



ARCHITECTURAL ADVISORY COMMITTEE MEMORANDUM

DATE: March 8, 2021 NEW BUSINESS

SUBJECT: DISCUSSION ON CHANGES TO THE ARCHITECTURAL REVIEW
PROCESS (CASE 5.1526 ZTA). (FF)

FROM: Development Services Department

SUMMARY:

This is a request for discussion by the Architectural Advisory Committee of proposed changes to the architectural review process, as requested by City Council.

BACKGROUND INFORMATION:

On January 30, 2020, the City Council held a discussion regarding zoning application processes, and directed staff to begin evaluating changes to the entitlement process to enhance customer service and reduce the overall timeframe for obtaining entitlements. The City Council provided direction to staff in three areas:

- Investigate reversing the process of architectural review so that Planning Commission consideration/approval occurs prior to consideration by the Architectural Advisory Committee (AAC);
- Limit the number of times that entitlement applications are considered by the Planning Commission and AAC; and
- Streamline application processes and reduce the types of entitlement applications that require City Council approval.

With direction from the City Council to review changes to the entitlement process, the Planning Commission appointed a subcommittee (Weremiuk, Song, Jakway) on July 8, 2020, to study the issue and work with staff in developing process modifications. The subcommittee has held multiple meetings over the last six months to study the process and develop recommendations.

ANALYSIS:

Architectural Review Process: Best Practices

The first task of the subcommittee was to review how other cities conduct architectural

review, as well as reviewing guidance from the American Planning Association. The subcommittee reviewed the ordinances of Coachella Valley cities (Palm Desert, La Quinta, Indian Wells, Rancho Mirage, etc.) as well as the ordinances of a number of California cities (Carmel, Laguna Beach, Pasadena, Santa Barbara, Santa Monica). The review of other ordinances revealed the following:

- Most jurisdictions separate the site plan review process from the architectural review process; the City of Palm Springs is unique, in that it merges the site plan review process and architectural review process under a single application type.
- A pre-application process (typically with a staff member) is often utilized for a preliminary review of conformance to development standards and architectural criteria as a means to reduce or eliminate issues prior to consideration by a board or commission.
- Architectural review is often limited to specific areas of the community, or specific development types; few communities require architectural review as a city-wide process.

As part of this study, the subcommittee evaluated the City's current entitlement processes, and proposed a number of changes relative to architectural review, sign permits, and conditional use permits. A summary of the proposed changes is included as Attachment B to this report.

Subcommittee Recommendation: Revised Architectural Review Process

In reviewing how the process is handled in other cities, the subcommittee has recommended a process that is similar to the process used by the City of Santa Monica and several other cities that were studied. In this model, the planning commission reviews and approves the use, site plan and building form via a development permit; this is then followed by the architectural review board approving the architectural details, colors and materials, landscaping, and other architectural elements.

Using this model, it is proposed that the City's architectural review process be bifurcated into a Site Development Permit application and an Architectural Review application. The Site Development Permit would be reviewed by the Planning Commission; once the Site Development Permit was approved, the applicant could then proceed to architectural review with the AAC prior to applying for a building permit.

It is also recommended that the City institute a pre-submittal process, whereby staff would meet with applicants prior to formal submittal of any entitlement applications. Staff would be responsible for reviewing the initial design of the project, offering design feedback based on the adopted architectural criteria, and issuing the applicant a checklist for submittal of the application. This process tends to result in a more complete application package, thereby reducing the need for Planning Commission or AAC to request additional drawings or materials in order to understand the design of the project. In implementing this process, it is critical to have a staff member that has architectural training, as this assists in providing initial feedback on conformance to architectural review criteria.

The proposed process would follow the steps listed below; a diagram of the process is included as Attachment A to this staff report.

- Step 1: *Pre-submittal conference with staff.* Staff would evaluate the project for conformance to development standards, and provide an initial review of conformance to architectural review criteria. The applicant would be provided a checklist of all drawings and materials needed for submittal; applicants would not be able to submit an application without a submittal checklist signed by staff.
- Step 2: *Formal application submittal for Site Development Permit and Architectural Review.* Following the pre-submittal conference, applicants would then formally submit their Site Development Permit application and Architectural Review application. Staff would route the applications for comments by other City departments, initiate environmental review (CEQA), and prepare a staff report to analyze the project for conformance to codes and regulations.
- Step 3: *Action by the Planning Commission on the Site Development Permit.* The next step of the process would be review of the Site Development Permit application by the Planning Commission at a public meeting. The Planning Commission would review the project for conformance to the General Plan (density, floor area ratio), use, development standards (height, setbacks, lot coverage, open space, parking requirements, etc.), general placement and massing of the building, adequacy of infrastructure to serve the project, and project impacts (traffic, environmental issues). While the Planning Commission would not review the architectural details, they could make recommendations to the AAC on the design of the project.
- Step 4: *Action by the Architectural Advisory Committee on the Architectural Review Application.* Upon approval of a Site Development Permit by the Planning Commission, the Architectural Review application could then be forwarded to the AAC for consideration. The AAC would be provided with a copy of the approved site plan, as well as any conditions and recommendations provided by the Planning Commission. The AAC would review the architectural details and fenestration, colors and materials, landscape materials and placement, shading strategy, lighting, and signage. Upon approval of the Architectural Review application, the applicant would then be able to submit applications for building permits.

