

ORDINANCE NO. 2011

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA AMENDING CHAPTER 18.76,
("ARCHITECTURAL REVIEW") OF TITLE 18 ("ZONING")
OF "THE CODE OF THE CITY OF SANTA CLARA,
CALIFORNIA" AND MAKING OTHER CLARIFYING
CHANGES**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Chapter 18.76 ("Architectural Review") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") establishes the procedure for Architectural Review for new construction within the City of Santa Clara;

WHEREAS, SCCC Chapter 18.76 establishes an Architectural Committee, which includes two Planning Commissioners and one appointee by the City Council, who are responsible for the initial decision for Architectural Review approvals;

WHEREAS, the current procedure includes multiple levels of appeals, with an initial appeal to the Planning Commission and ultimately to the City Council; and,

WHEREAS, the City Council now intends to vest the authority for initial architectural review decisions in the Director of Community Development, and to provide for the Planning Commission as the appeal body for the architectural review of single-family residences and the City Council as the appeal body for the architectural review of all other projects.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 18.76 (entitled "Architectural Review") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

ARCHITECTURAL REVIEW

Sections:

18.76.010 Intent.

18.76.020 Architectural review process.

18.76.010 Intent.

The City Council of the City of Santa Clara finds, determines and declares that in order to encourage the orderly and harmonious appearance of structures and property; maintain the public health, safety and welfare; maintain the property and improvement values throughout the City and to encourage the physical development of the City as intended by the general plan; there is hereby established the architectural review process.

18.76.020 Architectural review process.

(a) Architectural review shall be the responsibility of the Director of Community Development or designee ("Director").

(b) Before action is taken on an application for the issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zone district, plans and drawings of such sign, building or alteration shall be submitted, in such form and detail as the Director may prescribe. The Director shall approve or deny the architectural design without a hearing unless the type of project is listed in subsection (c).

(c) The Director shall conduct a public hearing, titled the "Development Review Hearing," after providing notice pursuant to Section 18.112.060, for the following types of projects:

- (1) New or expanded single-family homes resulting in:
 - (A) Five or more bedrooms;
 - (B) Five or more bathrooms;
 - (C) Two or more bedrooms with direct exterior access; or

(D) A new second story or the expansion of an existing second story.

(2) Residential parcel or subdivision maps and any associated development plans.

(3) New multi-family developments of any size.

(4) New freestanding non-residential development greater than 5,000 square feet in size.

(5) Modifications or additions to existing non-residential development, where the modification or addition is greater than 20,000 square feet in size.

(6) Demolition or alterations to properties on the City's Historic Resources Inventory (HRI).

(7) Demolition of an existing structure, other than a non-habitable accessory structure.

(8) Any other project not listed above that the Director determines should be considered at a public hearing.

(d) In order to grant architectural approval, the findings and determinations shall be that the proposed development, as set forth in such plans and drawings to be approved, is based on the following standards of architectural design:

(1) That any off-street parking areas, screening strips and other facilities and improvements necessary to secure the purpose and intent of this title and the general plan of the City are a part of the proposed development.

(2) That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard.

(3) That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the general plan of the City.

(4) That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

(5) That the proposed development, as set forth in the plans and drawings, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, which set shall be maintained in the planning division office. The policies and criteria so approved shall be fully effective and operative to the same extent as if written into and made a part of this title.

(e) The Director may require the applicant or owner of any such proposed development, as a condition to the approval of any such proposal, to modify buildings, parking areas, landscaping, signs, and other facilities and improvements deemed necessary to secure the purposes of this title and general plan of the City, and may require guarantees and evidence that such conditions will be complied with by the applicant.

(f) If the Director is unable to make the findings and determinations prerequisite to the granting of architectural approval pursuant to subsection (e) of this section, the application shall be denied.

(g) The Director shall render a decision on any application for architectural approval within forty (40) days following a determination by the planning division office that the application is complete, except where the applicant consents to an extension of time. Failure to render a decision within said period of forty (40) days and said period of extension consented to by applicant shall be deemed to be a decision of denial.

(h) The granting of any architectural approval, when conforming to the provisions of this section, shall be final and conclusive, except in the event of an appeal and referral as hereinafter provided.

(i) In the event the applicant or any interested party are not satisfied with the decision of the Director or designee for a single-family residential project, they may within seven (7) days after such decision, appeal in writing to the Planning Commission.

