Design guidelines.
 - e. Development Plan. A Development Plan that identifies the following, consistent with the Policy Statement:
 - (1) The location of each land use area proposed within the site, including any proposed open space and common areas;
 - (2) Major circulation features within the development; and
 - (3) Site features affecting site development, including site features to be preserved in their natural state, or modified as specified by the Development Plan.

3. Design Review and Preservation Board review and recommendation. Prior to a hearing by the Commission on a rezoning to the PD zoning district, the proposed Policy Statement and Development Plan shall be reviewed by the:
 - a. Design Review and Preservation Board (DRBDRPB), who shall recommend to the Commission whether the project will comply with the findings required by Subsection A.4.b and the City's Design Guidelines; and
 - b. The Community Development Advisory Committee (DAC), in the case of a Policy Statement and Development Plan that involves the proposed subdivision of the site.

The comments and recommendations of the DRBDRPB and/or DAC, as applicable, shall be forwarded to the Commission.
4. Commission review and decision. In establishing the PD district, the Commission shall hold a public hearing on the proposed Policy Statement and Development Plan at the same time as the hearing required for the rezoning by Chapter 20-66.
 - a. After the hearing, the Commission may recommend Council approval of the Policy Statement, development Plan, and rezoning, or approval subject to conditions and/or modifications, or the Commission may deny the application. A Commission denial shall be final unless appealed to the Council.
 - b. The Commission may recommendation approval or conditional approval if it first finds that the proposed PD district will promote development of a distinctive project of the highest quality as evidenced by specific findings which may include the following:
 - (1) Preservation of natural amenities including creeks, hillsides and significant vegetation;
 - (2) The creation of new amenities such as recreational and/or community facilities;
 - (3) Diversity in the proposed mix of housing types and densities;
 - (4) Development regulations that will ensure a superior relationship among uses within the district as well as those surrounding the district;
 - (5) Preservation and protection of the quality of living for areas surrounding the proposed planned community; and
 - (6) Accommodation of non-auto oriented modes of transportation including pedestrian walkways, bicycle paths and transit routes/stops.
 - (7) Other project features that the Planning Commission believes should be acknowledged.
5. Council review and decision. Upon receipt of a Commission recommendation for approval, or approval subject to conditions and/or modifications, the Council shall hold a public hearing on the zoning application, including the proposed Policy Statement and Development Plan. Following the public hearing, the Council shall either adopt an ordinance changing the zoning on the site to the PD district, and approve the Policy Statement and Development Plan subject to conditions and/or modifications as the

Council deems appropriate, or the Council may deny the application.

- B. Effect of Policy Statement and Development Plan. All proposed development and new land uses within a PD district shall comply with the approved Policy Statement and Development Plan. In the event an inconsistency is found between the Policy Statement and Development Plan, the regulations established in the Policy Statement shall govern development of the site. A request to modify, change or revise any approved Development Plan or Policy Statement shall be processed in the same manner as any other zone change application.
- C. Allowable land uses. Allowable land uses within the PD district shall be limited to those identified in the adopted Policy Statement or Development Plan. The uses authorized by the City through the approval of a Policy Statement and Development Plan shall be limited to those that are consistent with the General Plan land use classification applicable to the site. Animal keeping shall comply with Section 20-42.040 unless the Policy Statement allows for different uses in which case the least restrictive regulations would apply. Where a Policy Statement or Development Plan does not include a list of allowable land uses, the most similar standard zoning district and its list of allowable land uses shall apply.
- D. Land use permit requirements. The adopted Policy Statement or Development Plan shall specify whether each allowable use is permitted, or requires Minor Use Permit, or Conditional Use Permit approval; except that the re-occupancy of an existing building with a use permitted in the Policy Statement or Development Plan that is similar or less intense than the previous approved use of the building shall be permitted, as determined by the Director. The Director's determination shall be based on criteria including the following:
 - 1. Pedestrian and vehicular traffic;
 - 2. Parking requirements;
 - 3. Number of employees/clients;
 - 4. Nuisance factors including noise, odors, fumes, dust, dirt, litter, vibrations, etc.; and
 - 5. The consistency of the proposed use with the other permitted uses identified in the Policy Statement or development Plan.
- E. Site planning and development standards. Proposed development shall occur, and new land uses shall be established on a site within the PD zoning district only in compliance with the development standards (e.g., minimum parcel size, building site area, lot coverage, setbacks, height limits, parking requirements, open space requirements, etc.) identified by the approved Policy Statement and Development Plan.
 - 1. Setback requirements. Unless specifically stated in the Policy Statement or Development Plan, single-family dwellings shall comply with the following setback requirements.
 - a. Front yard setback: 15 feet, except that garages and carports opening onto a street shall have a minimum distance of 19 feet between the opening and the rear of a public sidewalk or 19 feet from property line or adopted plan line, whichever is greater, except that detached accessory buildings shall have a 50-foot front yard.
 - b. Side yard setback: five feet, except that:
 - (1) Two story portions of the structure shall be set back 10 feet; and

- (2) When the street side lot line of a corner lot is the continuation of the front lot line of an adjacent lot, portions of a single-family dwelling located within the rear 20 feet of the corner lot shall be set back a minimum of 15 feet from the street side lot line.

c. Rear yard setback: five feet.

2. Allowable variation of standards with rezoning to PD. In considering a proposed Development Plan and Policy Statement, the Commission and Council may require higher standards or allow different standards for the PD district than are required by other residential zoning districts with respect to density, uses, heights, parking, traffic circulation, landscaping, lot sizes, and other standards, provided that the modified standards, requirements and regulations are consistent with the General Plan.

F. Minor modifications. Minor modifications to an approved PD project that do not increase approved density, change approved uses, or substantially change the approved Policy Statement or Development Plan may be authorized through Minor Use Permit approval.

§ 20-38.030. Sign Permit requirements.

No sign shall be installed, constructed, or altered unless a Sign Permit and, where applicable, a Sign Program approval is first obtained in compliance with this Section, or the sign is allowed without Sign Permit approval (see Section 20-38.040 below). A Building Permit may also be required. After approval of a Sign Permit and/or Sign Program, each sign installed and maintained on the subject site shall comply with the Permit and Program.

- A. Sign Permit application. An application for a Sign Permit shall be prepared, filed and processed, in compliance with Chapter 20.50, Permit Application Filing and Processing. The application shall include required application fees, architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The plans submitted shall also show the location of each sign on buildings and the site.
- B. Sign Permit review authority. The Director shall review all Sign Permit applications, except within the Historic (- H) overlay zone, where Sign Permit review may be by the ~~CHB-DRPB~~ in compliance with Chapter 20-58 (Historic and Cultural Preservation) at the determination of the Director. The review authority may require conditions of approval as are reasonably necessary to achieve the purposes of this Chapter.
- C. Sign Programs. A Sign Program shall be required for any multiple occupancy commercial office building or business park complex or medical complex where the individual tenant spaces are not the location or adjacent to the location of the proposed individual tenant signs. Sign programs for other development types such as shopping centers, industrial complexes, and/or business parks where the sign locations are on the tenant spaces themselves, are optional at the owners' discretion. A sign program may also be proposed to provide identity and directional signage for a City recognized neighborhood or district. A Sign Program shall be approved by the Director, or elevated to the appropriate review authority, at the discretion of the Director.
 1. The purpose of the Sign Program shall be to establish signing for all tenants and users of a complex, neighborhood or district as described above. An approved Sign Program shall prescribe the standards for all signs within the complex, building, neighborhood or district.
 2. A Sign Program shall comply with all provisions of this Chapter and is not intended to provide special or additional signing. The Sign Program shall prescribe the standards of size, number, location and types of signing permitted.

- D. Findings for approval. The approval of a Sign Permit or Sign Program shall require that the review authority first make all the following findings:
1. The proposed signs do not exceed the standards of Sections 20-38.070, Zoning District Sign Standards, and 20-38.080, Standards for Special Category Signs, and are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
 2. The size, location, and design of the signs are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
 3. The proposed signs are in substantial conformance with the design criteria in the City Design Guidelines.
- E. Approval period, expiration, and time extension of Sign Permits. A Sign Permit approval shall expire one year from its date of issuance, unless the sign has been installed within the period or a later expiration date is stated in writing at the time of approval.
1. Prior to the expiration of a Sign Permit, the applicant may apply to the Director for an extension of up to one additional year.
 2. A Sign Permit shall become null and void if circumstances occurring prior to the installation of the sign change significantly so that the sign would not be permitted under the new circumstances.

§ 20-44.020 Permit requirements.

A telecommunications facility shall require a Minor Conditional Use Permit or a Conditional Use Permit approval in compliance with this Chapter, if not considered exempt. Design Review is required for any nonexempt facility.

- A. Design Review required. Design Review is required for all telecommunication facilities, except those listed by this Chapter as exempt. The review authority conducting Design Review for minor facilities is the Zoning Administrator and the review authority conducting Design Review for major facilities is the Design Review and Preservation Board.
- B. Minor Conditional Use Permit required. A Minor Conditional Use Permit is required for all minor telecommunication facilities. The review authority for Minor Conditional Use Permits is the Zoning Administrator.
- C. Conditional Use Permit required. A Conditional Use Permit is required for all major telecommunication facilities. The review authority for Conditional Use Permits is the Planning Commission.
- D. Exceptions. Exceptions to the requirements of this Chapter may be granted through Conditional Use Permit approval by the Commission. A Conditional Use Permit may only be approved if the Commission finds, after receipt of substantial evidence, that failure to adhere to the standards under consideration is consistent with the purpose and intent of this Chapter. Tower setback requirements may be waived under the following circumstances:
 - 1. The facility is proposed to be co-located on an existing, legally established telecommunication tower; or
 - 2. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

CHAPTER 20-50
PERMIT APPLICATION FILING AND PROCESSING

§ 20-50.010. Purpose of chapter.

This chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Zoning Code.

§ 20-50.020. Authority for land use and zoning decisions.

- A. Zoning Code. Table 5-1 (Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of permit application required by this Zoning Code. The following standards apply to the use of Table 5-1.
 - 1. The Zoning Administrator may defer action on any decision assigned to the Zoning Administrator by Table 5-1, and refer the request to the Commission, so that the Commission may instead make the decision.
 - 2. The Subdivision Committee may defer action on any decision assigned to the Subdivision Committee by Table 5-1, and refer the request to the Commission, so that the Commission may instead make the decision.
- B. Other City approvals. Other City approvals may be required beyond those identified in Table 5-1. Examples include the following:
 - 1. Environmental Protection—Chapter 17-04; and
 - 2. Surface Mining and Reclamation—Chapter 17-32.

Table 5-1 - Review Authority

Type of Action	Role of Review Authority						
	Director	Zoning Administrator	DRB DRPB	Subdivision Committee	CHB	Planning Commission	City Council
Administrative and Amendment Decisions							
Development Agreement	Recommend					Recommend	Decision
Interpretation		Decision				Appeal (1)	Appeal
General Plan Amendment	Recommend					Recommend	Decision
Request for Reasonable Accommodation		Decision				Appeal	
Zoning Code Amendment						Recommend	Decision
Zoning Map Amendment						Recommend	Decision
Concept Review							
CHB Landmark Alteration Concept Review			<u>Comment</u>		<u>Comment</u>		
DRB Design Review Concept Review			Comment				
Land Use Permits/Development Decisions							
Conditional Use Permit	Recommend					Decision	Appeal
Minor Conditional Use Permit	Recommend	Decision				Appeal	
Design Review— DRB DRPB	Recommend		Decision				Appeal
Design Review—Zoning Administrator		Decision	Appeal				
Design Review—Administrative	Decision		Appeal				
Density Bonus/ Affordable Housing Incentives	Decision						
Supplemental Density Bonus		Decision				Appeal	
Hillside Permit—Single dwelling and additions	Recommend	Decision				Appeal (1)	
Hillside Permit—All others	Recommend					Decision	Appeal
Minor Adjustment	Decision					Appeal (1)	
Sign Permit	Decision		Appeal				

Table 5-1 - Review Authority

Type of Action	Role of Review Authority						
	Director	Zoning Administrator	DRB <u>DRPB</u>	Subdivision Committee	CHB	Planning Commission	City Council
Sign Program	Decision		Appeal				
Sign Variance		Decision	Appeal				
Temporary Use Permit	Decision					Appeal	
Tree Permit	Decision					Appeal	
Variance	Recommend					Decision	Appeal
Minor Variance		Decision				Appeal (1)	
Zoning Clearance	Decision				Comment	Appeal	
Historic and Cultural Preservation Decisions							
Landmark or Preservation District Designation			<u>Recommend</u>		Recommend		Decision
Landmark Alteration Permit—Major			<u>Decision</u>		Decision		Appeal
Landmark Alteration Permit—Minor		Decision	<u>Appeal</u>		Appeal		
<u>Landmark Alteration Permit—Director</u>	<u>Decision</u>		<u>Appeal</u>				
Sign Permit/Program	<u>Decision</u>		<u>Appeal</u>		Decision		Appeal
Subdivision Decisions (refer to City Code Title 19)							
Certificates of Compliance	Decision						Appeal
Lot Line Adjustments	Decision						Appeal
Parcel Mergers	Decision						Appeal
Reversions to Acreage	Recommend					Decision	Appeal
Tentative Parcel Maps and Extensions	Recommend			Decision		Appeal	Appeal
Tentative Maps and Extensions	Recommend					Decision	Appeal

Note:

- (1) Commission makes decision if matter is referred to Commission by Director or Zoning Administrator, in which case appeals are then elevated to the next higher.

§ 20-50.030. Pre-application review.

A prospective applicant is strongly encouraged to request a pre-application review with the Department before permit application submittal.

