




City Council Meeting

Item # 6

Amendment to the Zoning Code, SCCC Chapter 18.76 Architectural Review

December 10, 2019



City of Santa Clara
The Center of What's Possible

Architectural Review: Prior City Council Direction

March 5, 2019, City Council directed staff to:

- Replace Architectural Committee with Staff-led Administrative Public Hearing
- Incorporate design feedback from architectural professionals
- Retain the City Council as the final appeal body

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Architectural Review: Purpose of SCCC 18.76

- Architectural Review Process is to promote:
 - Orderly and harmonious appearance of structures and property, safety and welfare, maintenance of property values
 - Development consistent with General Plan
- Projects heard by Architecture Committee include:
 - New office, industrial, and multi-family projects
 - Projects implementing adopted Specific Plans
 - Single Family homes proposed to have 4+ bedrooms

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Architectural Review: Current Process

- Architectural Review Committee comprised of:
 - Two Planning Commissioners
 - One City Council Appointee
- States finding and determinations for approval
- Allows for conditional approvals
- Provides appeal process to Planning Commission and City Council

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Architectural Review: Current Challenges

Legal Concerns

- Potential conflicts with due process
- Lack of clarity on grounds and scope for appeals

Practical Challenges

- Unnecessary hearings as double appeals are common
- Significant amount of Planning Commissioner volunteer time
- Lack of objective criteria (codes or guidelines) and predictability
- Two Planning Commissioners cannot participate in appeals

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Architectural Review: Neighboring Jurisdictions

- Administrative Hearing conducted by staff
- Specifies what types of projects require a public hearing

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Architectural Review: Planning Commission Recommendation (Alternative #1)

- Retain the Architectural Committee with all appeals to City Council
- Participation of three Planning Commissioners
- Consulting architect on multi-family projects & non-residential projects over 20,000 sq ft in area
- Appeals are available to surrounding property owners and tenants & are heard *de novo*; and
- Thresholds for projects subject to a public hearing

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Architectural Review: Planning Commission Recommendations on Thresholds for Public Hearing

- New or expanded single-family homes resulting in 5+ bedrooms; or 5+ bathrooms; or direct exterior access provided to 2+ bedrooms;
- Single-family residential subdivision maps;
- Master home plans for single-family residential subdivisions of any size;
- New non-residential freestanding buildings $\geq 5,000$ sq ft;
- Modifications or additions to existing non-residential development $> 10,000$ sq ft;
- Exterior modifications or demolitions for properties on the Historic Resources Inventory (HRI).

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Architectural Review: Staff Recommendation

Planning Commission recommendation with the following exceptions:

- Replace Architectural Committee with Staff-led public hearing process (consistent with Council direction provided on 3/5/19)
- Appeal process for single-family house permit applications to include Planning Commission and City Council
- Consulting architect on all multi-family projects & non-residential projects > 20,000 sq ft, but instituted by Council direction
- Modifications of properties on HRI referred by Historic Landmarks Commission to Planning Commission; demolitions on HRI referred to City Council

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Architectural Review: Staff Proposed Appeal Structure