(j) For a project other than a single-family residential project, in the event the applicant or any interested party are not satisfied with the decision of the Director they may within seven (7) days after such decision, appeal in writing to the City Council, in accordance with the procedures set forth in SCCC 18.108.060(b). In the event the applicant or any interested party are not satisfied with the decision of the Planning Commission for a single-family residential project, they may within seven (7) days after such decision, appeal in writing to the City Council, in accordance with the procedures set forth in SCCC 18.108.060(b). Said appeal shall be taken by the filing of a notice in writing to that effect with the City Clerk. All appeals of Architectural Review approvals will be heard de novo. The Director of Community Development may refer any application for architectural consideration to the City Council for its decision with the same effect as if an appeal had been taken.

(k) No permit shall be issued, and no structure, building, or sign shall be constructed or used in any case hereinabove mentioned until such plans and drawings have been approved by the Director, or on referral to the Planning Commission or City Council by the Director, and no appeal or review is pending and the time to appeal has expired. In the event of an appeal by the applicant or others affected, or action to review is taken by the Planning Commission or City Council, no such permit shall be granted until the matter has been finally acted upon and final approval has been received. All signs, buildings, structures, and grounds shall be in accordance with the plans and drawings as finally approved.

(l) Said approvals shall be on file with the City planning division office.

(m) Any architectural review approval granted in accordance with the terms of this title shall be automatically revoked and terminated if not used within two years of original grant or within the period of any authorized extensions thereof.”

SECTION 2: That Section 18.06.005 (entitled “Certain words and tenses”) of Chapter 18.76 (entitled “Architectural Review”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“18.06.005 Certain words and tenses.

All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word “lot” indicates the word “plot,” the word “building” includes the word “structures,” and the word “shall” is mandatory and not directory. The word “City” as used herein shall mean the City of Santa Clara, State of California; the words “City Council” shall mean the City Council of the City of Santa Clara, State of California; the words “Planning Commission” shall mean the City Planning Commission of the City of Santa Clara, State of California.”

SECTION 3: That Paragraph (3) (entitled “Masonry”) of Subsection (m) (entitled “M” definitions”) of Section 18.06.010 (entitled “Definitions”) of Chapter 18.06 (entitled “Definitions”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“(3) “Masonry” means a hard, durable building material such as brick, stone, or concrete (both block and precast), or an equivalent approved by the Director of Community Development.”

SECTION 4: That Paragraph (6) of Subsection (a) of Section 18.34.030 (entitled "Permitted Uses") of Chapter 18.76 (entitled "Regulations for CN - Neighborhood Commercial Zoning Districts") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"(6) Restaurants, excluding those which sell or serve alcoholic beverages. Outdoor use of designated seating areas for twelve (12) or fewer customers of such restaurants, within an area of two hundred fifty (250) square feet or less, is allowed if Director of Community Development approval is obtained and such outdoor use is operated in conformance with any conditions of approval."

SECTION 5: That Subsection (c) of Section 18.42.120 (entitled "Open landscaped area") of Chapter 18.76 (entitled "Regulations for CP – Commercial Park Zoning Districts") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"(c) An alternative proposal, equal to or exceeding the open landscaped area provisions provided herein, may be used subject to approval by the Director of Community Development in accordance with the provisions of Chapter 18.76 SCCC."

SECTION 6: That Subsection (c) of Section 18.46.120 (entitled "Open landscaped area") of Chapter 18.46 (entitled "Regulations for MP – Planned Industrial Zoning Districts") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"(c) An alternative proposal, equal to or exceeding the open landscaped area provisions provided herein, may be used subject to approval by the Director of Community Development in accordance with the provisions of Chapter 18.76 SCCC."

SECTION 7: That Subsection (c) of Section 18.48.120 (entitled "Open landscaped area") of Chapter 18.48 (entitled "Regulations for ML - Light Industrial Zoning Districts") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"(c) An alternative proposal, equal to or exceeding the open landscaped area provisions provided herein, may be used subject to approval by the Director of Community Development in accordance with the provisions of Chapter 18.76 SCCC."