Modifications to the process for architectural review is just one of several administrative changes that must occur to streamline the entitlement process; other areas that must be addressed are the Conditional Use Permit (CUP) process and sign permit approval process. While the Planning Commission generally has final authority on most CUP

applications, the zoning code requires City Council approval for a specialized list of CUP application types (cell towers, outdoor recreation facilities, plant nurseries, shopping centers, etc.). Based on current practices and standards, it is recommended that this authority be returned to the Planning Commission, which will result in a shorter entitlement timeframe for those application types while still providing a detailed review and providing opportunity for public comment. Similarly, changes to the sign program approval process may be warranted, as sign program applications currently require review by the AAC and Planning Commission. The subcommittee has recommended that the AAC be authorized to have final approval of sign programs, thereby eliminating a step from the approval process. In a similar manner, sign districts require approval by the City Council; it is recommended that this approval authority be granted to the Planning Commission instead.

One of the key directives given by the City Council was that changes to the entitlement process should result in a shorter, more efficient approval process for applicants. The proposed revisions are intended to reduce the entitlement timeframe through the following:

- Elimination of duplicate reviews by both Planning Commission and AAC for certain application types (sign programs, single-family residences on major thoroughfares and in hillside areas) can shorten the entitlement timeframe by approximately 30 to 60 days.
- Use of a pre-submittal conference with staff will assist in improving the quality of submittals to the Planning Commission and AAC, thereby reducing the number of continuances due to insufficient submittal packages or design issues that haven't been fully resolved prior to consideration by the boards.
- Eliminating the overlap in the responsibilities of the Planning Commission and AAC and clearly defining the roles of both bodies will assist in removing the challenges that applicants face where there are differences of opinion between the boards in interpreting architectural review criteria.

Other Considerations: Design Guidelines

While administrative changes to the architectural review process can assist in shortening the timeframe for obtaining entitlements, the subcommittee has noted that the adoption of design guidelines would also assist in streamlining the process. The zoning code currently has little in the way of design standards to guide applicants in the design of projects; rather, many of the standards and criteria are subjective in nature (e.g. "Harmonious relationship with existing and proposed adjoining developments..."). Consequently, it is recommended that the second phase of this project should involve the creation and adoption of design guidelines that would provide clear directions and standards to applicants in the design of projects. The Palm Springs Architectural Alliance (PSAA) has offered to assist with the process of developing design guidelines; it is recommended that the City Council consider the development of design guidelines through the creation of a subcommittee appointed to that task, and that the subcommittee include members of Planning Commission, AAC, and the design community.

Proposed Timeline: Revised Architectural Review Process Ordinance:

The City Manager has requested that draft legislation on the process changes be presented to the City Council prior to April 1, 2021. Based on that timeframe, the following schedule is proposed for consideration of amendments to entitlement processes:

- AAC Discussion: March 8, 2021
- Planning Commission Public Hearing: March 10, 2021
- City Council Public Hearing – First Reading: March 25, 2021