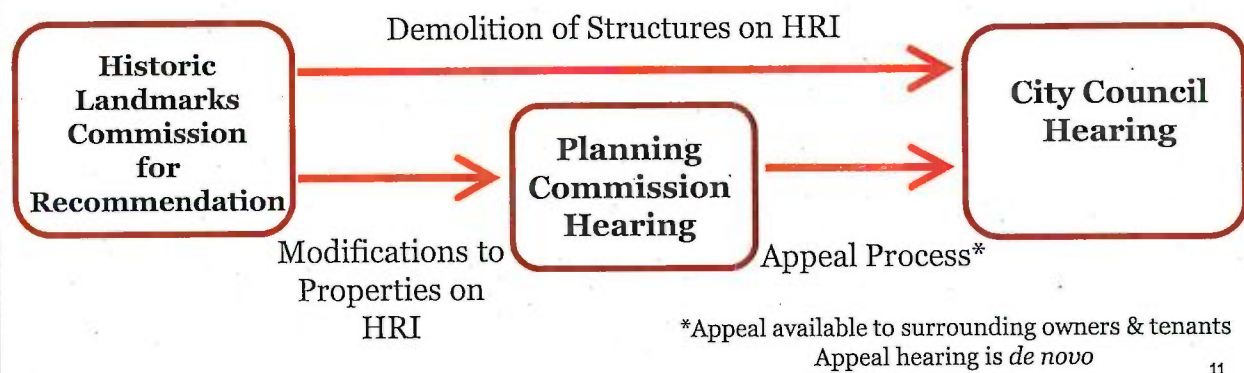


*Appeal available to surrounding owners & tenants
Appeal hearing is *de novo*

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Architectural Review: Staff Proposed Process For Historic Resources Inventory Properties (HRI)



Architectural Review: Planning Commission Recommendation (Alternative #1)

Adopt an Ordinance to amend Chapter 18.76 Architectural Review to replace the existing Architectural Committee process with:

- An Architectural Committee consisting of three Planning Commissioners;
- Identifying the permits subject to the approval at an Administrative Level, by the Architectural Committee, or the City Council;
- Identify that appeals available to surrounding property owners and tenants & are heard *de novo*; and
- Limiting planning application to a maximum of one potential appeal.



Architectural Review: Staff Recommendation (Alternative #2)

Adopt an Ordinance to amend Chapter 18.76, Architectural Review, and other clarifying Amendments to Chapter 18, to replace the existing Architectural Committee process with:

- An alternate Administrative Level Hearing Process (Development Review Hearing);
- Identification of approval process for permit types at the Administrative Level, Administrative Level Hearing Process, Planning Commission, or City Council;
- Identify that appeals available to surrounding property owners and tenants & are heard *de novo*; and
- Limit non-single family applications to a maximum of one appeal

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Architectural Review: Consulting Architect Staff & Planning Recommendation (Alternative #3)

Direct staff to engage a practicing architect with relevant experience in designing structures of a similar land use type and of a similar scale to the proposed project to provide a written analysis of the design and recommendations for improvement of the design for all multi-family projects, new freestanding non-residential buildings over 5,000 square feet and additions to non-residential buildings when the proposed addition is over 20,000 square feet.

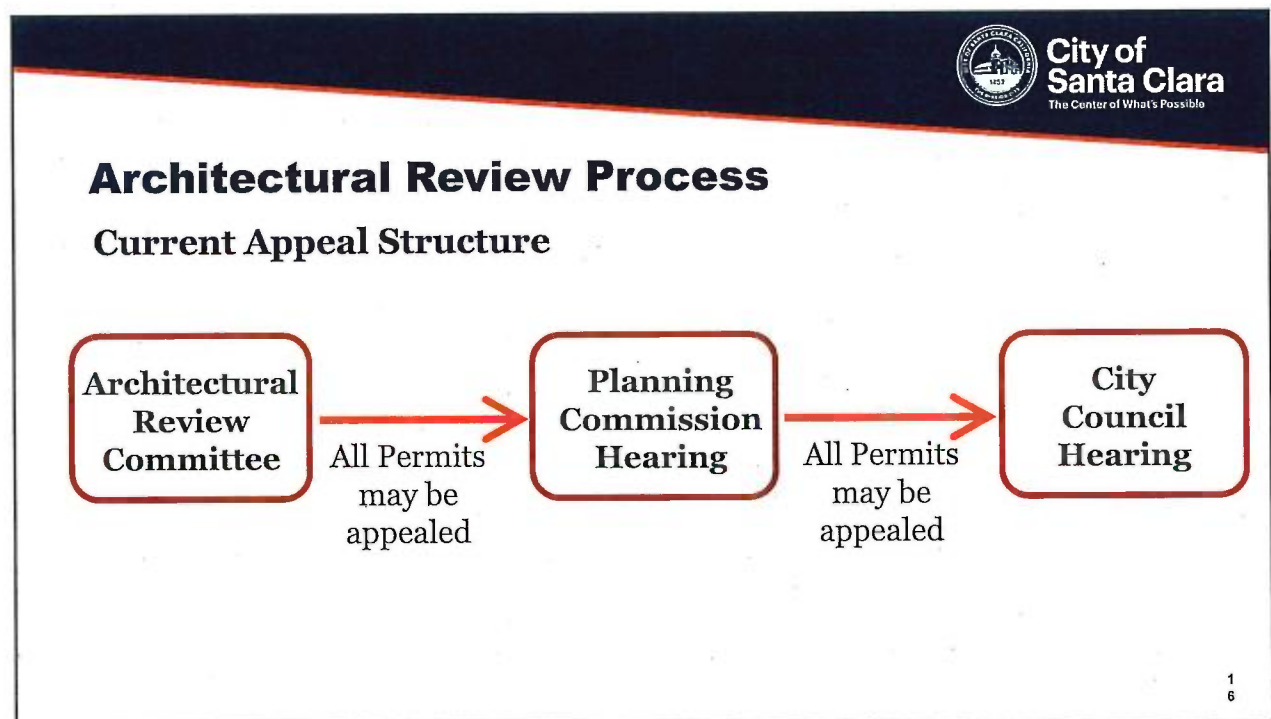
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Architectural Review