SECTION 8: That Subsection (f) (entitled "Outdoor Storage and Exposed Mechanical Equipment") of Section 18.48.140 (entitled "Additional development standards") of Chapter 18.48 (entitled "Regulations for ML – Light Industrial Zoning Districts") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"(f) Outdoor Storage and Exposed Mechanical Equipment. Subject to the requirements above listed, outdoor storage and exposed mechanical equipment shall not exceed six feet in height within the first six feet immediately adjacent to the front or street side yard setback line or any interior side or rear lot line. Beyond this point, storage may extend to a maximum height of ten feet. Height of mechanical equipment and any accompanying screening shall be subject to Director of Community Development approval."

SECTION 9: That Subsection (c) of Section 18.50.120 (entitled "Open landscaped area") of Chapter 18.50 (entitled "Regulations for MH – Heavy Industrial Zoning Districts") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

“(c) An alternative proposal, equal to or exceeding the open landscaped area provisions provided herein, may be used subject to approval by the Director of Community Development in accordance with the provisions of Chapter 18.76 SCCC.”

SECTION 10: That Subsection (f) (entitled “Outdoor storage and exposed mechanical equipment”) of Section 18.50.140 (entitled “Additional development standards”) of Chapter 18.50 (entitled “Regulations for MH – Heavy Industrial Zoning Districts”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“(f) Outdoor Storage and Exposed Mechanical Equipment. Subject to the above listed requirements, outdoor storage and exposed mechanical equipment shall not exceed six feet in height within the first six feet immediately adjacent to the front or street side yard setback line, or any interior side or rear lot line.

Beyond the above described storage and equipment setback line, storage may extend an additional one foot in height for each one foot of setback but shall not exceed the maximum building height established in SCCC 18.50.070.

Height of mechanical equipment and any accompanying screening shall be subject to Director of Community Development approval.”

SECTION 11: That Section 18.56.110 (entitled “Architectural committee review not required”) of Chapter 18.56 (entitled “Planned Development – Master Community Zoning Districts”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is retitled “Director of Community Development review not required” and amended to read as follows:

“18.56.110 Director of Community Development review not required.

Notwithstanding SCCC 18.76.020, Architectural review process, no review by the Director of Community Development shall be required for any approvals or permits granted for development within a PD-MC district. The review of the development area plans by the Planning Commission and City Council shall constitute an equivalent of the review envisioned by Chapter 18.76 SCCC, Architectural Review.

After the initial approval and construction of the development area plan, remodels and additions to the buildings and sites in the master community plan shall be handled through the usual architectural review requirements of Chapter 18.76 SCCC, Architectural Review, in accordance with the design guidelines and development standards.”

SECTION 12: That Section 18.58.060 (entitled “Architectural control”) of Chapter 18.58 (entitled “Regulations for HT – Historic Combining Districts”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“18.58.060 Architectural control.

No exterior or interior changes may be made that would compromise the historic integrity of the building, property or significant landscaping features within a historic combining zone district. Minor improvements, excluding changes such as painting or other activities associated with routine maintenance that need no approval, may be approved by the Zoning Administrator, Planning Commission and/or the City Council upon referral by the Zoning Administrator. Any request for approval may be denied by the Zoning Administrator if he/she, or any other reviewing body upon referral by the

Zoning Administrator, finds that such request would jeopardize the building's architectural or historical integrity or value."

SECTION 13: That Subsection (b) of Section 18.64.040 (entitled "Eight-foot fences") of Chapter 18.64 (entitled "Special Height Regulations") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"(b) Rear yard fencing abutting on any major thoroughfare of four or more motor vehicular traffic lanes may be erected and maintained up to, but not more than, eight feet in height. Such fencing shall be subject to review by the Director of Community Development in accordance with the procedures set forth in Chapter 18.76 SCCC and shall be subject to the prior approval as therein prescribed."

SECTION 14: That Section 18.68.020 (entitled "Minimum site development and maintenance standards") of Chapter 18.68 (entitled "Service Station Standards") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"18.68.020 Minimum site development and maintenance standards. In addition to the design standards set forth by the zone district in which the service station is located, the following shall apply:

(a) The following minimum landscaped improvements shall be installed and permanently maintained:

(1) A fifteen (15)-foot-wide planter area adjacent to any property line along a public street, with the exception of driveway entrances approved by the Director

of Community Development. Minimum planter width shall be measured from the street right-of-way or official plan line.

(2) A five-foot-wide planter area adjacent to all other property lines.

(3) Each planter area shall be landscaped with ground cover, screening shrubs, and trees. Trees shall be spaced at either a minimum distance of thirty-six (36) feet on center or in an alternative design to accomplish an equivalent density of screening and degree of shading, as approved by the Director of Community Development in accordance with the provisions of Chapter 18.76 SCCC.