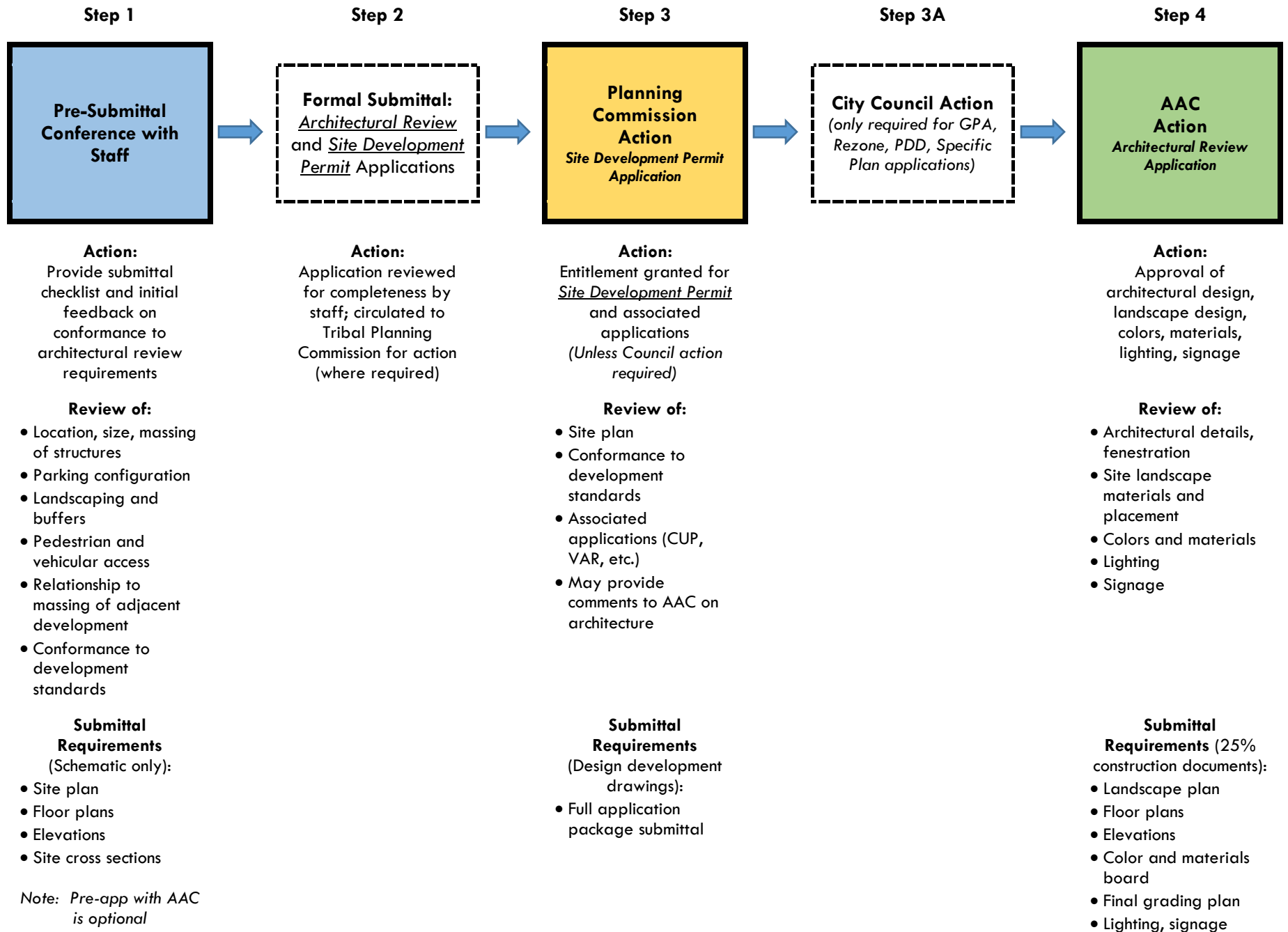
Flinn Fagg, AICP
Development Services Director

ATTACHMENTS:

1. Proposed Process Flowchart
2. Summary of Application Types and Approval Processes
3. Existing Architectural Review Ordinance (PSZC Section 94.04.00)
4. Draft Ordinance – Architectural Review
5. Draft Ordinance – Site Development Permit
6. City Council Staff Report on Zoning Application Processes (1/30/20)