- A. The purpose of this review is to inform the applicant of City requirements as they apply to the proposed project, review the City's permit review process, possible project alternatives or modifications, and to identify necessary technical studies and required information relating to the environmental review of the project.
- B. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application/project by Department representatives.
- C. The Council may establish a required fee for a pre-application review, to recover costs to the City to provide the service.

See also Section 20-50.050.D (Pre-application neighborhood meeting required).

§ 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 and Preservation Board (~~DRB~~DRPB) ~~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~~DRPB ~~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~~DRPB shall conduct concept review for ~~a~~ projects in all Zoning Districts, including 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 ~~DRBDRPB and/or CHB~~.
- H. Role of ~~DRBDRPB and CHB~~. During concept review, the ~~DRBDRPB or CHB~~ shall not take action or make decisions; comments made by members of the ~~DRBDRPB or CHB~~ are not binding on future ~~DRBDRPB or CHB~~ actions. Individual ~~DRBDRPB or CHB~~ members are not required to comment or participate in concept review items.

§ 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, ~~DRBDRPB~~, ~~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 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 ~~DRBDRPB~~ 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.

§ 20-50.060. Application fees.

- A. Fee Schedule. The Council shall set, by resolution, and may amend and revise from time to time, a schedule of fees for the processing of the permit applications required by this Zoning Code, hereafter referred to in this Zoning Code as the Council's Fee Schedule.
- B. Multiple applications. The City's processing fees are cumulative. For example, if an application for a Design Review also includes a Conditional Use Permit or a Zoning Map Amendment also includes a Tentative Map, both fees shall be charged.
- C. Timing of payment.
 - 1. Payment of fees required. All required fees shall be paid at the time an application is filed and no processing shall commence until all fees and deposits have been paid in full.
 - 2. Not deemed complete. The application shall not be deemed complete, in compliance with Section 20-50.080 (Initial Application Review), below, until

all fees and deposits have been paid in full.

- D. Refunds and withdrawals. The required application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, no refunds due to a denial are allowed. In the case of a withdrawal, the Director shall have the sole discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

§ 20-50.070. Indemnification of City.

- A. Agree to defend, indemnify, and hold harmless.
 - 1. When submitting an application for a discretionary approval in compliance with this Zoning Code, except for those identified in Subsection B, below, the applicant shall agree, as part of the application, to defend, indemnify, and hold harmless the City of Santa Rosa and its agents, officers, and employees from any action, claim, or proceeding brought against the City or its agents, officers, or employees which challenges the validity of any approval by the City, its agencies, boards, Commission, or Council.
 - 2. The indemnification shall apply to any attorney fees, costs of suit, damages, or other expenses awarded against the City, its agents, officers, and employees in connection with the action.
- B. Discretionary approvals exempt from indemnification. Indemnification is not required for the following:
 - 1. Concept Review by the ~~DRBDRPB~~ or CHB;
 - 2. Minor Conditional Use Permits for fences;
 - 3. Minor Conditional Use Permits for home occupations;
 - 4. Design changes which do not alter existing setbacks or the footprint of the structure (e.g., addition or modification of windows or a skylight);
 - 5. Sign permits;
 - 6. Temporary Use Permits for seasonal outdoor sales (e.g., Christmas trees);
 - 7. Tree Permits; and
 - 8. Other minor applications that are exempted in writing by the Director.
- C. Notification to applicant. In the event that an action, claim, or proceeding described in Subsection A, above, is initiated against the City, the City shall promptly notify the applicant and property owner of the existence of the action, claim, or proceeding, and shall cooperate fully in the defense.
- D. City may choose to participate. Nothing in this Section shall prohibit the City from

participating in the defense of any claim.

§ 20-50.080. Initial application review.

An application filed with the Department in compliance with this Zoning Code shall be processed in compliance with State law (Government Code Section 65943) and the following maximum time limits, as follows.

- A. Completeness review. The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the Department handout listing required application contents.
 1. Notification of applicant. As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, must be provided.
 2. Appeal of determination. Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 20-62 (Appeals).
 3. Time for submittal of additional information. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by following Subsection A.4.
 4. Expiration of application.
 - a. If an applicant fails to provide the additional information specified in the Director's letter within 120 days following the date of the letter and has not requested an extension of time, the application shall expire and be deemed withdrawn.
 - b. The Director may grant one extension of up to 90 days.
 - c. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.
 5. Zoning Code violations on the site.
 - a. The Director shall not find an application complete, and shall not process the application any further if conditions exist on the site in violation of this Zoning Code or any permit or other approval granted in compliance with this Zoning Code, unless the project proposed in the application

includes the correction of the violations.

- b. The Director's authority under this Subsection shall apply whether:
 - (1) The current applicant was the owner of the site at the time the violation(s) occurred; or
 - (2) The applicant is the current owner of the site with or without actual or constructive knowledge of the violation(s) at the time of acquisition of the site.

B. Environmental information.

- 1. Request for additional information. After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 20-50.090 (Environmental Assessment), below.
- 2. Submitted within 120 days. The submittal of the required additional information shall occur within 120 days from the date of the Director's letter notifying the applicant that additional information is required.
- 3. Failure to submit. Failure of the applicant to submit the additional information within the 120-day period identified in Subsection B.2, above, or as that period may be extended in compliance with Subsection B.4, below, will result in the Director scheduling the application for review and decision by the review authority with a recommendation for project disapproval.
- 4. Allowable extensions. The Director may grant one extension of up to 90 days; the review authority may grant additional extensions of time as it deems appropriate.

C. Referral. At the discretion of the Director, or where otherwise required by this Zoning Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

D. Withdrawal of application. An applicant may withdraw an application at any time. The written request for withdrawal shall be filed with the Department.

§ 20-50.090. Environmental assessment.

- A. Review under CEQA. After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and the City's environmental review procedures identified in Title 17 (Environmental Protection) of the City Code.
- B. Level of environmental assessment. The City shall evaluate the proposed project to determine the level of environmental assessment which would be required under CEQA.

1. If the project requires a Negative Declaration or Mitigated Negative Declaration, that work shall be conducted by the City staff as part of its Initial Study of the application.
2. The requirement for an Environmental Impact Report may necessitate the employment of an independent and qualified consultant under the direction of the City staff with costs to be borne by the applicant.

§ 20-50.100. Visual analysis.

When this Zoning Code or the Director require that a visual analysis be submitted to the City with a project application, the visual analysis shall be prepared in compliance with this Section.

- A. Purpose. The purpose of a visual analysis is to assist the City staff, the review authority, and interested citizens in understanding how a proposed structure and related site alteration will appear in the context of the site and surrounding properties and development.
- B. Content. A visual analysis shall consist of one or more three-dimensional depictions of a proposed project, including all proposed structures and site development, illustrating how the project will appear to observers, viewing the project from public rights-of-way and other public areas near the site.
- C. Form. The three-dimensional visual depictions provided in a required visual analysis may take the form of one or more:
 1. Rendered perspectives;
 2. Photo-montages;
 3. Computer generated simulations; or
 4. Any other technique acceptable to the Director that will provide an accurate three-dimensional visual depiction of the proposed project in its proposed location and context with sufficient detail to clearly illustrate how proposed structures and site development will look when complete.
- D. Specific project requirements. The requirements for the content and form of a visual analysis for a specific project (e.g., the number of illustrations required and their vantage points) will be determined by the Director in each case. Written analysis and/or design in addition to illustrations may also be required when determined by the Director to be necessary to clearly understand the potential visual impacts of the project.

CHAPTER 20-52
PERMIT REVIEW PROCEDURES

§ 20-52.010. Purpose of chapter.

- A. Permit review procedures. This chapter provides procedures for the final review, and approval or denial of the land use permit applications established by this Zoning Code.
- B. Subdivision review procedures. Procedures and standards for the review and approval of subdivision maps are found in Title 19 (Subdivisions) of the City Code.
- C. Application filing and initial processing. Where applicable, the procedures of this chapter are carried out after those described in Chapter 20-50 (Permit Application Filing and Processing), for each application.

§ 20-52.020. Zoning Clearance.

- A. Purpose. A Zoning Clearance is the procedure used by the City to verify that a proposed land use or structure is allowed in the applicable zoning district, and that the project complies with the development standards of this Zoning Code that apply to the use, consistent with the General Plan.
- B. Applicability.
 - 1. When required. Where Division 2 (Zoning Districts and Allowable Land Uses) or other provision of this Zoning Code require a Zoning Clearance as a prerequisite to establishing a new or modified land use, authorizing a change in ownership, or the issuance of a Business Tax Certificate, the Zoning Clearance shall be required at the time of Department review of any change in use or occupancy authorization required by this Zoning Code.
 - a. Land use. A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure.
 - b. Change of use. Whenever a use is proposed to be changed from an activity for which a Zoning Clearance has been issued, or which is exempt under Subsection B.1 (When required), whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall be obtained.
 - c. Change of tenancy or ownership. A new Zoning Clearance shall be obtained for a change of lessee, operator, or owner even when the change does not involve a change in the use or activity being conducted on the subject property.
 - d. Residential use. The provisions of this section shall not apply to any residential land use within a residential zoning district.
- C. Form of Zoning Clearance. A Zoning Clearance may take the form of a Zoning Clearance Certificate, an authorized signature on another City approval document, a stamp or authorized signature on a set of building plans, or other form determined by the Director to

be appropriate.

- D. Issuance. The Director shall issue the Zoning Clearance after determining that the request complies with all Zoning Code provisions applicable to the proposed use.

§ 20-52.030. Design Review.

- A. Purpose. This section establishes procedures for the City's review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs), in compliance with the City's Design Guidelines.

- B. Applicability.

- 1. Private projects. Design Review approval is required for all projects requiring a Building Permit and all exterior physical changes to existing structures that may or may not require a Building Permit except for the following:

- a. Landscaping repair or replacement;
- b. Parking lot repaving;
- c. Repainting, even when it includes a color change, unless the repainting is for the purpose of creating signage for the building;
- d. Residential accessory structures;
- e. Single-family dwellings, dwellings which are proposed as part of a project within a PD zone, or where otherwise required by this Zoning Code;
- f. Solar panels, and integral parts of the solar panel system including supporting posts or poles, not including proposed new structures, such as a carport or other similar structures proposed in conjunction with the solar panel system. If proposed solar panels would have the possibility of creating a life or safety issue, such as excessive glare to local residences, sensitive facilities (airport) or water resources, the solar panels shall require a Minor Use Permit or Conditional Use Permit depending on the severity of the issues; and
- g. Activities subject to a Temporary Use Permit.

- 2. City projects. The ~~DRB~~DRPB shall review each Building Permit application for a development project by any City agency or department, for which review is required by Subsection B (Applicability), above. Notwithstanding other provisions of this section, the review shall be for the purposes of providing advice to the Council, Redevelopment Agency or its Successor Agency, or Housing Authority, respectively.

- C. Review authority. Table 5-2 identifies the review authority and notice requirements for Design Review.

TABLE 5-2—DESIGN REVIEW AUTHORITY AND NOTICE REQUIREMENTS

Type of Application	Review Authority			Notice Requirements
	Director	Zoning Administrator	DRB DRPB	Design Review
Projects that involve only minor exterior modifications and are not within an historic district. Examples include the addition or modification of awnings, doors and/or windows, rooftop equipment that cannot be seen from the street, ADA improvements associated with tenant improvements, "cool roof" material changes, outdoor dining areas for restaurants within commercial or industrial zoning districts, and other similar minor changes as determined by the Director of Planning and Economic Development. Projects that involve more extensive exterior modifications but that are not readily visible from offsite may also be considered by the Director of Planning and Economic Development.	▪			None
Projects that involve up to 10,000 square feet in total floor area and projects that include significant exterior changes to existing buildings and the construction of new structures. Also included are new minor telecommunication facilities, and the new construction or major remodel of automobile dealerships on sites zoned for vehicle sales regardless of total floor area.		▪		Public Meeting Notice Notice of Action (see Section 20-66.060)
Projects that involve 10,000 square feet or more in total floor area and major telecommunication facilities. (1) (2)			▪	Public Hearing Notice Notice of Action (see Section 20-66.060)
Sign applications, including Sign Programs for multi-tenant projects.	▪			Notice of Action (see Section 20-66.060)

Notes:

- (1) Visually sensitive locations and projects include the following.
 - a. Sites within the CMU (Core Mixed Use) zoning district, -G (Gateway), -H (Historic), or -SR (Scenic Resources) combining districts;
 - b. Hillside sites, infill sites, and major intersections;
 - c. Multi-family residential projects of 50 units or more, any three-story residential project, or an industrial or commercial project adjacent to residential; or

Notes:

- d. Other project that the Director determines may have significant visual impact.
 - (2) Each project in an identified visually sensitive area shall require a visual analysis in compliance with Section 20-50.100 (Visual analysis).
- 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. Design Review. Design Review is a formal review to provide the applicant with specific responses to the proposed design.
 - a. The Design Review and Preservation Board or Zoning Administrator shall adopt a formal resolution approving the design.
- 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.
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). The review authority may approve, approve with conditions, or disapprove a Design Review application based on the findings required by subsection I (Findings and decision), below.
 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. 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).
- J. 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.
- K. 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).
- L. 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).
- M. 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 I (Findings and decision), above.
- N. 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.

§ 20-52.040. Temporary Use Permit.