(4) Each planter area shall be surrounded with a six-inch raised concrete curbing or planning division-approved equivalent. An automatic irrigation system shall be installed and permanently maintained in working order in each separate planter area.

(b) Service station roofs shall be well designed with generous overhangs; the roofing shall be incombustible materials such as simulated shake or shingle, clay tile, cement tile, slate or other similar materials.

(c) Exterior walls of service stations shall be well designed and compatible with adjoining properties.

(d) The entire service area of the service station shall be paved with a permanent surface of concrete or asphalt. Any unpaved area of the site shall be landscaped and separated from the paved areas by a six-inch concrete curb or other equivalent planning division-approved barrier.

(e) Gasoline pump islands, canopies, compressed air connections, restrooms and similar facilities shall be set back a minimum of twenty-five (25) feet from any street right-of-way or official plan line.

(f) Points of cash or other payment shall be designed so as to provide a safe and adequate customer queuing area. Outdoor walk-up service facilities shall be located and designed so as to prevent adverse impacts on adjacent properties zoned residential or designated as residential in the general plan.

(g) Hydraulic hoists, pits and all lubrication, greasing, automobile washing and other service equipment shall be entirely enclosed within a building.

(h) Except as otherwise provided in this title, a solid masonry fence or wall a minimum of six feet in height and similar in color, module, and texture to those materials utilized in the building shall be erected and permanently maintained along all common property lines with residentially zoned property or with property designated as residential in the general plan, or as approved by the Director of Community Development.

(i) Exterior lighting shall be designed so that it is deflected away from adjacent properties and screened from direct view from the street right-of-way.

(j) Signs on the service station premises shall be so located as to not obstruct visibility for drivers or pedestrians. A minimum sight-distance triangle shall be maintained, as determined by the Engineering Department. All signs, except window signs not exceeding twenty-five percent (25%) of individual window area, shall be constructed and maintained within a permanent sign structure, as permitted by Chapter 18.80 SCCC, Sign Regulations.

(k) Auto service buildings shall be set back from the street right-of-way lines a minimum distance of forty (40) feet to provide an adequate area for maneuvering vehicles in the service area and to provide adequate visibility, particularly at intersections.

(l) Driveway locations and accesses shall be provided in accordance with adopted City standards.

(m) An adequate and accessible trash disposal area shall be provided. Said disposal area shall be screened from public view by a masonry enclosure, with solid wood gates, at least six feet in height.

(n) A minimum of eight marked parking spaces shall be provided for customers and employees. For self-service stations with no accessory uses, such as tune-ups or accessory sales, only two such marked spaces need be provided. All such spaces shall be located at least fifteen (15) feet from any street right-of-way or official plan line.

(o) Water and compressed air services shall be available and functioning for public use during station operating hours.

(p) A fully stocked or equipped restroom shall be consistently maintained so as to be available to the public during operating hours. Restroom facilities shall be designed to accommodate the disabled."

SECTION 15: That Subsection (e) (entitled "Screening and landscaping") of Section 18.74.040 (entitled "Development standards") of Chapter 18.74 (entitled "Parking Regulations") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

“(e) Screening and Landscaping. All open automobile parking areas which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten feet of said street right-of-way and of any plan line, with openings for walkway or drive purposes in accordance with City standards.

An additional five percent of the gross lot area shall be devoted to landscaping. Major canopy trees shall be provided throughout the parking area and adjacent to buildings. Trees shall be spaced at either a minimum distance of thirty-six (36) feet on center or in an alternative design to accomplish an equivalent density of screening and degree of shading, as approved by the Director of Community Development.”

SECTION 16: That Section 18.106.010 (entitled “Definitions”) of Chapter 18.106 (entitled “Historic Preservation”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“18.106.010 Definitions. For purposes of this chapter, the following words and phrases have the meanings ascribed to them in this section, unless the context or the provision clearly requires otherwise:

(a) “Alteration” means any change or expansion to an HRI property that involves (1) changes to the exterior of a structure, such as its surface materials or its architectural features, or (2) substantial reconfiguration of the interior space.

(b) “Architectural feature” means the architectural elements embodying the historical significance or architectural style, design, general arrangement, and components of all the exterior surfaces of a building or structure, including, but not limited to, the type of building materials, and type and style of windows, doors, design, arrangement, massing, texture, painted and unpainted surfaces and materials.