ATTACHMENT #1
Proposed Process
Flowchart

Proposed Review Process: Architectural Review/Site Development Permit Review



ATTACHMENT #2
Summary of Application
Types/Approval
Processes

Review Processes – Proposed Changes

Review Type	Existing Process				Proposed Process					Notes
	Director	AAC	PC	CC	Director	Staff Pre-app	PC	CC	AAC	
Architectural/Site Plan Review – Minor										
<i>Additions (Commercial) <25%</i>	X				X					(No change)
<i>Additions (Residential) <40%</i>	X				X					(No change)
<i>Agricultural Structures – New (E-I, M-2)</i>	X				X					(No change)
<i>Building Repaints</i>	X				X					(No change)
<i>Cannabis Facilities – New (Overlay Zone)</i>	X				X					(No change)
<i>Cannabis Facilities – Façade</i>		X		X				X	X	Maintain current process so that AAC reviews façade first
<i>Entry Features & Walls</i>	X				X					(No change)
<i>Exterior Lighting Plans</i>	X				X					(No change)
<i>Landscaping Plans</i>	X	X			X					Keep at staff level for all turf conversion projects
<i>Signs</i>	X				X					(No change)
Arch. Review/Site Plan Review – Major										
<i>Mobile Home/RV Parks</i>		X	X			X	X		X	(Pre-app added)
<i>New Churches/Institutional Buildings</i>		X	X			X	X		X	(Pre-app added)
<i>New Commercial Buildings</i>		X	X			X	X		X	(Pre-app added)
<i>New Industrial Buildings</i>		X	X			X	X		X	(Pre-app added)
<i>New Mobile Home/RV Parks</i>		X	X			X			X	
<i>New Multifamily Residential</i>		X	X			X	X			May be streamlined per State requirements
<i>New Residential – Hillside</i>		X	X			X			X	Allow AAC to approve
<i>New Residential – Major Thoroughfare</i>		X	X			X			X	Allow AAC to approve (establish 15,000 SF threshold)
<i>Tennis Courts</i>		X	X		X					Allow staff to approve residential tennis courts
Sign District				X			X			Allow PC to approve Sign Districts
Sign Program (No Waivers)	X	X			X					Allow staff to approve compliant Sign Programs
Sign Program (Waivers)		X	X						X	Allow AAC to grant waivers for Sign Programs
Signage – Cannabis		X							X	Maintain current process so that AAC reviews signage first
Conditional Use Permits										
<i>Cell Towers</i>			X	X			X			Allow PC to approve
<i>Government Facilities</i>			X	X			X			Allow PC to approve
<i>Charitable Institutions</i>			X	X			X			Allow PC to approve
<i>Private Educational Institutions</i>			X	X			X			Allow PC to approve
<i>Public Utility Structures</i>			X	X			X			Allow PC to approve

ATTACHMENT #3
Existing Architectural
Review Ordinance

Palm Springs Municipal Code

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[ZONING CODE](#)

[Chapter 94.00 PROCEDURES](#)

94.04.00 Architectural review.

A. Legislative Intent.

1. It is declared that the city of Palm Springs is a city with unique characteristics, internationally well known for its spectacular topography, the respect for natural features in manmade structures, and ideal climate conditions. These characteristics have caused a significant number of visitors to come to Palm Springs with many visitors eventually becoming permanent residents, participating in both active and retired community life.
2. All of these factors constitute an important economic base for the city, both for those who earn their living here and for those who view the city as their most precious physical possession. To protect the economic welfare of the community, it is the policy of the city council of the city of Palm Springs to reaffirm its determination to protect, maintain and enhance the social and economic values created by past and present investments in the community by requiring all future development to respect these traditions and require that all buildings and structures placed on the land respect the natural land forms, and become a compatible part of the total community environment, both in the local neighborhood and in the city as a whole.
3. The city council finds that there exist in the city conditions which promote disharmony and reduce land and property values, and that the lack of appropriate guidelines for the design of new buildings and design of structures on the city's main streets contributes to these conditions, and it further finds desirable the provisions of such guidelines for the protection and enhancement of land and property values, for the promotion of health, safety and general welfare in the community.
4. The city general plan includes a community design statement relationship to physical setting element which provides objectives and policies for design of public buildings, private buildings, streetscapes, landscapes, and exterior lighting.

B. Purpose.

The purpose of this section is to:

1. Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to its benefit;
2. Encourage development of private and public property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved;
3. Foster attainment of those sections of the city's general plan which specifically refer to the preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation, and assure that the public benefits derived from expenditures of public funds for improvement and a beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of private buildings, public buildings, streetscapes, and open spaces.

C. Planning Commission Architectural Advisory Committee.

There is hereby established a planning commission architectural advisory committee which shall be a committee responsible to and appointed by the planning commission. The planning commission architectural advisory committee shall consist of one planning commissioner who shall be responsible for acting as a liaison to the planning commission architectural advisory committee. The planning commission shall appoint technical advisors to assist in reviewing detailed plans pursuant to this chapter. Technical advisors shall include three California licensed architects, one California licensed landscape architect, one other design professional, and additional technical members for a total of seven members. The planning commission shall also appoint up to two alternate members to ensure adequate representation at planning commission architectural advisory committee meetings. The planning commission architectural advisory committee shall meet on a regular basis as established by resolution and shall provide written recommendations to the Director and the planning commission. The planning commission architectural advisory committee shall designate a

chairman and vice-chairman. The planning commission architectural advisory committee shall be an advisory commission of the city, subject to the Brown Act, and may adopt rules and procedures by resolution.