- A. Purpose. This section establishes procedures for the granting of ministerial Temporary Use Permits for short-term activities.
- B. Applicability. A Temporary Use Permit allows the short-term activities listed in Subsection D (Allowed temporary activities), below that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to Design Review in compliance with Section 20-52.030.
- C. Exempt temporary activities. The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below shall comply with Subsection D (Allowed temporary activities).
1. Construction yards—On-site. On-site contractors' storage yards of less than one acre, including a work trailer, in conjunction with an approved construction project. The

contractor's storage yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

2. Emergency facilities. Emergency public health and safety needs/activities, as determined by the Council.
 3. Location filming. The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as approved by the Director of Transportation and Parking.
 4. Garage sales. The sale of personal goods which are owned by the household residing on a residentially zoned property for up to three consecutive days and three times within a 12-month period.
 5. Public property. Activities conducted on public property that are approved by the Council.
- D. Allowed temporary activities. The following temporary activities may be allowed within the specified time limits, but in no case for more than 12 months, subject to the issuance of a Temporary Use Permit by the Director. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.
1. Car washes. Car washes conducted by a qualifying sponsoring organization on nonresidential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code.
 2. Construction yards—Off-site. Off-site contractors' construction yards, including a work trailer in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
 3. Events. Arts and crafts exhibits, carnivals, circuses, concerts, fairs, farmers' markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales, and swap meets for up to seven consecutive days, or six two-day weekends, within a 12-month period, when conducted on non-residential properties.
 4. Outdoor displays and sales. The temporary outdoor display and sales of merchandise, in compliance with Section 20-42.110 (Outdoor Display and Sales) when conducted on non-residential properties.
 5. Seasonal sales lots. Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on non-residential properties, for up to 30 days and four times within a 12-month period.

6. Temporary auto sales. The temporary outdoor sales of motorized vehicles may occur on any paved site within a CG, CV or CSC zone for a period of three consecutive days every three months not to exceed 12 days in a calendar year. The temporary sale may be set up one day prior to the three-day sale and taken down one day following the sale.
 7. Temporary parking lots. Temporary, unpaved parking facilities are allowed subject to the following conditions:
 - a. The temporary parking facility must be located on the same parcel or contiguous parcel as the principal use, and have access only through the principal use.
 - b. The temporary parking facility may be located on a noncontiguous parcel when it serves certain public, semi-public, or educational land uses.
 - c. The Temporary Use Permit may be granted for an initial period not to exceed three years, with a possible one-year extension.
 - d. In reviewing the Temporary Use Permit, the review authority may attach conditions for fencing, drainage, dust control and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.
 8. Temporary real estate sales offices. A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.
 9. Temporary structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval, as an accessory use or as the first phase of a development project.
 10. Temporary work trailers. A trailer or mobile home used as a temporary work site for employees of a business:
 - a. During construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit, whichever first occurs; or
 - b. Upon demonstration by the applicant that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained.
 11. Similar temporary activities. Similar temporary activities that the Director determines are compatible with the zoning district and surrounding land uses."
- E. Application requirements. An application for a Temporary Use Permit 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 Temporary Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G (Findings and decision), below.
- F. Development criteria. The Director shall consider the following criteria based on the type

and duration of the proposed temporary activity, using the requirements of the applicable zoning district and Division 3 (Site Planning and General Development Standards) for guidance:

1. Floor areas, heights, landscaping, off-street parking, setbacks, signs, and other structure and property development features;
 2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code; and
 3. Limitation on the duration of approved "temporary structures," to a maximum of 12 months, so that they shall not become permanent or long-term structures.
- G. Findings and decision. A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.
- H. Post approval procedures. The procedures relating to appeals, performance guarantees, and revocation in Division 6 (Zoning Code Administration) shall apply following the approval of a Temporary Use Permit application.
1. Condition of the site following temporary activity. Each site occupied by a temporary activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security in a form and amount acceptable to the Director may be required before initiation of the activity to ensure cleanup after the activity is finished.
 2. Performance security for temporary structures. Before issuance of a Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.
 3. Extensions of Temporary Use Permits prohibited. The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Subsection D (Allowed temporary activities) shall file for a Conditional Use Permit, rather than a Temporary Use Permit, in compliance with Section 20-52.050.
 4. Required lapse of time for Temporary Use Permits. Except for seasonal sales lots, a minimum of 30 days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

§ 20-52.050. Conditional Use Permit and Minor Conditional Use Permit.

- A. Purpose. Conditional Use Permits and Minor Conditional Use Permits provide a process for reviewing land use activities that may be desirable in the applicable zoning district, but whose effect on the site and surroundings cannot be determined before being proposed for a particular location.
- B. Applicability.
 - 1. When required. A Conditional Use Permit or Minor Conditional Use Permit is required to authorize proposed land uses identified by Division 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Conditional Use Permit or Minor Conditional Use Permit.
 - 2. Scope of review. The review of a Conditional Use Permit or Minor Conditional Use Permit application shall include all other land use activities occurring on the subject parcel.
- C. Review authority.
 - 1. Conditional Use Permits. The Commission may approve, conditionally approve, or deny an application for a Conditional Use Permit.
 - 2. Minor Conditional Use Permits. The Zoning Administrator may approve, conditionally approve, or deny an application for a Minor Conditional Use Permit.
- D. Application requirements. An application for a Conditional Use Permit or Minor Conditional Use Permit 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 Conditional Use Permit or Minor Conditional Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F (Findings and decision), below.
- E. Project notice and hearing.
 - 1. Conditional Use Permits—Public notice and hearing required. The Commission shall conduct a public hearing on an application for a Conditional Use Permit 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 Conditional Use Permits—Public notice required. Before a decision on a Minor Conditional Use Permit, 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 Conditional Use Permit 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

- F. Findings and decision. The review authority may approve or deny an application for Conditional Use Permit or Minor Conditional Use Permit approval. The review authority shall record the decision and the findings on which the decision is based. The review authority may approve a Conditional Use Permit or Minor Conditional Use Permit only after first finding all of the following:
1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
 2. The proposed use is consistent with the General Plan and any applicable specific plan;
 3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
 4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
 5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
 6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- G. Issuance and duration.
1. Issuance of the permit. Upon the approval of an application, the review authority shall authorize the issuance of a Conditional Use Permit or Minor Conditional Use Permit, with or without conditions, and one copy of which shall be forwarded to:
 - a. The applicant;
 - b. The Building Official;
 - c. Any other department or agency the Zoning Administrator considers affected by the issuance of the permit; and
 - d. The Department files for permanent retention.
 2. Duration. Conditional Use Permits and Minor Conditional Use Permits shall be in effect for the duration of the use, or for a time periods specified in the conditions of approval, or until the time a revocation of the permit is effectuated.
- H. Conditions of approval. In approving a Conditional Use Permit or Minor Conditional Use Permit, the review authority may impose any conditions (e.g., buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, time limits, etc.) deemed reasonable and necessary to ensure that the approval would comply with the findings required by Subsection G (Findings and decision), above.

- I. Post approval procedures. The procedures relating to appeals, performance guarantees, and revocation in Division 6 (Zoning Code Administration), in addition to those in Chapter 20-54 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Conditional Use Permit or Minor Conditional Use Permit application.

§ 20-52.060. Variance, Sign Variance and Minor Adjustment.

- A. Purpose. This Section allows Variances from the development standards of this Zoning Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
- B. Intent. The intent of the Section is to allow relief, in certain situations, from the strict application of the regulations identified within this Zoning Code only by reason of:
 - 1. The exceptional narrowness, shallowness, or the unusual shape of a structure or parcel of property;
 - 2. The exceptional topographic conditions or other extraordinary situation of the structure or parcel; or
 - 3. The lawful use or development of property immediately adjoining the parcel in question.
- C. Applicability.
 - 1. Allowable Minor Adjustments.
 - a. Minor Adjustments provide a simplified procedure for City review and decision on requests that propose only a very minor modification of applicable Zoning Code standards, and only when pertaining to existing structures and not the construction of new structures. The Minor Adjustments are subject to the special findings identified in Subsection G (Findings and decision), below.
 - b. An application for a Minor Adjustment shall be considered by the Director governing only the development standards identified in the following Table 5-3.

Types of Minor Adjustments Allowed	Maximum Adjustment
1. Parking. A decrease in the required number and design of parking aisles and spaces.	25 percent
2. Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback area.	25 percent
3. Setback areas. A decrease in a required setback, but no closer to the property line than the average of the developed lots on the same block face, and so that no projection into a public utility easement is allowed.	25 percent

TABLE 5-3—SCOPE OF MINOR ADJUSTMENTS

Types of Minor Adjustments Allowed	Maximum Adjustment
4. Structure height. An increase in the maximum allowable structure height.	10 percent

2. Allowable Minor Variances.
 - a. Minor Variances provide a simplified procedure for City review and decision on Variance requests that propose only a minor modification of applicable Zoning Code standards when the limitations established by the Minor Variance are otherwise subject to the same findings required for all Variances. (See Subsection G.)
 - b. An application for a Minor Variance shall be considered by the Zoning Administrator governing only the development standards identified in the following Table, 5-4.

TABLE 5-4—SCOPE OF MINOR VARIANCES

Types of Minor Variances Allowed	Maximum Adjustment
1. Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback area, but no closer to any property line than allowed by the Uniform Building Code.	25 percent
2. Setback areas. A decrease in a required setback, but no closer to the property line than the average of the developed lots on the same block face, and so that no projection into a public utility easement is allowed.	25 percent
3. Structure height. An increase in the maximum allowable structure height.	10 percent
4. Required Variance. A request which exceeds the limitations identified in this subsection shall require the filing of a Variance application in compliance with Subsection 3 (Allowable Sign Variances), below.	

3. Allowable Sign Variances. Sign Variances are intended to provide greater flexibility in the application of sign regulations to address varied needs and unusual circumstances of certain commercial uses and businesses in the City. A Sign Variance is similar to a Variance, except that a Sign Variance has different findings as shown in the Zoning Code.
 - a. Sign Variances provide a procedure for City review and decision on Sign Variance requests that propose an alternative to applicable Zoning Code standards.
 - b. An application for a Sign Variance shall be considered by the Zoning Administrator and govern only the development standards identified in Chapter 20-38.
4. Allowable Variances. The Commission may grant an adjustment from the requirements of this Zoning Code governing only the following development standards:
 - a. Development standards. Any development standard identified in Subsection C.1 (Minor Variances), above where the requested adjustment exceeds the maximum limits for a Minor Variance;

- b. Dimensional standards. Dimensional standards including distance-separation requirements, fence and wall requirements, landscape and paving requirements, lighting, loading spaces, parcel area, parcel dimensions, parking areas, open space, setbacks, structure heights, etc.;
 - c. Numerical standards. Number of off-street parking spaces, loading spaces, landscaping, etc.;
 - d. Other. Other standards including operational or performance standards relating to dust, glare, hours of operation, landscaping, light, noise, number of employees, etc.
- D. Review authority. Minor Adjustments, Minor Variances, Sign Variances and Variances may be granted, with or without conditions, only in compliance with the following:
1. Minor Adjustments. The Director may grant Minor Adjustments, or may defer action and refer the application to the Commission, in compliance with Subsection C.1 (Allowable Minor Adjustments), above;
 2. Minor Variances. The Zoning Administrator may grant Minor Variances, or may defer action and refer the application to the Commission, in compliance with Subsection C.2 (Allowable Minor Variances), above;
 3. Sign Variances. The Zoning Administrator may grant Sign Variances, or may defer action and refer the application to the Design Review and Preservation Board, in compliance with Subsection C.3 (Allowable Sign Variances), above; and
 4. Variances. The Commission may grant Variances in compliance with Subsection C.3 (Allowable Variances), above.
- E. Application requirements. An application for a Minor Adjustment, Minor Variance, Sign Variance and Variance 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 Variance applications. It is the responsibility of the applicant to provide evidence in support of the applicable findings required by Subsection G (Findings and decision), below.
- F. Project notice and hearing.
1. Major Variance. A public hearing shall be scheduled once the Director has determined the Variance application complete. The Planning Commission shall conduct a public hearing on an application for a Variance before the approval or denial of 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 Variance and/or Sign Variance. Public notice required. Before a decision on a Minor Variance and/or Sign Variance, 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 Variance and/or Sign Variance 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.

G. Findings and decision.

1. Special findings for Minor Adjustments. The review authority may approve a Minor Adjustment, with or without conditions, only after first making all of the following findings.
 - a. The Minor Adjustment is necessary because the subject structure was legal when it was originally constructed, but changes in this Zoning Code or the applicable zoning district development standards caused the structure to become legal nonconforming.
 - b. Granting the Minor Adjustment for the subject structure would not pose a serious hazard to the public health or safety of persons residing on or adjacent to the subject parcel.
 - c. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
2. Findings for Sign Variances. The Review authority may approve a Sign Variance, with or without conditions, only after making all of the following findings.
 - a. Strict compliance would preclude an effective design solution improving sign functionality, operational efficiency or appearance.
 - b. Strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulations.
 - c. The variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.
 - d. The proposed sign is architecturally and aesthetically compatible with the major structures on the subject site, and adjacent sites and is compatible with the character of the established neighborhood and general environment.
 - e. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
3. Findings for Minor Variances and Variances. The review authority may approve a Minor Variance or Variance, with or without conditions, only after first making all of the following findings.
 - a. There are special circumstances applicable to the property (e.g., location, shape,

size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards.

- b. A non-self created hardship peculiar to the subject property does exist by reason of the conditions, and that these conditions are not common to all or most of the properties in the immediate area which are also within the identical zoning district. In this context, personal, family, or financial difficulties, loss of prospective profits, and existing zoning violations, or legal nonconforming uses or structures existing on neighboring properties shall not be deemed hardships justifying a Variance.
 - c. Granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity which are within the identical zoning district as the subject property, and that a Variance, if granted, would not constitute a special privilege to the subject property which is not held or enjoyed by neighboring properties within the identical zoning district.
 - d. The Variance would not be of substantial detriment to adjacent properties and would not be in conflict with the purposes and intent of this Zoning Code, the General Plan, any applicable specific plan, or the public interest or welfare.
 - e. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- H. Precedent. The granting of a prior Variance shall not set a precedent for the granting of a further Variance, and each application shall be considered only on its individual merits.
- I. Recurrent conditions. A Variance shall not be granted if the review authority finds that the condition of the specific piece of property for which a Variance is sought, is so general or recurrent in the area as to make practicable the formulation and adoption of a general regulation (e.g., a Zoning Code amendment) to address and provide for the prevailing condition.
- J. Conditions of approval. In approving a Minor Adjustment, Minor Variance, or Variance, the review authority may impose any conditions (e.g., buffers, landscaping and maintenance, performance guarantees, screening, etc.) deemed reasonable and necessary to ensure that the approval would comply with the applicable findings required by Subsection G (Findings and decision), above and that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.
- K. Post approval procedures. The procedures relating to appeals, performance guarantees, and revocation in Division 6 (Zoning Code Administration), in addition to those in Chapter 20-54 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Variance application.