(c) Building. Refer to SCCC 18.06.010(b)(5).

(d) "California Register of Historical Resources" means the authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. (Public Resources Code Section 5024.1(a))

(e) "Character-defining feature" means the architectural features of a building, structure, or object that help convey the significance of the HRI property and which were present during the period of significance.

(f) "Demolition" means the destruction, in whole or in part, of the original physical elements or building materials of an HRI property including features that contribute to its historic character, architecture and integrity. Notwithstanding the foregoing, alteration work that qualifies as a small project as defined in this chapter shall not constitute demolition.

(g) "Demolition by neglect" means negligence resulting in the deterioration and irreversible harm to the original features and materials of an HRI property leading to substantial deterioration and/or structural failure constituting a threat to public health, safety and visual impact to a street, neighborhood or defined geographic area.

(h) "Evaluation" means the process by which the significance and integrity of a building, structure, object or site is judged according to the National Park Service Standards set forth in 36 CFR Part 61 and using the designation criteria outlined in SCCC 18.106.040(a) (Designation Criteria).

(i) "Historic fabric" means those architectural form and character-defining features, such as siding, brick, stone, roofing or other materials visible on the structure, that are characteristic of the period of significance and therefore assist in portraying the style and historic significance of the HRI property from its most important time period.

(j) "Historic Resource Inventory" means the City of Santa Clara Historic Resource Inventory, which is incorporated into the 2010-2035 General Plan as Appendix 8.9 ("Historic Resource Inventory" or "HRI"), as may be amended from time to time.

(k) "HRI property" means a building, structure, object, or site currently included in the Historic Resource Inventory (HRI), which was designated as architecturally or historically significant by the City of Santa Clara pursuant to this chapter, or which the City added to the HRI prior to the effective date of this chapter.

(l) "Historic resources survey" means the process of systematically identifying, researching, photographing and documenting HRI properties within a defined geographic area and placed on a State of California DPR 523 series form. All surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation: Standards and Guidelines for Identification and Evaluation, as may be amended.

(m) "Historical and Landmarks Commission" or "HLC" means the Historical and Landmarks Commission (HLC) established pursuant to SCCC 2.120.100.

(n) "Integrity" means the authenticity of an HRI property's historic identity, evidenced by the survival of an HRI property's visual and physical characteristics that existed during the HRI property's period of significance. Within the concept of integrity,

the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. These seven aspects are location, design, setting, materials, workmanship, feeling and association.

(o) "Major alteration" means any significant change that is subject to Director of Community Development review and approval in accordance with Chapter 18.76 SCCC or pursuant to City policy or procedure.

(p) "National Register of Historic Places" means the National Historic Landmarks Register established pursuant to 54 U.S.C. Section 302101 et seq.

(q) "Period of significance" means the span of time during which relevant events and activities occurred at an HRI property.

(r) "Preventative maintenance" means any work to prevent deterioration or damage to the structural integrity or any exterior feature of an HRI property that does not involve a change in design, material or exterior appearance. Such work includes, but is not limited to, painting, wood trim or siding repair, roof repair, patching, caulking, foundation or chimney repairs, or landscape maintenance.

(s) "Secretary of the Interior's Treatment Standards" means the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, published by the National Park Service, as may be amended.

(t) "Site" (as applied in the context of this chapter) means the location of a significant historical event, a prehistoric or historic occupation or activity, building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings,

structures or objects. Examples of a site are a battlefield, designed landscape, trail, or industrial site.

(u) "Small projects" means alterations to any historic resource as defined herein, involving negligible visible changes. Alterations shall not qualify as small projects if they involve the removal or destruction of any exterior character-defining feature or historic fabric, including, but not limited to, original windows, or similarly protected interior features, unless an acceptable replacement is made with like materials and finishes, as determined by the Community Development Director.

(v) Structure. Refer to SCCC 18.06.010(s)(9)."

SECTION 17: That Section 18.106.050 (entitled "Property alteration") of Chapter 18.106 (entitled "Historic Preservation") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"18.106.050 Property alteration.

(a) Permit(s) Required for Alterations. No person shall make alterations to any HRI property without first obtaining the required permits or approvals from the Director of Community Development, or a hearing body as prescribed in this chapter.

(1) A Significant Properties Alteration (SPA) permit shall be required for alterations to an HRI property.