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Architectural Review Process

Planning Commission Recommendation Appeal Structure

Architectural
Review
Committee

Appeal for all permits*

City
Council
Hearing

*Appeal available to surrounding owners & tenants
Appeal hearing is *de novo*

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Neighboring Cities Hearing Level and Process Analysis

| City | Hearing Body Approval Name | Approval Body Members | Decision Appeale | Type of Permits |
|-------------|---|---|--|---|
| Santa Clara | Architectural Committee | 1 City Council appointee; 2 Planning Commissioners | Planning Commission with double appeal of Planning Commission decision to City Council permissable | Single-Family House; Development permits for: Multifamily, Mixed Use, Non-Residential; Landscape Master Plans; Master Sign Programs |
| Morgan Hill | Director Hearing | Staff | Planning Commission | Administrative Use Permits; Design Permits Historic Alteration Permits; Sign Permits; Temporary Use Permits; Minor Exceptions; RA; Zoning Clearance |
| Campbell | Director Hearing | Staff | Planning Commission | Stealth wireless telecommunication facilities; Most of the Single-Family Houses; |
| Sunnyvale | Zoning Administrator (Director) Hearing | Staff | Planning Commission | Variances; Design Review; Tentative Maps; Use Permits; Special Development Permits Single-Family House Permitted with certain conditions; Development Permits - New |
| San Jose | Director Hearing | Staff | Planning Commission | Construction; Special Use Permits; Reasonable Accommodations; Tree Removals; Tentative Maps; Variances |

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Neighboring Cities Hearing Level and Process Analysis

| City | Hearing Body Approval Name | Approval Body Members | Decision Appeale | Type of Permits |
|---------------|--|--|---------------------|---|
| Mountain View | Zoning Administrator Hearing | Staff* [Separate Development Review Committee, comprised of staff Deputy Zoning Administrator and two consulting architects recommend approval of certain projects to the Staff Zoning Administrator.] | City Council | Development Review Permits, Conditional Use Permits, Variances, and Planned Unit Developments with a Parcel Map; Single-family residential major floor area ratio exceptions; Special Design Permits |
| Palo Alto | Director of Planning and Community Environment Hearing | Staff* [Separate Architectural Review Board recommends approval of certain projects to Staff/Director of Community Development. If the Director disagrees with the Board's recommendation, the project will be sent back to the ARB or to the City Council.] | Planning Commission | Major Site Design Review: New building or building addition over 5,000 square feet, Use Permits, multiple-family residential construction, Variances, Construction of three or more adjacent single-family homes or duplexes, signs and sign programs; Minor Site Design Review: New building or building addition of fewer than 5,000; signs; landscaping; wireless facilities |