CHAPTER 20-58
HISTORIC AND CULTURAL PRESERVATION

§ 20-58.010. Purpose.

~~This~~ The purpose of this Chapter is to promote the educational, cultural, economic and general welfare of the community by provides-providing procedures for the identification, protection, enhancement, perpetuation and use of buildings, structures, signs, objects, features, sites, places, areas, districts, neighborhoods, streets, works of art, natural features, and significant permanent landscaping, that have special historical, archaeological, cultural, or architectural value in the City that will allow development to proceed while maintaining historic resources- for the following reasons:

- A. To safeguard the City's heritage as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding, and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
- D. To promote the use and enjoyment of cultural resources beneficial to the education and welfare of the people of the City;
- E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary, contemporary design and construction;
- F. To protect or enhance property values and to strengthen the economy of the City and the financial stability of its inhabitants;
- G. To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;
- H. To identify as early as possible and resolve possible conflicts between the preservation of cultural resources and alternative land uses;
- I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;
- J. To conserve valuable material and energy resources by the ongoing use and maintenance of the existing built environment;
- A.K. To foster and encourage the preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby prevent future urban blight.

§ 20-58.020. Applicability.

- A. Relationship to CEQA. Decisions by the City in compliance with this Chapter are "discretionary" and relate to "discretionary projects" as these terms are used in the California Environmental Quality Act (CEQA). Any permit, including a Building Permit, or other City approval that would authorize any change in the exterior of any proposed or designated landmark, or the exterior of any structure, building or significant feature within a designated ~~or proposed~~ preservation district, is a discretionary permit or approval within the meaning of CEQA, except as otherwise allowed or directed by the State of California.

- B. Exceptions. Exceptions to the provisions of this Chapter in cases of dangerous conditions or economic hardship may be granted in compliance with Section 20-58.070 (Exceptions).
- C. Design guidelines. See Section 4.7 (Historic Properties and Districts) of the City's Design Guidelines in addition to the requirements of this Chapter.
- D. Review materials:
 1. Processing Review Procedures for Owners of Historic Properties.
 2. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (2017 Revision).

§ 20-58.030. Definitions.

Definitions of the technical terms and phrases used in this Chapter may be found in Division 7 (Glossary), under "Historic and Cultural Preservation."

§ 20-58.040. Cultural Heritage Design Review and Preservation Board.

The appointment, responsibilities, and other aspects of the Cultural Heritage Design Review and Preservation Board, which shall serve as the City of Santa Rosa's historic and cultural preservation review authority, hereafter referred to in this Chapter as the "CHBDRPB," shall comply with Section 20-60.070-060 (Cultural Heritage Design Review and Preservation Board).

§ 20-58.050. Designation of landmark or preservation district.

~~A. Landmark defined. A landmark is any site, including significant trees or other significant permanent landscaping located on a site, and/or a place, building, structure, street, street furniture, sign, work of art, natural feature or other object having a specific historical, archaeological, cultural or architectural value in the City, and which has been designated a landmark by the Council.~~

~~B. Preservation district defined. A preservation district is an area within the City having historical significance or representing one or more architectural periods or styles typical to the history of the City, that has been designated a preservation district by the Council.~~

~~C.A.~~ Initiation or termination of designation. A rezoning (Chapter 20-62) to designate a landmark or preservation district, or to repeal or modify a landmark or preservation district designation, may be initiated by resolution of the CHBDRPB, the Council, the Commission, or by property owner application.

1. Where the initiation is by the property owner, The application shall include the forms and other information required by the CHB Planning and Economic Development Department, to ensure the fullest practical presentation of the facts for proper consideration of the application.
2. Where the initiation is by the City Council, or the CHBDRPB, or Commission, or at the direction of Council, the Department shall collect and compile the data and information that otherwise would have been required

with an application.

3. Once the information has been compiled and reviewed by the Department, the initiating resolution shall be processed in the same manner as an application that has been determined to be complete.

A proposal or application to terminate or modify a landmark or preservation district designation shall be processed under the same rules and procedures required to designate a landmark or preservation district, and shall require the submittal of a historic resource survey prepared by a qualified professional.

~~D.B.~~ CHBDRPB review. The CHBDRPB shall review the application, the site and its surroundings, and any related information, to ensure that the decision of the CHBDRPB in response to the proposal will be consistent with the intent and purposes of this Chapter. The review may be conducted by members of the CHBDRPB or the Director.

~~E.C.~~ Public notice and hearing. Upon completion of the review required by Subsection ~~DA(3), and completion of an environmental determination by the Environmental Coordinator~~, the matter shall be set for public hearing before the CHBDRPB. Public notice shall be provided, and the hearing shall be conducted, in compliance with Chapter 20-66 (Public Hearings). ~~The member of the CHB presiding at a hearing is empowered to administer oaths to any person testifying, if deemed desirable under the circumstances.~~

~~F.D.~~ CHBDRPB decision. The CHBDRPB may, by resolution, recommend to the Council the approval or denial of a proposed designation as follows.

1. Approval of designation. ~~The After first making one or both of the following findings, the CHBDRPB~~ may recommend to the Council that:
 - a. A specific site, place, building, structure, street, street furniture, sign, work of art, natural feature or other object be designated a landmark, if the CHBDRPB first finds that the feature to be designated has specific historical, archaeological, cultural or architectural value in the City and that the purposes of this Chapter would be furthered by the designation; or
 - b. An area of the City be designated a preservation district, if the CHBDRPB first finds that the proposed area has historical significance or represents one or more architectural periods or styles typical to the history of the City and that the purposes of this Chapter would be furthered by the designation.
2. Denial of designation. The CHBDRPB may recommend to the Council that an application or proposal to designate a landmark, or a preservation district, be denied based upon the evidence presented, or lack thereof.

~~G.E.~~ Council hearing. The Council shall schedule a public hearing on a proposed landmark or preservation district designation, or termination, upon receipt of a recommendation from the CHBDRPB. Notice shall be given, and the hearing shall be conducted, in compliance with Chapter 20-66 (Public Hearings). Following the closing of the hearing, the Council, based upon the information presented, shall act on the CHBDRPB recommendations by either making the recommended designation, in whole or in part, or denying the application or proposal.

~~H.F.~~ Council decision. A landmark or preservation district shall be designated by the Council

through the rezoning of the site to apply the Historic (-H) combining district (Section 20-28.030), in compliance with Chapter 20-64 (Amendments).

1. A copy of the ordinance designating a landmark or preservation district shall be sent to the landmark owners, or all owners of property within the preservation district, as applicable, ~~in compliance with Subsection D.~~
2. A denial by the Council shall preclude reconsideration of the proposal for a period of one year from the date of the denial, unless the denial was specifically made without prejudice to the filing of a new application or proposal at any time, pursuant to Section 20-54.080.

~~I.G.~~ Notice of designation. Notice of the designation of a landmark or preservation district shall be transmitted by the City Clerk to the ~~CHB, the Department, and the Parks and Recreation, Fire, and Public Works Departments, the City Manager, the City Housing Authority, the~~ Sonoma County Assessor, the Sonoma County Recorder, and any other interested ~~Departments and governmental and civic~~ agencies.

- ~~1. Each City department and division shall make note of the landmark or preservation district designation, so that future City decisions (including any approvals) regarding or affecting any designated landmark, or structure within a preservation district, will be made with the knowledge of the designation and in compliance with the applicable procedures of this Chapter.~~
- ~~2. Whenever any project to be carried out by the City may have an impact on a designated landmark or within a preservation district, reasonable notice shall be given to the CHB by the City department or division responsible for the project, so that the CHB can review and make recommendations concerning the project early in the decision-making process.~~

~~J.H.~~ Effective date of designation. The provisions of this Chapter regulating landmarks and preservation districts shall apply from the effective date of the rezoning to apply the Historic (-H) combining district to the site, and shall become inapplicable only as of the effective date of a rezoning to remove the Historic (-H) combining designation.

~~K.I.~~ Duty to maintain.

1. Each person in possession or control and every owner of a landmark and any appurtenant premises shall maintain and keep in good repair the exterior of the landmark and premises. Good repair is defined as the level of maintenance and repair that clearly insures the continued availability of the landmark and premises for lawful reasonable uses and prevents deterioration, dilapidation and/or decay of the landmark and premises.
2. Each person in possession or control and every owner of property located within a designated Preservation District shall maintain and keep in good repair the exterior of any structure, building and premises located within the district. Good repair is defined as that level of maintenance and repair which clearly insures the continued availability of the structures, buildings and premises for lawful reasonable uses and prevents deterioration, dilapidation and decay of the structures, buildings and premises.

§ 20-58.060. Landmark Alteration Permits.

A. Applicability.

1. Landmark Alteration Permit required. No person shall restore, rehabilitate, alter, develop, construct, demolish, remove or change the exterior appearance of any designated landmark, or any structure, building or significant feature within a preservation district without having obtained a Landmark Alteration Permit in compliance with this section.
2. Exemptions from permit requirement. A Landmark Alteration Permit is not required for the following, if the project is found consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties:
 - a. ~~Repairs of existing siding or trim materials that are determined by the Director to match the original design and materials;~~Repair, renovation or restoration involving the replacement of broken or damaged materials for structures identified as a contributor to a Preservation District, where original materials are proposed, and the repair, renovations or restorations do not include a change to the design of the structure;
 - b. Repair, renovation or restoration using similar materials for structures identified as a non-contributor to a Preservation District;
 - b.c. Repainting of previously painted exterior materials, even when it includes a color change, unless the repainting is for the purpose of creating signage for the building. Painting of previously unpainted exterior materials requires the approval of a Minor Landmark Alteration Permit, as identified in subsection (C)(2);
 - e.d. Installation of rain gutters or downspouts;
 - d.e. Installation of roof ventilators or skylights on areas of the roof that are not visible from the public right-of-way;
 - e.f. Installation of a window air conditioning unit, on a side or rear elevation only;
 - f.g. Demolition or removal of a non-historic building;
 - g.h. Re-roofing a ~~house structure~~ with materials determined ~~by the Director~~ to be similar to the original era, and that do not change the original roofline, except where original materials are no longer allowed by Building Code (e.g. asphalt or composition shingles in place of wood shingles);
 - h.i. Replacement windows and doors that ~~are determined by the Director to~~ match the original ~~design location, size and configuration,~~ and utilize original materials to the era;
 - i.j. Solar panels, and integral parts of the solar panel system including supporting posts or poles, not including proposed new structures, such as a carport or other similar structures proposed in conjunction with the solar panel system. If proposed solar panels would have the possibility of creating a life or safety issue, such as excessive glare to local residences, sensitive facilities (airport) or water resources, the solar panels shall require a Minor Use Permit or Conditional Use Permit depending on the severity of the issues; ~~or~~
 - k. ~~Modifications Alterations or additions~~ to structures that are identified as non-contributors to their respective Preservation District, if ~~changes the alterations or additions~~ are not readily visible from ~~other properties~~ the public right-of-way;

- (6) Installation of roof ventilators or skylights, where visible from the public right-of-way;
- (7) Re-roofing a structure with materials other than the original era of the structure (e.g. tar and gravel roof), that do not otherwise qualify for an exemption;
- (8) Replacement windows and doors that utilize an alternative design and/or alternative materials that differ from the original design and materials; or
- (9) Installation of new landscape design elements including small entryway trellises, decks, or other small structures (not including plants, trees, ground cover, at-grade hardscape, or fences).

4.2. Minor Landmark Alteration Permit. A Minor Landmark Alteration Permit shall be required for the following alterations or additions to a property identified as a contributor to a Preservation District, and similar activities as determined by the Director, if the project is found consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. A historic resource survey prepared by a qualified professional is not required unless requested by City staff as necessary based on the scope of the proposed project:

- ~~a. Minor building renovation or restoration involving the repair or replacement of broken or damaged materials;~~
- ~~b. Alteration of or addition to the side or rear of a building in a location not readily visible from a public street;~~
- ~~c. Installation of roof ventilators or skylights, only on a side or rear elevation;~~
- ~~d. Installation of new landscaping features and site features including fences, walkways, decks, etc.~~
- ~~e. An accessory structure, including a garage, carport, storage shed, or other small building, in compliance with all other applicable requirements of this Zoning Code.~~
- a. Painting of previously unpainted exterior materials (e.g. stone and brick), if it is found to have no impact to the structure or the surrounding Preservation District;
- b. Change to the historic roofline of a structure, if it is found to have no significant impact to the structure or the surrounding Preservation District;
- c. A fence taller than otherwise allowed by Section 20-30.060(C), Fences, Walls, and Screening. Where a Minor Use Permit is required for additional fence height pursuant to Section 20-30.060(D), only a Minor Use Permit application shall be required; a second application for a Landmark Alteration Permit shall not be required.