(2) The addition of an accessory dwelling unit to an HRI property requires an SPA permit.

(3) For purposes of compliance with the California Environmental Quality Act (CEQA), an SPA permit for a major alteration shall be considered a discretionary project under Section 15357 of the CEQA Guidelines.

(b) Application for Significant Property Alteration Permit. The owner or authorized representative proposing alterations to an HRI property shall file a planning application with the Community Development Department, with the required supporting information, and any applicable filing fee. As soon thereafter as practicable after the application is deemed complete, the application for the SPA permit shall be forwarded to the Community Development Director or HLC, as appropriate, for its review and recommendation.

(c) Review Required for Alterations.

(1) The Community Development Director shall approve or deny applications for SPA permits for small projects as defined in this chapter. The Director has the discretion to determine that any such application for a small project should instead be construed as a major alteration requiring review by the HLC and approval by the Planning Commission.

(2) The HLC shall review applications for SPA permits proposed for major alterations and render a recommendation to the Planning Commission.

(3) Following review and recommendation by the HLC, applications for SPA permits for major alterations shall be forwarded to the Planning Commission, which shall approve or deny the application.

(4) The Community Development Director, HLC or Planning Commission may require supplemental information or reports as may be necessary for a complete review.

(5) The Community Development Director or Planning Commission may impose such reasonable conditions or restrictions as they deem necessary or appropriate on a case-by-case basis to promote or achieve the purposes of this Code.

(6) Preventative maintenance, as defined in this chapter, shall be excluded from the review process specified in this section.

(7) The addition of an accessory dwelling unit to an HRI property shall be considered a major alteration if (A) the accessory unit would be attached to the main house and involve alterations to the exterior of the main house; (B) the HRI property is subject to a Mills Act contract; (C) the accessory dwelling unit would convert a garage that may be of a similar age and design to the main dwelling and contribute to the integrity of the HRI property; or (D) the Community Development Director makes a determination that the addition would be a major alteration. All other additions of accessory dwelling units shall be processed as small projects.

(d) Findings Necessary to Approve SPA Permits. A decision to approve, approve with changes and/or conditions, or deny the application for the SPA permit shall be based upon the following factors:

(1) The alterations shall be designed to the essential character, features, and defining elements that make the HRI property significant;

(2) The project proposals shall not have a significant adverse effect on the integrity of the HRI property;

(3) The alterations must be compatible with the existing structure or district; and

(4) The alterations must be consistent with the Secretary of the Interior's Treatment Standards.

(e) Appeal Procedures. In the event the applicant or other interested party is not satisfied with the permit or approval action permitted by this section, the decision may be appealed. Such appeal shall be taken by the filing of a notice in writing to that effect with the City Clerk within seven calendar days after rendition of the decision, along with the payment of an appeal fee as set forth by resolution of the City Council. Appeals of the Community Development Director's decisions shall be evaluated in the same manner as major alterations and shall be referred to the HLC for recommendation and the City Council for decision. Appeals of the Planning Commission's decisions shall be conducted in accordance with SCCC 18.108.060.

(f) Approval Expiration. Any approval granted under this section shall remain valid for a period of two years following the date the action was taken by the Community Development Director or the decision-making body. The Director or decision-making body may at any time authorize extensions of time on any approval, without the need for any public hearing, for a total period of twenty-four (24) months following the original date of expiration.

(g) Preventative Maintenance. The owner, lessee or other person(s) in actual charge of an HRI property ("responsible party") shall maintain and keep such property in a manner that ensures its continued eligibility for listing on the City's Historic Resource Inventory. Care of the HRI property shall be undertaken so as not to constitute "demolition by neglect" and prevent deterioration, dilapidation and decay of the historic fabric of any portion of the property. The responsible party shall ensure that all HRI

properties shall remain free from structural defects through prompt corrections of any of the following defects:

(1) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

(2) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

(3) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken window glass or doors.

(4) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.

(5) Any fault or defect in the building which renders it structurally unsafe or not properly watertight.

(6) Minor mechanical systems in need of repair, not involving substantial removal of original interior or exterior building materials or features.”

SECTION 18: That Section 18.106.060 (entitled “Demolition permits”) of Chapter 18.106 (entitled “Historic Preservation”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“18.106.060 Demolition permits.

(a) Properties Not Listed on the HRI.