D. Planning Commission Architectural Advisory Committee Review Guidelines.

The planning commission architectural advisory committee shall examine the material submitted with the architectural approval application and specific aspects of design shall be examined to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;
2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;
3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;
4. Building design, materials and colors to be sympathetic with desert surroundings;
5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously;
6. Consistency of composition and treatment;
7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;
8. Signs and graphics, as understood in architectural design including materials and colors;
9. The planning architectural advisory committee may develop specific written guidelines to supplement the design criteria and carry out the purposes of this chapter.

E. Procedures.

1. Architectural review shall be required for the following:
 - a. All industrial, commercial, professional and residential structures and related landscape areas, except for single-family residences not located on major thoroughfares;
 - b. Hillside developments, including all structures, grading, landscaping, and exterior lighting, in accordance with Section 93.13.00 (Hillside developments), which may require public hearings before the planning commission;
 - c. Churches, governmental buildings and hospital and health facilities;
 - d. Mobilehome parks and recreational vehicle parks (architectural approval shall not be required for individual mobile home or recreational vehicle sites);
 - e. Tennis courts in all zones;
 - f. Designated historic sites, upon referral by the historic site preservation board, and properties within designated historic districts not otherwise subject to Section 94.04.00;
 - g. Entrance features and gates above the height allowed in front and side front setback areas subject to the findings that the limited height extension is architecturally acceptable, creates no interference with sight clearance or corner cut-off, and will cause no detrimental effects to adjacent properties in the vicinity.
2. Before any building or structure or landscape area described in subsection E of this section is erected, constructed, altered, moved, remodeled or repainted a color different than that existing, an application for architectural approval shall be submitted to the Department. An application for new construction and additions shall include a preliminary landscape plan and drawings showing the exterior elevation of sides of a proposed building or structure, the types of materials and colors to be used, and the signs to be displayed. The Director may authorize staff approval of minor architectural approval applications, non-hillside single-family homes, and sign programs and permits. Review and approval is as follows:

a. Staff-Level Approvals.

1. Minor architectural applications which are acted upon by the Director, or designee, shall include the following:

- i. Additions to single-family residential structures which do not increase the existing floor area by more than forty percent (40%);
- ii. Additions to multifamily, commercial, and industrial structures which do not increase the existing floor area by more than twenty-five percent (25%);
- iii. Agricultural structures in the E-I and M-2 zones;
- iv. Cannabis Facilities in the Cannabis Overlay Zone;
- v. Entry features;
- vi. Exterior lighting plans;
- vii. Landscaping plans;
- viii. Minor grading plans;
- ix. Repaints;
- x. Reroofs;
- xi. Sign programs;
- xii. Signs; and
- xiii. Walls and fences.

2. The Director may consult with the planning commission architectural advisory committee in review of minor architectural applications, or refer the entire matter to the planning commission for review and action. The commission shall receive the matter at its next regularly scheduled meeting and act within 30 days.

b. Staff Action Appeals.

The action of the Director shall be final unless appealed to the planning commission within ten (10) working days. The appeal shall be in writing and, upon receipt and filing of appropriate appeal fee, the Director shall schedule the item at the next regular meeting of the planning commission. The action of the planning commission shall be final unless appealed to the city council in the manner provided by Chapter [2.05](#) of the Palm Springs Municipal Code.

c. Planning Commission Approvals.

All other projects subject to this section shall be subject to planning commission review and approval after review by the planning commission architectural advisory committee without the need for appeal. Architectural applications may be placed on the planning commission consent calendar unless other discretionary actions are required.

3. The planning commission architectural advisory committee shall recommend approval, conditional approval, or denial to the Director or planning commission. Applications shall be reviewed by the planning commission architectural advisory committee at the earliest stages of application review.
4. All applications submitted for architectural review for uses permitted by-right-of-zone applications that are exempt from the California Environmental Quality Act (CEQA) shall be scheduled for planning commission review within forty-five (45) days after it has been accepted as complete by the department of planning and zoning. All by-right-of-zone applications referenced herein shall be placed on the planning commission's next available agenda as a consent approval item unless a public hearing is required.
5.
 - a. All architectural applications for projects which are not uses permitted by-right-of-zone including but not limited to conditional use permits, planned development districts, subdivision maps, and projects that are not exempt from CEQA shall require a public hearing in accordance with existing procedures in place for the type of land use noted above. Architectural review applications which do not require any other discretionary applications shall be subject to the public hearing requirements in Section 94.02.00 for conditional use permit.
 - b. Applications for architectural approval which require environmental assessments, environmental impact reports, and/or which also involve an application which requires a public hearing shall be submitted to the

planning commission along with the recommendations of the planning commission architectural advisory committee. The planning commission shall review and consider the staff report, environmental documents, public written and oral testimony prior to taking action in accordance with appropriate city codes and ordinances. The decision of the planning commission is final unless appealed to the city council in accordance with Chapter 2.05 of the Palm Springs Municipal Code. For those applications which require city council approval, the recommendation of the planning commission shall be submitted to the city council in accordance with the appropriate city codes and ordinances.