While only a Minor Use Permit application and associated fees are required, all findings required for both approval of a Minor Landmark Alteration Permit by Section 20-58.060(F) and approval of a Minor Use Permit for additional fence height by Section 20-30.060(D) shall be met, and, if approved, both permits shall be issued;

- d. Removing or enclosing an existing porch or adding a new porch on the front elevation, if it is found to have no significant impact to the structure or the surrounding Preservation District;
 - e. Minor modifications to structures, including, but not limited to, changing a window to a door or a door to a window, or changing the location of existing windows and doors, that do not otherwise qualify for a Director Level Landmark Alteration Permit;
 - f. Additions to existing single-family residential structures involving less than 500 square-feet that are readily visible from the public right-of-way;
 - g. Additions to existing non-residential or multi-family residential structures involving between 500 and 5,000 square-feet.
 - h. The development of new non-residential or multi-family residential structures involving between 500 and 5,000 square-feet; or
 - £i. The construction of a new primary single-family dwelling.
3. Major Landmark Alteration Permit. A Major Landmark Alteration Permit shall be required for the following alterations or additions to a property identified as a contributor to a Preservation District, and similar activities as determined by the Director, if the project is found consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. A historic resource survey prepared by a qualified professional is not required unless requested by City staff as necessary based on the scope of the proposed project.
- a. Major renovation or restoration involving an entire façade or building;
 - b. Substantial alterations to an existing structure that do not match the original design;
 - c. Removing or enclosing an existing porch or adding a new porch;
 - d. Substantial additions, for example, adding a second story to a one-story house;
 - e. The construction of a new primary dwelling;
 - £a. Demolition or removal of an existing historic building;
 - g. A fence that also requires a Conditional Use Permit or Variance; or
 - h. A project involving historic resources that will be approved by the Design Review Board or Commission.
 - i.b. Additions to existing single-family residential structures involving 500 square-feet or greater that are readily visible from the public right-of-way, including second-story additions to a one-story house;
 - j.c. Additions to existing non-residential or multi-family residential structures of 5,000 square-feet or greater, or smaller projects that have been found inconsistent with the Secretary of the Interior Standards for Treatment of Historic Properties; or
 - d. The construction of new non-residential or multi-family residential

structures of 5,000 square-feet or greater, or smaller projects that have been found inconsistent with the Secretary of the Interior Standards for Treatment of Historic Properties.

~~2.4. Design Review. For projects that also require Design Review is required pursuant to Section 20-52.030, Design Review, a separate application for Design Review shall not be required; only a Landmark Alteration Permit application and associated fees shall be required. However, all findings required for both approval of a Landmark Alteration Permit by Section 20-58.060(F) and approval of Design Review by Section 20-52.030(I) shall be met, and, if approved, both permits shall be issued. for any project of 10,000 square feet or larger within the H combining district, as follows:~~

~~a. Concept review. Prior to the submittal of Design Review and Landmark Alteration Permit applications, concept review shall be conducted in a joint meeting of the CHB and DRB. The purpose of the concept review is to provide both applicant and boards with clear design direction:~~

~~(1) The CHB shall identify the character defining elements of the historic district and surrounding neighborhood; and~~

~~(2) The DRB shall provide direction for design elements consistent with the Design Guidelines and applicable specific plans.~~

~~b. Design Review. Preliminary Design Review shall be acted upon solely by the DRB in accordance with Chapter 20-52.~~

~~c. Landmark Alteration Permit. The Landmark Alteration Permit shall be acted upon solely by the CHB in accordance with Subsection D. This review will focus on how successfully project design integrates with the historic district and neighborhood based on direction provided and character defining elements identified by the CHB during concept review.~~

D. Hearing and decision.

1. Major Landmark Alteration Permit. The ~~CHB~~DRPB shall schedule a hearing on an application for a Major Landmark Alteration Permit after the completion of the environmental determination on the proposed project, or the certification of an Environmental Impact Report. Notice shall be provided, and the hearing shall be conducted in compliance with Chapter 20-66 (Public Hearings).
2. Minor Landmark Alteration Permit.
 - a. Public notice. Before a decision on a Minor Landmark Alteration Permit, the Department shall provide notice in compliance with Chapter 20-66 (Public Hearings); provided that the notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Minor Landmark Alteration Permit application at a public meeting 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 date specified for the decision.

b. Hearing. If a hearing is requested, notice of the hearing shall be provided, and the Zoning Administrator shall conduct the hearing, in compliance with Chapter 20-66.

b.c. Review authority referral. The Zoning Administrator may defer any decision and refer the request to the DRPB, pursuant to Section 20-50.020, Authority for Land Use and Zoning Decisions.

3. Director Level Landmark Alteration Permit. Notification. At least 10 calendar days prior to taking action on any proposed Director Level Landmark Alteration Permit, the Director shall notify, by mail as a Notice of Pending Action, all persons or entities as set forth in Section 20-66.020.(C)(1), except that the distance for the mailing shall be 300 feet from the exterior boundary of the subject property, or as otherwise determined by the Director. No public meeting or public hearing shall be required.

a. Review authority referral. The Director may defer any decision and refer the request to the Zoning Administrator or DRPB, pursuant to Zoning Code Section 20-50.020, Authority for Land Use and Zoning Decisions.

E. ~~CHB-a~~ Actions by the Director, Zoning Administrator or DRPB on Major Landmark Alteration Permits.

1. Application to restore, alter or change. When the application is to restore, rehabilitate, alter, develop, construct, or change the exterior appearance of any landmark, or any structure, building or significant feature within a preservation district, the ~~CHB~~ review authority, based upon the evidence presented and the criteria for decisions in Subsection ~~6F~~, may, by resolution, approve, conditionally approve, or deny the application.

2. Application to demolish or remove. When the application is to demolish or remove any landmark, or any structure, building or significant feature within a preservation district, the ~~CHB~~ DRPB, based upon the evidence presented and the criteria for decisions in Subsection ~~6F~~, may, by resolution, approve, conditionally approve, or deny the proposed demolition or removal. The decision of the ~~CHB~~ DRPB to deny a proposed demolition or removal may be appealed to the Council in compliance with Chapter 20-62(Appeals).

F. ~~Criteria-Findings~~ for decision. The review authority shall consider the following ~~criteria findings to the extent applicable~~, in determining whether to grant or deny a Landmark Alteration Permit:

1. The proposed changes are consistent with applicable zoning standards except as directed by Zoning Code Section 20-12.020;

2. Whether the proposed change implements the General Plan and any applicable specific plan;

3. The consistency of the proposed change with the original architectural style and details of the building;

4. The compatibility of the proposed change with any adjacent or nearby landmark structures or preservation district structures that have been identified as contributors to the respective district;

5. The consistency and/or compatibility of the proposed textures, materials, fenestration, decorative features and details with the time period of the building's construction;
 6. Whether the proposed change will destroy or adversely affect important architectural features;
 7. Consistency with applicable Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings ~~(2017 Revision)~~; and
 8. Other matters, criteria and standards as may be adopted by resolution of the CHB City Council.
- G. Notice of decision. A copy of the CHB DRPB resolution documenting its decision shall be provided to the applicant.

§ 20-58.070. Exceptions.

- A. Dangerous condition. The provisions of this chapter shall not prevent any construction, removal or demolition determined by the Building Official to be immediately necessary to correct an unsafe and dangerous condition, as identified and declared in writing by the Building Official, of any structure or building which has been designated a landmark or which is located within a Preservation District. Only the work that is determined by the Building Official to be necessary to correct the dangerous and unsafe condition may be performed in compliance with this Section. In the event that any designated landmark or any structure or building within a Preservation District is damaged by fire or other calamity to such an extent that, in the written determination of the Building Official, it cannot feasibly be repaired or restored, it may be demolished in compliance with normal Building Permit procedures and applicable laws and regulations.
- B. Economic hardship. If the owner of a property that has been designated, or is proposed for designation as a landmark, or that is situated within a designated or proposed preservation district, believes that the burdens associated with the designation will cause an unreasonable economic hardship on their ownership and use of the property, the owner may apply to the CHB DRPB for a certificate of economic hardship to alter, remove, or demolish the landmark or the improvements within a preservation district.
1. Application requirements. An application for a certificate of hardship shall identify the landmark or proposed landmark or structure, building or significant feature within a designated or proposed Preservation District, describe what the owner wishes to do with the same, and shall include the following information:
 - a. An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of the cost that would be incurred to comply with the provisions of this chapter;
 - b. A report from a licensed structural engineer or architect with experience in rehabilitation as to the structural soundness of any existing structures on the property and their suitability for rehabilitation;

- c. The estimated value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; and in the case of a proposed demolition, after renovation of the existing property for continued use;
 - d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or re-use of the existing structures on the property;
 - e. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and the buyer;
 - f. If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - g. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
 - h. All appraisals obtained within the previous two years by the owner or applicant in connection with any actual or contemplated purchase, financing or sale of the property;
 - i. Any listing of the property for sale or rent, including the rent or price asked and offers received, if any, within the previous two years;
 - j. Assessed value of the property according to the most recent assessment;
 - k. The form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, listed partnership, joint venture or other;
 - l. Any other information considered necessary by the CHBDRPB to make a determination as to whether the property does yield or may yield a reasonable return to the owners;
 - m. Any other information considered relevant by the owner on the issue of economic hardship.
2. Determination of economic hardship. The CHBDRPB shall review all evidence and information required of an applicant for a certificate of economic hardship and make a determination, by resolution, within 60 days of the completion of the environmental review of the application, as to whether the denial of a certificate of economic hardship would deprive the owner of the property of the reasonable use of, or economic return on, the property. If the CHBDRPB determines that a denial of the certificate would so deprive the property owner, then the CHBDRPB shall, by resolution, issue the requested certificate subject to the fulfillment of such feasible mitigation measures as are set forth in the environmental documents for the proposed project. The

~~CHBDRPB~~ may solicit expert testimony on these issues, but may not incur costs in this regard without the prior appropriation of funds by the Council.

§ 20-58.080. Appeal.

Any person aggrieved by a decision of the Director, Zoning Administrator or ~~CHBDRPB~~ in compliance with this Chapter may appeal the decision in compliance with Chapter 20-62 (Appeals). An appeal shall be processed in compliance with Chapter 20-62.

§ 20-58.090. Enforcement and penalties.

- A. Civil actions. At the request of the Zoning Administrator, the ~~CHBDRPB~~, or the Council, the City Attorney may file and maintain a civil action for injunctive relief to prohibit or enjoin any violation, or threatened violation of the provisions of this Chapter, and/or to compel the correction of any violation of this Chapter.
- B. Violation. Every person who violates any provision of this Chapter is guilty of a misdemeanor.

§ 20-58.110. Trees.

A. A tree, as defined in Section 17-24.020, or group of trees which is not situated upon a designated landmark site or which has not been designated a "significant feature" on either a designated landmark site or within a designated preservation district shall not be subject to the provisions of this chapter, but shall be subject to the provisions of Municipal Code Title 17, Chapter 17-24 (Trees).

A-B. A tree and each tree within a group of trees which has been designated a "significant feature" on a landmark site or within a preservation district are "heritage trees" as that term is used in Municipal Code Title 17, Chapter 17-24 (Trees) and each such tree shall come within and be subject to the provisions of Articles III through VII of Chapter 17-24 as a heritage tree; provided, however, that before the review authority considers an application to alter, remove, or relocate any such tree or group of trees, the application shall first be referred to the Design Review and Preservation Board for its comments and recommendation(s), which shall be considered by the review authority before any determination is made on the application.

§ 20-58.120. Processing Review Procedures for Owners of Historic Properties.

A. On January 9, 2001, the Santa Rosa City Council adopted the Processing Review Procedures for Owners of Historic Properties, which was intended to assist property owners, designers and citizens in the preservation of Santa Rosa's historic resources. The Director of Planning and Economic Development is authorized to make any necessary edits to the Processing Review Procedures for Owners of Historic Properties to endure that the document is maintained consistent with the City Municipal Code. Such amended procedures shall supersede the procedures adopted by Council on January 9, 2001 by Resolution No. 24694.

CHAPTER 20-60
ADMINISTRATIVE RESPONSIBILITY

§ 20-60.010. Purpose of Chapter.

This Chapter describes the authority and responsibilities of City staff and official bodies in the administration of this Zoning Code, in addition to the Council.

§ 20-60.020. Planning Agency defined.

The functions of a Planning Agency shall be performed by the Santa Rosa City Council, Planning Commission, Design Review and Preservation Board, Zoning Administrator, ~~Cultural Heritage Board~~, Director of Community Planning and Economic Development, and the Planning Division of the City's ~~Community Planning and Economic~~ Development Department, in compliance with Title 2 of the City Code. Each shall perform Planning Agency functions as assigned or delegated by the Council.

§ 20-60.030. City Council.

The Santa Rosa City Council, referred to in this Zoning Code as the Council, shall perform the duties and functions identified in this Zoning Code in matters related to the City's planning process.

§ 20-60.040. Agency appointments.

- A. Appointments. The Council shall appoint members of the Planning Commission, and DRBDRPB, and CHB as follows.
1. Each Council member shall appoint one member of the Commission, and DRBDRPB, and CHB ("appointee"), whose term shall coincide with the term of the appointing Council member.
 2. Each appointee shall serve at the pleasure of the appointing Council member.
 3. All appointees shall be residents of the City at all times during their respective terms.
 4. No appointee shall be an officer or employee of the City.
- B. Removal of appointee. Removal of an appointee by the appointing Council member shall only occur at a Council meeting and shall be recorded in the minutes of that meeting.

§ 20-60.050. Planning Commission.

- A. Establishment. The seven-member Santa Rosa Planning Commission, referred to in this Zoning Code as the Commission, is hereby established in compliance with City

Code Section 2-12.010.