(1) Upon receiving an application for a demolition permit for a property not listed on the HRI, the Community Development Department shall search the City permit system database to ascertain if the property is noted as “potentially historic” next

to the assessor's parcel number. If the property contains this notation, the Community Development Department shall make a determination as to whether an application should be referred to the HLC and City Council for a determination as to whether the property is eligible for listing on the HRI. If no referral is made, the demolition permit may be approved or denied along with replacement plans by the Director of Community Development.

(2) For any such referral, the HLC and City Council shall make an eligibility determination using the same criteria and process as a designation determination pursuant to SCCC 18.106.040, except that properties found to be eligible will not automatically be added to the HRI, unless the property owner requests that the property be listed. The owner shall be responsible for submitting the required documentation needed, including but not limited to a completed DPR 523A form so the City may make a determination on the referral of the property to the HLC or City Council.

(3) For properties the Council determines to be ineligible for listing on the HRI, the Council may approve or deny the demolition permit at the time of the eligibility determination. For properties the Council determines to be eligible for listing on the HRI, the demolition permit application shall follow the process in subsection (b) of this section.

(b) HRI Properties and Eligible Properties.

(1) An environmental impact report shall be required for any application to demolish an HRI property or a property determined to be eligible for listing pursuant to subsection (a) of this section.

(2) The demolition permit application and environmental impact report shall be referred to the HLC for a recommendation on whether to grant, modify or disapprove the demolition permit application. The HLC recommendation shall be forwarded to the City Council, which shall make a final decision on the application.

(3) The HLC shall recommend approval of a demolition permit, and the City Council shall approve a demolition permit, only if there are no viable alternatives for saving the property, and such alternatives have been fully addressed in an environmental impact report.”

SECTION 19: That Subsection (a) of Section 18.118.040 (entitled “Review and determination”) of Chapter 18.118 (entitled “Reasonable Accommodation”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“(a) The Zoning Administrator or his or her designee shall review and provide a determination on an application for reasonable accommodation pursuant to this chapter. The Zoning Administrator shall have the ability to request any information necessary to assess an application for reasonable accommodation and provide a determination to an applicant within thirty (30) days of the date of submittal of a completed application. In the event that a request for additional information is made, the thirty (30)-day period to issue a decision is stayed until the applicant responds to the request. Within thirty (30) days of the date of the submittal of a completed application, and as provided for in this section, the Zoning Administrator shall take one of the following actions regarding a request for reasonable accommodation:

(1) Grant the reasonable accommodation request, based upon the findings set forth in subsection (f) of this section;

(2) Grant the reasonable accommodation request, subject to specified conditions;

(3) Deny the reasonable accommodation request; or

(4) Refer the determination of the reasonable accommodation request to the Planning Commission, who shall render a determination on the application.”

SECTION 20: That Section 18.118.050 (entitled “Appeals”) of Chapter 18.118 (entitled “Reasonable Accommodation”) of Title 18 (entitled “Zoning”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“18.118.050 Appeals.

(a) A final written determination made by the Zoning Administrator on a reasonable accommodation request may be appealed to the Planning Commission, as provided below:

(1) Within seven days of the date of the notice of determination, an appeal may be filed in writing or on a form provided by the City, pursuant to this section. An appeal shall contain a detailed statement of the grounds for the appeal.

(2) An appeal may be filed by those directly aggrieved by the decision and determination of the Zoning Administrator. For the purposes of this section, “directly aggrieved” shall mean the applicant, representative of an individual with a disability, or owner of the property that is the subject of the reasonable

accommodation request, and those property owners that directly abut the property that is the subject of the reasonable accommodation.

(3) A notice of public hearing before the Planning Commission shall be mailed to the person filing the appeal at least ten days prior to the date of the public hearing. The notice of public hearing shall include a description of the property that is the subject of the reasonable accommodation, the reason for which the appeal is filed, the date of the public hearing, and the location of the public hearing.

(4) The written decision of the Planning Commission shall become final unless an applicant appeals it to the City Council.

(5) The filing fee for an appeal shall be equal to half of the application filing fee for the reasonable accommodation request, as provided for in the City's adopted fee schedule.

(6) An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted."

SECTION 21: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 22: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 28TH day of JANUARY, 2020, by the following vote:

AYES: COUNCILORS: Davis, Hardy, O'Neill, and
Watanabe and Mayor Gillmor

NOES: COUNCILORS: Chahal

ABSENT: COUNCILORS: Mahan

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None