6. Before an occupancy permit is issued, there must be full compliance with all requirements and conditions as approved by the city council, planning commission, planning commission architectural advisory committee, development committee or the Director, City Engineer, and/or the Building Official. If for any valid reason full compliance cannot be made, a cash bond shall be posted for the work to be completed within a reasonable period of time as determined by the director of planning services, public works director, and/or building and safety manager.

7. Planning commission and planning commission architectural advisory committee agendas shall be provided to designated neighborhood representatives in addition to any person who requests such notice. Persons who request agendas on a regular basis shall pay appropriate fees established by city council resolution.

8. Properties subject to architectural approval shall be maintained in a good, first-class condition consistent with the approval of the planning commission, planning commission architectural advisory committee, or the Director. Such maintenance shall include, but not be limited to, the exterior of the building and grounds, including landscaping, parking and walking areas, exterior lighting and signing and all other features reviewed by the commission or the Director. The Director may, in appropriate circumstances, require the recordation of enforceable covenants containing maintenance requirements. Failure to maintain such property consistent with such standards shall constitute a public nuisance.

F. Effective Date.

An architectural approval shall become effective after an elapsed period of fifteen (15) days from the date of the decision by the planning commission or city council.

G. Time Limit for Development.

Unless otherwise stated by the planning commission or city council, the time limit for commencement of construction under an architectural approval shall be two years from the effective date of approval.

H. Extensions of Time.

Extensions of time may be granted pursuant to the requirements of Section 94.12.00.

(Ord. 2031 §§ 76—80, 2020; Ord. 2007 § 35, 2019; Ord. 1957 § 3, 2018; Ord. 1925 § 8, 2017; Ord. 1813 § 3, 2012; Ord. 1647, 2004; Ord. 1551, 1995; Ord. 1500, 1995; Ord. 1418, 1992; Ord. 1347, 1990; Ord. 1294, 1988)

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ATTACHMENT #4
Draft Ordinance –
Architectural Review

Proposed Ordinance: Architectural Review

94.04.00 Architectural Review.

- A. Purpose and Intent. It is declared that the city of Palm Springs is a city with a unique environmental setting and is internationally known and respected for its collection of architecturally significant buildings and structures. The purpose of this Section is to protect the public health, safety and general welfare of the community by requiring all future development to respect these features and traditions, and to require that all buildings and structures placed on the land respect the natural land forms, architectural quality and character, and become a compatible part of the natural and built environment. This Section is intended to implement the goals and policies of the Community Design Element of the General Plan.
- B. Architectural Review Committee.
1. Architectural Review Committee – Established. There is hereby established the Architectural Review Committee (ARC). The principal roles of the ARC are to (i) issue decisions on Major Architectural Review applications relative to the adopted criteria contained in this Section; (ii) advise the City Council, Planning Commission and/or Historic Site Preservation Board on matters of conformance to the adopted architectural review criteria; and (iii) advise the Director on matters of conformance to the adopted architectural review criteria.
 2. Membership and Qualifications. The ARC shall consist of seven (7) members, who shall be appointed by the Planning Commission. The committee shall consist of a minimum of three (3) California licensed architects, a minimum of one (1) California licensed landscape architect, and other design and/or technical professionals necessary to complete the membership of the committee. The Planning Commission may appoint an experienced architectural designer as a substitute for one of the licensed architects should there be an inadequate number of architects to serve on the committee. The Planning Commission may appoint up to two (2) alternates to serve on the committee.
 3. Organization and Meetings.
 - a. Terms of Members. The term of each committee member shall be in accordance with the provisions of Chapter 2.06 (“Boards and Commissions – General Provisions”) of the Palm Springs Municipal Code.

- b. Attendance and Vacancies. Board members are subject to the attendance requirements as outlined in Chapter 2.06 of the Palm Springs Municipal Code. The chair shall notify the Planning Commission of any vacancy.
- c. Quorum. A majority of the members of the ARC shall constitute a quorum for the purpose of conducting business. A majority vote of those present shall be necessary to approve any item of business.
- d. Appointment of Officers. The ARC shall select a chair and vice-chair from among its members as set forth in PSMC 2.06. The chair and vice chair shall serve for a term of one (1) year and until a successor of each is selected and takes office. The secretary of the ARC shall be the Director or their appointee.
- e. Adoption of Rules. The ARC shall adopt rules of procedure for the transaction of its business. The rules of procedure shall address the time and occurrence of regular meetings, procedures for scheduling special meetings, procedures for transaction of business items, duties of officers, and any other procedures as may be necessary.
- f. Records. The ARC shall maintain a public record of its transactions, findings, and determinations.