- B. Rules for transaction of business and records.
 - 1. The Commission may adopt rules and procedures for the purpose of implementing City ordinances, Council policies relating to planning matters, and this Zoning Code and for the purpose of conducting the business and exercising the powers of the Commission.
 - 2. The Commission shall keep a public record of all determinations, findings, resolutions, and transactions.
 - 3. A summary of all pertinent evidence offered at a public hearing and the names of persons testifying shall be recorded and made a part of the permanent Commission file.
- C. Terms of office. Each member of the Commission shall be appointed for a term that coincides with the term of the appointing Council member, in compliance with Section 2-12.020 of the City Code.
- D. Regular meetings. The Commission shall schedule at least two regular meetings each month. The meetings shall be held on the second and fourth Thursday of each month at the City Hall.
- E. Organization.
 - 1. Appointment of Chairperson. The Mayor shall appoint the Chairperson of the Commission, with the concurrence of the Council, prior to the first regular annual meeting of the Commission in January. The term of the Chairperson shall expire upon the appointment of a replacement in compliance with this schedule, or upon the appointment of a new Chairperson. The Chairperson shall preside at meetings of the Commission and shall represent the Commission at functions and perform other duties as are appropriate or as may be assigned by the Commission or the Council.
 - 2. Election of Vice-Chairperson. The Commission shall annually elect a Vice-Chairperson from its membership at its first regular meeting in January. The term of the Vice-Chairperson shall expire upon the election of a replacement in compliance with this schedule, or upon the election of a new Vice Chairperson. The Vice-Chairperson shall preside at meetings and perform the duties of the Chairperson in the Chairperson's absence.
- F. Authority and duties. The Commission shall have the authority to perform the duties and functions identified by Section 20-50.020, Table 5-1 (Review Authority).
- G. Quorum.
 - 1. Four members of the Commission shall constitute a quorum.
 - 2. A member who is present, but is disqualified from participating in a matter,

shall not be counted in determining whether a quorum is present for that matter.

3. For all recommendations on legislative acts and decisions on Variances, four affirmative votes are required.
4. For all other actions, a vote by a majority of the quorum is required.

H. Removal or vacancy.

1. A member of the Commission may be removed by the affirmative vote of at least four members of the Council, or the appointing Council member.
2. A vacancy shall be filled in the same manner as the original appointment.
3. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

§ 20-60.060. Design Review and Preservation Board (~~DRB~~DRPB).

- A. Establishment. The seven-member Santa Rosa Design Review and Preservation Board, referred to in this Zoning Code as the ~~DRB~~DRPB, which shall also serve as the City of Santa Rosa's historic and cultural preservation review authority, is hereby established.
- B. Qualifications. ~~It is desirable, but not required, that DRB~~DRPB members shall be qualified as follows. The full membership of the DRPB shall be in compliance with the following qualifications on or before February 28, 2026:
 1. ~~Up to four~~At least two members shall be licensed building architects.
 2. ~~Up to two~~At least one members shall be a licensed landscape architects or licensed landscape contractors, or shall have a college degree or applicable professional experience in the field of landscaping.
 3. ~~One member shall be a licensed engineer; and~~
 - 2-4. At least one member shall be a practicing archaeologist, architectural historian, or historian.
 5. ~~One~~The remaining members shall be ~~a~~ representative of the community at large, preferably involved in the design, construction, civil or structural engineering, and/or historic preservation industry ~~or having demonstrated interest in the quality of architectural design in the community.~~
 - 3-6. All members shall demonstrate knowledge or interest in the quality of architectural design and historic preservation of the City.
- C. Rules for transaction of business and records. The ~~DRB~~DRPB shall adopt rules and procedures for the transaction of its business. The Department shall keep a public record of all determinations, findings, resolutions, and transactions of the ~~DRB~~DRPB.

- D. Terms of office. Except as provided in Subsection I (Removal or vacancy), the term of office for each ~~DRB~~DRPB member shall coincide with the term of the appointing Council member; provided, the term shall be automatically extended until a successor has been appointed, qualified, and seated.
- E. Regular meetings. The ~~DRB~~DRPB shall hold at least two regular meeting each month. The regular meetings shall be held on the first and third Thursday of each month at the City Hall.
- F. Organization.
1. Appointment of Chairperson. The Mayor shall appoint the Chairperson of the ~~DRB~~DRPB, with the concurrence of the Council, prior to the first regular annual meeting of the ~~DRB~~DRPB in January. The term of the Chairperson shall expire upon the appointment of a replacement in compliance with this schedule, or upon the appointment of a new Chairperson. The Chairperson shall preside at meetings of the ~~DRB~~DRPB and shall represent the ~~DRB~~DRPB at functions and perform other duties as are appropriate or as may be assigned by the ~~DRB~~DRPB or the Council.
 2. Election of Vice-Chairperson. The ~~DRB~~DRPB shall annually elect a Vice- Chairperson from its membership at its first regular meeting in January. The term of the Vice-Chairperson shall expire upon the election of a replacement in compliance with this schedule, or upon the election of a new Vice- Chairperson. The Vice-Chairperson shall preside at meetings and perform the duties of the Chairperson in the Chairperson's absence.
- G. Authority and duties.
1. The ~~DRB~~DRPB shall have the authority to perform the duties and functions identified by Section 20-50.020, Table 5-1 (Review Authority), and Section 20-52.030 (Design Review).
 2. The ~~DRB~~DRPB shall review and recommend revisions to the Design Guidelines as appropriate.
 3. As it relates to historic and cultural preservation, the DRPB shall perform its duties in compliance with this Chapter and Chapter 20-58 (Historic and Cultural Preservation) and shall:
 - a. Conduct surveys, as needed, of neighborhoods, objects, places, sites, and structures within the City that may qualify or be eligible for designation as a landmark or preservation district;
 - b. Recommend designations of landmarks and preservation districts to the Council and as to each recommended designation:
 - (1) Recommend the environmental determination that should be made for the designation, and
 - (2) Recommend the determination that should be made with respect to the designation's consistency with the General

Plan;

- c. Review and make determinations on alteration, development, demolition, rehabilitation, and restoration proposals for landmarks and preservation districts;
- d. Review and make determinations on alterations and enlargements of nonconforming structures of historical significance in compliance with Section 20-52.050 (Minor Conditional Use Permits) and Subsection 20-61.050 A. (Historic structures);
- e. Compile and maintain a current register of all designated landmarks and preservation districts within the City;
- f. Work for the continuing education of the citizens of the City about the heritage of the City and the designated landmarks and preservation districts within the City;
- g. Seek means for the preservation, protection, and retention of any landmark and preservation district, including suggesting appropriate legislation, seeking financial support from individuals and local, State, and Federal governments, and establishing a private funding organization;
- h. Coordinate its activities, where practical and advantageous to do so, with the Sonoma County, the State and Federal governments; and
- i. Consult with and advise the Council in connection with the exercise of the DRPB's duties and functions.

4. The DRPB may:

- a. Prepare and adopt plans for the preservation of landmarks and preservation districts within the City; and
- b. Recommend General Plan and Zoning Map amendments to the Commission and Council for the purpose of preserving landmarks and preservation districts.

- H. Quorum. Four members of the ~~DRB~~DRPB shall constitute a quorum. A vote by a majority of the quorum is required for all decisions except for sign Variances, which require four affirmative votes.
- I. Removal or vacancy.
 - 1. A member of the ~~DRB~~DRPB may be removed by the affirmative vote of at least four members of the Council, or the appointing Council member.
 - 2. A vacancy shall be filled in the same manner as the original appointment.
 - 3. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

~~§ 20-60.070. Cultural Heritage Board (CHB).~~

~~A. Establishment. The seven member Santa Rosa Cultural Heritage Board, referred to in this Zoning Code as the CHB, is hereby established.~~

~~B. Qualifications.~~

~~1. It is desirable, but not required, that CHB members be qualified as follows:~~

~~a. One member who is a licensed architect;~~

~~b. One member who is a licensed general contractor;~~

~~c. One member who is a licensed structural engineer or civil engineer; and~~

~~d. One member who is a practicing archaeologist, architectural historian, or historian.~~

~~2. All members should have a demonstrated knowledge or interest in the history and architectural and cultural development of the City and be interested in the preservation of historic sites and structures. Members shall have additional qualifications as the Council may require by resolution.~~

~~C. Rules for transaction of business and records. The CHB shall adopt procedures, regulations, and rules for the purposes of scheduling and conducting its meetings, transacting its business, and exercising its functions and powers as it deems appropriate. The Department shall keep a public record of all determinations, findings, resolutions, and transactions of the CHB.~~

~~D. Terms of office. The term of office for each CHB member shall coincide with the term of the appointing Council member; provided, the term shall be automatically extended until a successor has been appointed, qualified, and seated.~~

~~E. Regular meetings. The CHB shall hold at least one regular meeting each month.~~

~~F. Organization.~~

~~1. Appointment of Chairperson. The Mayor shall appoint the Chairperson of the CHB, with the concurrence of the Council, prior to the first regular annual meeting of the CHB in January. The term of the Chairperson shall expire upon the appointment of a replacement in compliance with this schedule, or upon the appointment of a new Chairperson. The Chairperson shall preside at meetings of the CHB and shall represent the CHB at functions and perform other duties as are appropriate or as may be assigned by the CHB or the Council.~~

~~2. Election of Vice Chairperson. The CHB shall annually elect a Vice Chairperson from its membership at its first regular meeting in January. The term of the Vice Chairperson shall expire upon the election of a replacement in compliance with this schedule, or upon the election of a new Vice Chairperson. The Vice Chairperson shall preside at meetings and perform the duties of the Chairperson in the Chairperson's absence.~~

~~G. Authority and duties.~~

~~1. The CHB shall perform its duties in compliance with this Chapter and Chapter 20-~~

~~58 (Historic and Cultural Preservation) and shall:~~

- ~~a. Conduct surveys, as needed, of neighborhoods, objects, places, sites, and structures within the City that may qualify or be eligible for designation as a landmark or preservation district;~~
- ~~b. Recommend designations of landmarks and preservation districts to the Council and as to each recommended designation:
 - ~~(1) Recommend the environmental determination that should be made for the designation, and~~
 - ~~(2) Recommend the determination that should be made with respect to the designation's consistency with the General Plan;~~~~
- ~~c. Review and make determinations on alteration, development, demolition, rehabilitation, and restoration proposals for landmarks and preservation districts;~~
- ~~d. Review and make determinations on alterations and enlargements of nonconforming structures of historical significance in compliance with Section 20-52.050 (Minor Conditional Use Permits) and Subsection 20-61.050 A. (Historic structures);~~
- ~~e. Compile and maintain a current register of all designated landmarks and preservation districts within the City;~~
- ~~f. Work for the continuing education of the citizens of the City about the heritage of the City and the designated landmarks and preservation districts within the City;~~
- ~~g. Seek means for the preservation, protection, and retention of any landmark and preservation district, including suggesting appropriate legislation, seeking financial support from individuals and local, State, and Federal governments, and establishing a private funding organization;~~
- ~~h. Coordinate its activities, where practical and advantageous to do so, with the Sonoma County, the State and Federal governments; and~~
- ~~i. Consult with and advise the Council in connection with the exercise of the CHB's duties and functions.~~

~~2. The CHB may:~~

- ~~a. Prepare and adopt plans for the preservation of landmarks and preservation districts within the City; and~~
- ~~b. Recommend General Plan and Zoning Map amendments to the Commission and Council for the purpose of preserving landmarks and preservation districts.~~

~~H. Quorum.~~

- ~~1. Four members of the CHB shall constitute a quorum.~~

- ~~2. The CHB may not transact any business unless a quorum is present and voting.~~
- ~~3. For all recommendations on legislative acts (General Plan or Zoning Code amendments), four affirmative votes are required. For all other actions, a vote by a majority of the quorum is required.~~
- ~~4. Any officer of the CHB or its secretary shall have the power to adjourn a meeting of the CHB if a quorum is lacking.~~

~~I. Removal or vacancy.~~

- ~~1. A member of the CHB may be removed by the affirmative vote of at least four members of the Council, or the appointing Council member.~~
- ~~2. A vacancy shall be filled in the same manner as the original appointment.~~
- ~~3.1. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.~~

§ 20-60.080. Director of Community Planning and Economic Development.

- A. Appointment. The Santa Rosa Director of Community Planning and Economic Development, referred to in this Zoning Code as the Director, shall be appointed by the City Manager.
- B. Duties and authority. The Director shall:
 1. Acting directly, or through a subordinate employee designated as Zoning Administrator in compliance with Section 20-60.090 (Zoning Administrator), perform the duties and functions identified in this Zoning Code, including the initial review of land use applications, in compliance with Section 20-50.020 (Authority for Land Use and Zoning Decisions), Table 5-1 (Review Authority), the California Environmental Quality Act (CEQA), and the City's environmental review procedures identified in Title 17 of the City Code (Environmental Protection), giving of notices, preparing reports, issuing Certificates of Zoning Compliance, receiving and processing appeals, terminating incomplete applications, and receiving and accounting for fees;
 2. Perform other responsibilities assigned by the City Manager, ~~DRBDRPB, CHB,~~ Commission, and Council;
 3. Supervise Department staff members assigned to the Department's administration;
 4. Maintain the sections of this Zoning Code, Zoning Map, and all records of zoning actions and cases;
 5. Approve site plans as provided by this Zoning Code;
 6. Attend meetings and serve as principal advisor to the Commission, ~~and DRBDRPB, and CHB.~~ The Director shall also serve as secretary to the Commission, ~~and DRBDRPB, and CHB~~ and in this capacity shall prepare and keep minutes and all other records of these review authorities;
 7. Report regularly to the Commission on actions taken by the Department,

including the number of cases handled, and their disposal and recommendations for amendments of this Zoning Code; and

8. Refer, at the Director's sole discretion, any of the above or other matters to the Commission for its review and action, and to notify the applicant or other affected person of the referral.
- C. Delegation and supervision. The Director may delegate the responsibilities of the Director to assigned Department staff under the supervision of the Director. This delegation shall be confirmed in writing. When the Director designates a Department staff person, the staff person shall perform the duties assigned by the Director, in addition to those listed in Subsection B. above, as appropriate to the personnel title of the designee.

§ 20-60.090. Zoning Administrator.

- A. Appointment. The Santa Rosa Zoning Administrator, referred to in this Zoning Code as the Zoning Administrator, shall be appointed by the Director.
- B. Duties and authority. The Zoning Administrator shall:
1. Have the responsibility and authority to take action on applications for all administrative permits and approvals issued by the Department;
 2. Perform other responsibilities assigned by the Director, Commission, and Council; and
 3. Perform the duties and functions identified in this Zoning Code, including Section 20-50.020 (Authority for Land Use and Zoning Decisions), Table 5-1 (Review Authority), the California Environmental Quality Act (CEQA), and the City's environmental review procedures identified in Title 17 of the City Code (Environmental Protection), giving notices, preparing reports, issuing Certificates of Zoning Compliance, receiving and processing appeals, terminating incomplete applications, and receiving and accounting for fees;
- C. Delegation and supervision. The Director may delegate the responsibilities of the Zoning Administrator to assigned Department staff under the supervision of the Director.

§ 20-61.050. Exemptions.

- A. Historic structures. Nonconforming structures of historical significance may be altered or enlarged with Landmark Alteration Permit approval ~~granted by the CHB~~, in compliance with Section 20-~~5258.050~~060, Landmark Alteration Permits, without conforming to current setback provisions; provided, the historic structure is:
1. Within an -H combining district (Section 20-28.040) or is a designated Santa Rosa landmark;
 2. Has been certified to be an historic resource by the City, County, or State, or in the Federal Register of Historic Places; or
 3. To be altered or enlarged as an authentic replica of the original structure.
- B. Single-family dwellings. Single-family dwellings are exempt from the provisions of this Chapter as follows, and as provided by Subsection C (Destroyed nonconforming dwelling units).
1. Height. An existing single-family dwelling that is nonconforming only because it exceeds the height limit of the applicable zoning district, shall not be required to comply with the provisions of this Chapter.
 2. Setbacks. Where a single-family dwelling or a detached accessory structure, is nonconforming only by reason of substandard setbacks, the provisions of this Section shall not apply; provided that any structural alteration of a nonconforming structure shall not increase the degree of nonconformity, and any enlargements shall comply with the setback requirements of the applicable zoning district.
 3. Parking. A single-family dwelling that is nonconforming with respect to the parking requirements of this Zoning Code is exempt from requirements of this Chapter that would otherwise require compliance with the parking requirements of this Zoning Code.
- C. Destroyed nonconforming dwelling units.
1. Where the review authority determines that a nonconforming single or multi-family dwelling unit has been involuntarily damaged or destroyed by accident (e.g., fire, explosion, etc.) or natural disaster (e.g., earthquake, etc.), the unit may be reconstructed or replaced with a new structure using the same development standards applied to the damaged or destroyed structure (e.g., building footprint, building height, density standards, number of dwelling units, setbacks, and floor area); provided:
 - a. The applicant provides documentation, satisfactory to the review authority, supporting the claim that the damage or destruction occurred involuntarily;
 - b. No expansion of the gross floor area or number of dwelling units occurs;

- c. The replacement structure:
 - (1) Is in compliance with the current Building Code, and
 - (2) Would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the immediate vicinity of the replacement structure;
 - d. A Building Permit is issued no later than 12 months after the date of destruction, and construction is diligently pursued to completion.
2. If the preceding requirements are not met, the replacement structure shall comply with all of the regulations of the applicable zoning district in effect on the date of application for the required Building Permit.
- D. Seismic retrofitting. Alterations, reconstruction, or repairs otherwise required by law (e.g., City adopted Building, Electrical, Plumbing Codes) shall be allowed. Reconstruction required to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed without cost limitations; provided, the retrofitting and Code compliance are limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements.
- E. Nonconforming upon annexation. Nonconforming uses or structures, or both, which are lawfully existing at the time the property on which they are located is annexed to the City, and which do not conform to the regulations of the subject zoning district following annexation, shall be deemed nonconforming uses or structures, or both, and shall, upon annexation, be subject to the provisions of this Chapter.
- F. Nonconforming due to a lack of a Conditional Use Permit.
- 1. Conformity of uses requiring Conditional Use Permits. A use lawfully existing without a Conditional Use Permit that would be required by this Zoning Code to have Conditional Use Permit approval, in compliance with Section 20-52.050, shall be deemed conforming, but only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, etc.)
 - 2. Previous Conditional Use Permits in effect. A use that was authorized by a Conditional Use Permit but is not allowed by this Zoning Code in its current location may continue, but only in compliance with the original Conditional Use Permit (e.g., if the original Conditional Use Permit specified a termination date, then the use shall terminate in compliance with the requirements of the Conditional Use Permit.)
- G. Previous permits. A use or structure which does not conform to the current regulations of the subject zoning district, but for which a Building Permit, or a permit or entitlement approved in compliance with this Zoning Code, was issued and exercised before the applicability of this Zoning Code, may be completed; provided, the work is diligently pursued to completion. Upon completion these uses or structures, or parts thereof, shall be deemed to be nonconforming and shall thereafter be subject to the provisions of this Chapter. For the purposes of this Subsection, the

provisions of Section 20-54.050 (Time Limits and Extensions) shall govern the determination of whether the permit or entitlement has been exercised in a timely manner.

- H. Public utilities. The provisions of this Chapter, concerning the required removal of nonconforming uses and structures, and the reconstruction of nonconforming structures partially destroyed, shall not apply to public utility structures when the structures pertain directly to the rendering of the service of distribution of a utility (e.g., electric distribution and transmission substations, gas storage, metering, and valve control stations, steam electric generating stations, water wells and pumps, etc.); nor shall any provision of this Chapter be construed to prevent the expansion, modernization, or replacement of the public utility structures, equipment, and features, that are used directly for the delivery of or distribution of the service.
- I. Public acquisition.
 - 1. Nonconforming due to public acquisition. Whenever any structure or parcel is rendered nonconforming within the meaning of this Chapter by reason of a reduction in a required parcel area, reduction of off-street parking facilities, or setbacks occurring solely by reason of dedication to, or purchase by, the City for any public purpose, or eminent domain proceedings, which result in the acquisition by the City or any agency authorized for the eminent domain proceedings of a portion of the property, the same shall not be deemed nonconforming within the meaning of this Chapter.
 - 2. Required reconstruction, remodeling, or repair. Any required reconstruction, remodeling, or repair shall be limited to that necessary to render the structure reasonably safe for continued use; provided, all reconstruction, remodeling, or repair work shall be substantially completed within 12 months from the date of application for the required Building Permit.

CHAPTER 20-62
APPEALS

§ 20-62.010. Purpose of Chapter.

This Chapter establishes procedures for the appeal and review of decisions and determinations of the Director, Zoning Administrator, ~~DRBDRPB, CHB~~, and Commission.

§ 20-62.020. Appeal subjects and jurisdiction.

An applicant, other interested person, or an officer or official of a public entity, who considers an action (e.g., decision, determination, etc.) taken under the provisions of this Zoning Code by an official or City review authority to have been erroneously taken may appeal the action in compliance with the following:

- A. Director decisions. A determination or decision by the Director may be appealed to the ~~DRBDRPB, CHB~~, Commission, or Council as applicable to the decision.
- B. Zoning Administrator decisions. A determination or decision by the Zoning Administrator may be appealed to the ~~DRBDRPB, CHB~~, Commission, or Council as applicable to the decision.
- ~~C. CHB decisions. A decision by the CHB may be appealed to the Council; provided that a member of the CHB shall not be allowed to appeal a CHB decision.~~
- ~~D.C.~~ DRBDRPB decisions. A decision by the DRBDRPB may be appealed to the Council; provided that a member of the DRBDRPB shall not be allowed to appeal a DRBDRPB decision.
- ~~E.D.~~ Commission decisions. A decision by the Commission may be appealed to the Council; provided that a member of the Commission shall not be allowed to appeal a Commission decision.

§ 20-62.030. Filing and processing of appeals.

- A. Eligibility. Any action by the Director, Zoning Administrator, ~~DRBDRPB, CHB~~, or the Commission in the administration or enforcement of the provisions of this Zoning Code may be appealed by any aggrieved person in compliance with this Chapter. (See Table 5-1 (Review Authority) in Division 5 (Land Use and Development Permit Procedures).
- B. Timing and form of appeal.
 - 1. General appeals. Appeals shall be submitted in writing, and filed with the Department on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

2. Review authority. The review authority for appeals is shown in Table 6-1.

TABLE 6-1—APPEAL REVIEW AUTHORITY			
Permit Type	Review Authority	Appeal Body	City Code Section
Conditional Use Permit	Commission	Council	20-52.050
Design Review	DRB <u>DRPB</u>	Council	20-52.030
Design Review	Zoning Administrator	DRB <u>DRPB</u>	20-52.030
Growth Management	Director	Council	21-03.130
Hillside Development Permit—Single dwelling or addition	Zoning Administrator	Commission	20-32.060
Hillside Development Permit—All other	Commission	Council	20-32.060
Landmark Alteration Permit—Major	CHB <u>DRPB</u>	Council	20-58
Landmark Alteration Permit—Minor	Director <u>Zoning Administrator</u>	CHB <u>DRPB</u>	20-58
<u>Landmark Alteration Permit—Director</u>	<u>Director</u>	<u>DRPB</u>	
Minor Adjustment	Director	Commission	20-52.060
Minor Conditional Use Permit	Zoning Administrator	Commission	20-52.050
Minor Variance	Zoning Administrator	Commission	20-52.060
Parcel Maps	Subdivision Committee	Commission	19-32.050
Sign Permit or Program	Director	DRB <u>DRPB</u>	20-38.030
Sign Permit or Program—H overlay	CHB <u>Director</u>	Council <u>DRPB</u>	20-38.030
Surface Mining	Commission	Council	17-32.170
Tentative Map	Commission	Council	19-24.100
Telecommunication	DRB <u>DRPB</u> /Commission	Council	20-44
Tree Permit	Director	Commission	17-24.090
Variances	Commission	Council	20-52.060

3. Appeal of Commission denial of amendment. An appeal of a Commission denial of an amendment shall be filed with the City Clerk within 10 days following the date of the Commission action.

4. Place for filing.

a. Appeals from the determinations or decisions of the Director shall be addressed to the Zoning Administrator, ~~DRB~~DRPB, ~~CHB~~, or Commission, as applicable to the decision, and filed with the Department.

b. Appeals from the determinations or decisions of the Zoning Administrator shall be addressed to the ~~DRB~~DRPB, ~~CHB~~, or Commission, as applicable to

the decision, and filed with the Department.

c. Appeals from the decisions of the ~~DRB~~DRPB, ~~CHB~~, or Commission shall be addressed to the Council and filed with the City Clerk.

5. Pertinent facts. The written appeal shall state the pertinent facts of the case and shall specify the following:

a. The decision appealed from (e.g., City assigned case number);

b. The basis for the appeal;

c. The specific action which the appellant wants taken in the appeal;

d. Each and every ground upon which the appellant relies in making the appeal.

6. Filing fee. Appeals shall be accompanied by the required filing fee, in compliance with the Council's Fee Schedule.

C. Joining an appeal.

1. Appellants. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.

2. Procedures for joining an appeal. Any person who wishes to join an appeal shall follow the same procedures for an appellant.

3. No joining after appeal period. No person shall be allowed to join an appeal after the end of the specified appeal period.

D. Delay of proceedings. Timely filing of a written appeal shall automatically stay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificate of Occupancy, Building or Grading Permit, etc.), and put in abeyance all permits or approvals which may have been granted, and neither the applicant nor any enforcing agency may rely upon the approval, decision, denial, or other action, until the appeal has been resolved.

E. Report and scheduling of hearing.

1. Director's report.

a. When an appeal has been filed, the Director shall prepare a report on the matter, and schedule the matter for consideration by the applicable review authority identified in Section 20-62.020, above.

2. The hearing on the appeal shall be scheduled for the earliest regular meeting

following the date on which the appeal was accepted as filed. The applicable review authority may continue the hearing from time to time until its determination on the appeal, in compliance with Section 20-66.040 (Hearing Procedure). Appeal to the ~~DRBDRPB, CHB,~~ or Commission. An appeal to the ~~DRBDRPB, CHB,~~ or the Commission shall be scheduled by the Director, at its earliest regular meeting, consistent with agenda preparation procedures, meeting schedules, and notice requirements, if applicable.

3. Appeal to the Council. An appeal to the Council shall be scheduled by the City Clerk, at its earliest regular meeting, consistent with Council agenda preparation procedures, Council meeting schedules, and notice requirements, if applicable.
 4. Public hearing.
 - a. Public hearing required. If one or more of the situations identified in Subparagraph 4. b, immediately below, applies, a public hearing shall be held.
 - b. Public hearing not required. The Commission or Council need not hold a public hearing in considering a matter on appeal, unless:
 - (1) A public hearing was required before making the decision appealed from; or
 - (2) The review authority deems a public hearing desirable.
 - c. Public hearing notice. When a public hearing is required, or deemed desirable under this Subsection, notice shall be given, in compliance with Chapter 20-66 (Public Hearings), and by mailing a copy of the notice by first class mail, postage prepaid, to the applicant, the appellant, and to any other person who has filed a written request for the notice with the Director or City Clerk, as applicable to the decision.
- F. Action. The review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.
1. The review authority may:
 - a. Affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal;
 - b. Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or
 - c. Deny the land use permit or approval granted by the previous review

authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

2. If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission for further consideration.

CHAPTER 20-66
PUBLIC HEARINGS

§ 20-66.010. Purpose of Chapter.

This Chapter establishes procedures for public hearings before the Zoning Administrator, ~~DRBDRPB, CHB~~, Commission, and Council. When a public hearing is required by this Zoning Code, public notice shall be given and the hearing shall be conducted in compliance with this Chapter.