C. Applicability and Authority.

- 1. Architectural Review Required. Architectural review shall be required as set forth in this subsection.
- 2. Major Architectural Review. Major Architectural Review applications which are acted upon by the ARC shall include the following:
 - a. New multifamily, commercial, and industrial buildings;
 - b. Additions to multifamily, commercial, and industrial buildings which increase the existing floor area by more than twenty-five percent (25%);
 - c. New single-family residential units in designated hillside areas, in accordance with PSZC Section 93.13.00;
 - d. New single-family residential units located on lots that are ten thousand (10,000) square feet in area or greater on Major Thoroughfares;
 - e. New single-family model residential units for tract development;

- f. New quasi-public buildings, such as religious facilities, hospitals, private schools, and similar buildings;
 - g. Additions to quasi-public buildings which increase the existing floor area by more than twenty-five percent (25%);
 - h. New mobile home parks and recreational vehicle parks; and
 - i. Additions or alterations to Class 1 and Class 2 historic resources which increase the existing floor area by more than twenty-five percent (25%), excluding Class 1 and Class 2 single-family residential units.
3. Minor Architectural Review. Minor Architectural Review applications which are acted upon by the Director shall include the following:
- a. Additions to multifamily, commercial and industrial buildings which do not increase the existing floor area by more than twenty-five percent (25%);
 - b. Additions to quasi-public buildings which do not increase the existing floor area by more than twenty-five percent (25%);
 - c. Entrance features and gates above the allowable height;
 - d. Exterior lighting plans;
 - e. Modifications to exterior colors of commercial, industrial, and quasi-public buildings.
 - f. Revisions to approved landscaping plans for multifamily, commercial and industrial developments; and
 - g. Tennis courts in all zones.
4. Exceptions. The following development types are exempt from the architectural review process:
- a. New single-family residential units, except as otherwise required by this Section;
 - b. Accessory dwelling units and junior accessory dwelling units;
 - c. Other development types which are expressly exempt from architectural review under state law.

5. Authority. The Director shall have the authority to:
 - a. Determine whether an application will be subject to a Major Architectural Review or a Minor Architectural Review under this Section;
 - b. Determine whether an activity or improvement is exempt from architectural review under this Section;
 - c. Approve or deny an application which requires a Minor Architectural Review;
 - d. Forward a Minor Architectural Review application to the ARC for consultation prior to rendering a decision; and
 - e. Require a pre-application submittal for review and comment by the ARC for Major Architectural Review applications based on the scale of development proposed or complexity of the proposed development type.

D. Application and Procedures.

1. Major Architectural Review.
 - a. Pre-submittal Conference Required. A pre-submittal conference with a designated representative from the Department is required prior to formally submitting a Major Architectural Review application. The applicant shall provide a pre-submittal package in a form as determined by the Director, which shall include the following:
 - 1) A schematic site plan;
 - 2) Site cross sections, showing abutting properties;
 - 3) Schematic floor plans;
 - 4) Schematic building elevations and building sections;
 - 5) A roof plan;
 - 6) A schematic landscape plan; and
 - 7) Proposed materials and color selections.

The Director or designee shall review the pre-submittal package for general conformance to adopted development standards and to the criteria set forth in subsection (E) below, and shall provide comments and a submittal checklist to the applicant.

- b. **Formal Application Submittal.** After completing the pre-submittal conference, an applicant shall submit a formal Major Architectural Review application upon such forms as may be established by the Department, and shall be accompanied by such fees as may be established by the City Council. The application shall be signed and notarized by the property owner or their legal representative. The application submittal shall include the following:
 - 1) A site plan, as approved by the Planning Commission as part of the development permit process;
 - 2) A preliminary grading plan, including cross sections through the site and showing the elevations of abutting parcels;
 - 3) Floor plans;
 - 4) Building elevations and building sections;
 - 5) A roof plan;
 - 6) A landscape plan;
 - 7) Material and color selections;
 - 8) A lighting plan; and
 - 9) Depictions of the location and size of any proposed signage, where appropriate for the development type.
- c. **Concurrent Submittals.** In the event the applicant has submitted concurrent applications for a Site Development Permit, Conditional Use Permit, Change of Zone, or similar land use discretionary permits for the project, the Planning Commission or City Council, as applicable, shall take final action on the concurrent applications before the ARC shall consider the Major Architectural Review application.
- d. **ARC Meeting and Approval.** A Major Architectural Review application shall be reviewed at a public meeting of the ARC. The Director shall prepare a report and recommendation for review by the ARC, providing an analysis as to whether or not the proposed