§ 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, ~~DRBDRPB, 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~~DRPB.

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 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 days 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.

§ 20-66.030. Scheduling of hearing.

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and the City's environmental review procedures identified in Title 17 of the City Code, the matter shall be scheduled for public hearing on a Zoning Administrator, ~~DRBDRPB, CHB~~, Commission, or Council agenda (as applicable).

§ 20-66.040. Hearing procedure.

- A. Conduct of hearing. Hearings shall be held at the date, time, and place described in the public notice required by this Chapter.
- B. Continuance. If it is necessary to continue the hearing or decision or any matter before the review authority, the person presiding at the hearing may, before the adjournment or recess of the hearing, publicly announce the date, time, and place to which the hearing will be continued.
 - 1. Continuance with date announced. If a date is announced for a continued hearing, no additional notice for the continued hearing is required.
 - 2. Continuance with no date announced. A new notice of hearing is required in compliance with this Chapter if no date is announced for a continued hearing.

§ 20-66.050. Recommendation by Commission.

At the conclusion of any public hearing on an amendment (General Plan, Zoning Code, or Zoning Map), a development agreement, or a specific plan, the Commission shall forward a written recommendation, including all required findings, to the Council for final action.

§ 20-66.060. Decision and notice of action.

- A. Decision.
 - 1. The review authority (Zoning Administrator, ~~DRBDRPB, CHB~~, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 20-66.040 (Hearing Procedure), above.
 - 2. At the conclusion of a hearing by the Zoning Administrator, the Zoning Administrator may instead refer the matter to the Commission for a decision.
- B. Notice of action. The notice of action shall contain applicable findings, any conditions of approval and reporting/monitoring requirements deemed

necessary to mitigate impacts and protect the public health, safety, and welfare.

C. Mailing of notice of action.

1. Within five days after the final decision, or recommendation, is rendered by the applicable review authority, a notice of action (e.g., decision or recommendation), any applicable conditions of approval, and the reporting/ monitoring requirements shall be mailed to the applicant at the address shown on the application.
2. A copy of the notice of action shall also be sent to the property owner, if different from the applicant, and to all other persons who have filed a written request for notice.

§ 20-66.070. Finality of decision.

- A. Zoning Administrator, ~~DRBDRPB, CHB~~, or Commission. The decision of the Zoning Administrator, ~~DRBDRPB, CHB~~, or Commission is final unless appealed in compliance with Chapter 20-62 (Appeals).
- B. Council. The decision of the Council on any matter shall be final.

§ 20-66.080. Effective date of decision.

- A. Zoning Administrator, ~~DRBDRPB, CHB~~, or Commission. A decision of the Zoning Administrator, ~~DRBDRPB, CHB~~, or Commission (other than a recommendation in compliance with Section 20-66.050, above) shall become effective on the 11th day following the date of application approval by the applicable review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 20-62 (Appeals).
- B. Council.
 1. Other than amendments. The decision of the Council on any matter, other than an amendment, shall be effective immediately following the decision.
 2. General Plan. A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council, and after the close of the statute of limitations under the California Environmental Quality Act (CEQA).
 3. Zoning Code and Zoning Map. A Zoning Code and Zoning Map amendment shall become effective on the 31st day following the adoption of an ordinance by the Council.

**Division 7
Glossary**

**CHAPTER 20-70
DEFINITIONS**

§ 20-70.020. Definitions of specialized terms and phrases.

H. Definitions, "H."

Historic and Cultural Preservation. The following terms and phrases are defined for the purposes of Section 20-28.040 (Historic Combining District) and Chapter 20-58 (Historic and Cultural Preservation).

1. **Addition.** New construction added to an existing building.
2. **Alteration.** Work which impacts any exterior architectural feature, including construction, reconstruction, removal, or demolition of any building or building element.
3. **Architectural Details.** The smaller design elements that help define a structure's character, such as a fanlight.
4. **California Register of Historic Places.** As defined in California Public Resources Code Section 5020.1 and in California Code of Regulations Title 14 Chapter 11.5, Section 4850 et seq.
- ~~4.5.~~ **Character Defining Features.** Architectural features of a structure that define its character, such as siding, windows, decorative trim, roof shapes and materials, or a porch.
6. **Contributor.** A contributing property is a building, structure, site, feature or object located within a designated preservation district that embodies the significant physical characteristics and features, or adds to the historical associations, historic architectural qualities or archaeological values identified for the historic district, and was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.
- ~~2.7.~~ **Decorative Features.** Decorative as opposed to structural design elements that help define a structure's character, such as decorative boarding on the second story or decorative shingles in the gables.
- ~~3.8.~~ **Demolition.** The removal of 50 percent or more of the exterior walls and interior structural elements, which support the exterior walls, roof, or exterior elements of a historic resource. Demolition does not include either:
 - a. The removal and replacement in kind of deteriorated, non-repairable materials required for the restoration or rehabilitation of a historic resource (resulting in no change to its exterior appearance or historic character); or
 - b. Removal of non-historic features or additions that may exist on a historic resource.

4.9. Feature or Characteristic. A fixture, component or appurtenance attached to, contiguous with or otherwise related to a structure or property including landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows and monuments. May include historically and/or architecturally significant interior areas that are accessible to or made available to the public, including, but not limited to: areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, or similar spaces. Interior areas that generally are not accessible to or made available to the public, but which occasionally may be visited by business invitees or members of the public including those on a tour of a facility, do not constitute a "feature or characteristic."

5.10. Landscape Feature or Characteristic. One or more trees or other vegetation, rocks, walls, and/or other exterior feature of a site that contributes to historical significance and/or is representative of, or evokes the time period, community or neighborhood character or appearance of a specific time period.

6.11. Historic Resource. Includes any of the following:

- a. A resource listed in or determined by the State Historical Resources Commission to be eligible for listing in the California Register of Historic Places;
- b. A resource included in the local register of historic resources as defined in Public Resources Code Section 5020.1(k) or identified as significant in an historic resources survey meeting the requirements of Public Resources Code Section 5024.1(g), which is presumed to be historically or culturally significant unless the preponderance of evidence demonstrates otherwise;
- c. A resource listed in or determined to be eligible for listing in the National Register of Historic Places; and/or
- d. Any object, building, structure, site, area, place, record, or manuscript that the ~~Historic Resources Review Board or Director~~City determines to be historically significant or significant in the architectural, engineering, scientific, economic agricultural, education, social, political, military, or cultural annals of Santa Rosa, may be considered to be historically significant.

Criteria for evaluating significance and integrity shall include location, design, setting materials, workmanship, feeling and association along with one of the following: (i) the resource is associated with events that have made a significant contribution to the broad patterns of our history and cultural heritage; (ii) is associated with the lives of persons important in our past; (iii) embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; (iv) has yielded or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in or has not yet been determined to be eligible for listing in the California Register of Historical Resources not listed in the Official Register, or identified in a historic resources survey does not preclude a lead agency from determining that the resource may be a Historic

Resource as defined in Public Resources Code Section 5020.1(j) or 5024.1.

12. **Landmark.** A landmark is any site, including significant trees or other significant permanent landscaping located on a site, and/or a place, building, structure, street, street furniture, sign, work of art, natural feature or other object having a specific historical, archaeological, cultural or architectural value in the City, and which has been designated a landmark by the Council.
- ~~7.~~13. **Neglect.** Failure to prevent or correct any deterioration of or damage to a structure or any part thereof and failure to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.
14. **Non-Contributor.** A non-contributing property is any building, structure, site, feature, or object located within a designated preservation district that which does not add to the historical integrity or architectural qualities that make the district historically significant.
- ~~8.~~15. **Preservation district.** A preservation district is an area within the City having historical significance or representing one or more architectural periods or styles typical to the history of the City, that has been designated a preservation district by the Council.
16. **Rehabilitation.** The process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
17. **Renovation.** The process of repairing and changing an existing building for modern use, so that it is functionally equal to a new building. May include major changes.
- ~~9.~~18. **Restoration.** The process or product of returning, as nearly as possible, an existing site or building to its condition at a particular time in history, using the same construction materials and methods as the original where possible. May include removing later additions, making hidden repairs, and replacing missing period work.
19. **Secretary of The Interior's Standards.** The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 67), with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.
- ~~10.~~20. **Streetscape.** The relationship of the street, landscaping, and historic resources as seen by the eye from public vantage points, such as a street or sidewalk.

§ 21-02.030. Definitions.

"Affordability agreement" means a legally binding agreement between an applicant and the Housing Authority to ensure continued affordability of allocated units is maintained in accordance with this chapter.

"Affordable rent" means the maximum monthly rent an owner may charge for an allocated unit in accordance with Section 50053.b of the California Health and Safety Code, less the appropriate allowance for utilities.

"Allocated (inclusionary) unit" means a newly constructed "for-rent" or "for-sale" dwelling unit which is: (1) provided by a developer under the provisions of this chapter; (2) to be made available and occupied by a household of lower or moderate income, as required under the provisions of this chapter; (3) subject to occupancy and affordable rent or sales price controls for a period of not less than 55 years; (4) compatible with the design of other units in the residential housing development of which it is part in terms of exterior appearance, materials and quality finish; and (5) a similar unit type and bedroom mix to the overall residential development.

"Commercial development" means all new development projects and expansion of gross square footage to existing building that is not residential development as defined in this section.

"Commercial linkage fee" means the fee assessed on commercial development to help off-set the impact of the additional demand for affordable housing caused by such activity.

"Community care facility" means a facility, place or building which is maintained and operated, subject to licensing by the California Department of Social Services, to provide nonmedical residential care, which may include home finding and other services, for children and/or adults, including: the physically handicapped; mentally impaired, mentally disordered, or incompetent; developmentally disabled; court wards and dependents; neglected or emotionally disturbed children; the addicted; the aged. Community care facility includes a continuing care and retirement community.

"Development standard" means a site or construction condition, including, but not limited to, height limits, required setbacks, maximum floor area ratio, on-site open-space requirement, or required parking that applies to a residential development pursuant to any ordinance, General Plan, Specific Plan, charter, or other local condition, law, policy, resolution, or regulation.

"Downtown" means the area encompassed by the Downtown Station Area Specific Plan and the Downtown Core as identified by the Santa Rosa General Plan (see Figure 1-1).

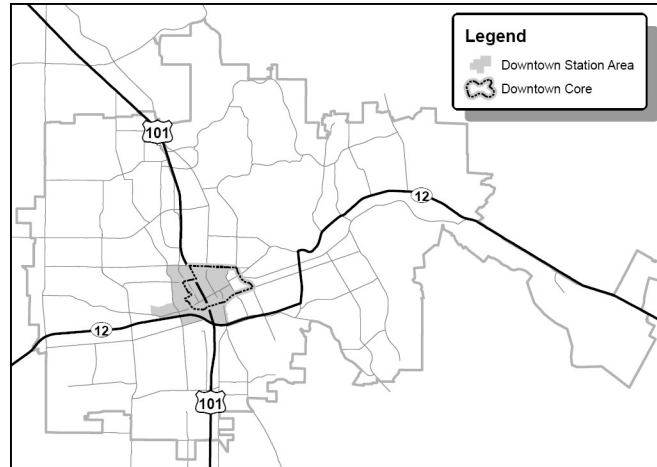


Figure 1-1: Downtown Station Area Specific Plan Boundaries (College Avenue to the north, E Street to the east, Sebastopol Road and Highway 12 to the south, and Dutton Avenue and Imwalle Gardens to the west), and Downtown Core Boundaries (College Avenue to the north, Brookwood Avenue to the east, the properties on the west side of the railroad tracks to the west, and Sonoma Avenue to the south).

"Health care facility" means a facility, place or building other than a hospital which is maintained and operated as a residence for patients and to provide long-term medical care. Includes nursing homes, intermediate care facilities, extended care facilities, hospice homes, and similar facilities which are licensed by the California State Department of Health Services, and defined in Health and Safety Code, Section 1200, et seq. May include a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses.

"Housing authority of the city of santa rosa" or "housing authority" means the not-for-profit public entity, responsible for ensuring adequate, decent, safe and sanitary housing for qualified people with limited income within Santa Rosa consistent with Federal, State and local laws and which is involved in administering programs designed to develop affordable housing, provide Federal rental subsidy, and various other programs to benefit Santa Rosa residents with limited income.

"Housing impact fee" means a fee paid as an alternative to providing an allocated unit or a fraction of an allocated unit.

"Income (household), low" means a household whose gross income does not exceed 80% of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Income (household), very low" means a household whose gross income does not exceed 50% of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

"Lower income household" is a general term which refers to households whose gross income falls under the categories of very low or low income as those terms are defined in this section.

"Moderate income household" means a household whose gross income does not exceed 120% of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

"Owner/builder" means an individual who obtains a building permit to construct a single dwelling unit on a single lot as his or her residence and who may not be issued another residential building permit as an "owner/builder" for a period of five years following the issuance of such a permit and the completion of construction of the dwelling unit authorized thereunder.

"Residential development" means a project containing at least one residential unit, including mixed use developments. For the purposes of this chapter, "residential development" also includes projects defined in California Government Code Section 65915(i), including a subdivision or Common Interest Development, as defined in Section 4100 of the California Civil Code, approved by a City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of California Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

"Review authority" means the individual or official City body (Planning and Economic Development Director, Housing and Community Services Director, Zoning Administrator, Design Review and Preservation Board, Planning Commission, City Council) which has the responsibility and authority to review, and approve or disapprove, applications for land use entitlements.

"Single room occupancy facility" is a residential building including units with living space with a minimum floor area of 150 square feet and a maximum of 400 square feet restricted to occupancy by no more than two persons. Kitchen and bathroom facilities may be wholly or partially included in each living space or may be fully shared.