application meets the criteria established in subsection (E) below. The ARC shall consider the Director's recommendation, along with any evidence or testimony offered at the public meeting, and shall evaluate the application and make findings with reference to the criteria set forth in subsection (E) below. The ARC may approve the application as proposed, approve the application with modifications or conditions, or deny the application and shall make findings accordingly. The Director shall provide the applicant with notice of the action taken, along with the findings made and any conditions or modifications imposed by the ARC.

- e. Appeal. The decision of the ARC shall be final unless appealed to the Planning Commission within fifteen (15) days following the date that the Director issues notification to the applicant of the decision. The appeal shall be in writing and filed with the City Clerk. The City Council may establish a fee to be paid in connection with the filing of an appeal under this Section. The Director shall schedule the appeal for consideration by the Planning Commission within thirty (30) days following receipt of the appeal request and payment of the appeal fee. The decision of the Planning Commission shall be final unless further appeal is made to the City council in the manner provided by Chapter 2.05 of the Palm Springs Municipal Code.

2. Minor Architectural Review.

- a. Application Submittal. An applicant shall submit a Minor Architectural Review application upon such forms as may be established by the Department, and shall be accompanied by such fees as may be established by the City Council. The application shall be signed and notarized by the property owner or their legal representative. The application submittal shall include the following as may be deemed necessary by the Director:
 - 1. A site plan;
 - 2. Floor plans;
 - 3. Building elevations;
 - 4. A landscape plan;
 - 5. Material and color selections; and
 - 6. A lighting plan.

- b. Staff Action and Approval. A Minor Architectural Review application may be reviewed administratively by the Director. The Director shall review the application for conformance to the criteria established in subsection (D) below. The Director may approve the application as proposed, approve the application with modifications or conditions, or deny the application. The Director shall provide the applicant with notice of the action taken and any conditions or modifications imposed.
- c. Appeal. The decision of the Director shall be final unless appealed to the ARC within fifteen (15) days following the date that the Director issues notification to the applicant of the decision. The appeal shall be in writing and filed with the City Clerk. The City Council may establish a fee to be paid in connection with the filing of an appeal under this Section. The Director shall schedule the appeal for consideration by the ARC within thirty (30) days following receipt of the appeal request and payment of the appeal fee. The decision of the ARC shall be final unless further appeal is made to the City Council in the manner provided by Chapter 2.05 of the Palm Springs Municipal Code.

E. Criteria and Findings. In considering an architectural review application, the approval authority shall evaluate the application and make findings for conformance to the following criteria:

- 1. The proposed massing of the building(s) is consistent with the site context and adjacent buildings;
- 2. The architectural treatment is consistent on all four sides of the proposed building(s), unless otherwise approved by the ARC;
- 3. The design of accessory structures, such as carports, cabanas, and similar accessory structures, shall be consistent with the form, materials and colors of the principal building(s), unless otherwise approved by the ARC;
- 4. The façade elements and fenestration are composed in a harmonious manner;
- 5. The proposed materials are consistent with the context of the site, adjacent buildings, and the desert environment;
- 6. The proposed color scheme is appropriate to the desert environment and consistent with the site context;

7. Shading devices and sun control elements, excluding landscape materials, are provided to address environmental conditions and solar orientation;
8. The proposed landscape plan is consistent with the requirements of PSMC Chapter 8.60;
9. The proposed landscape plan is consistent with all applicable zoning requirements, including any streetscape requirements, landscape buffer requirements, and screening requirements;
10. The shading for pedestrian facilities on the subject site or abutting public right(s)-of-way is adequate;
11. The proposed lighting plan is consistent with the requirements of PSZC Section 93.21.00, and the proposed lighting will not materially impact adjacent properties;
12. Appropriateness of signage locations and dimensions relative to the building façade(s), or appropriateness of the site location for any freestanding signage, as may be warranted for the development type;
13. Screening is provided for mechanical equipment and service yards, so as to screen such facilities from view from public rights-of-way and abutting properties;
14. The proposed application is consistent with any adopted design standards of an applicable specific plan, planned development district, or other applicable adopted design standards and regulations.

F. Modification. After an architectural review application has been approved, any request to amend the approval shall be submitted to the Department. Upon receipt of the request, the Director shall determine if the amendment is to be processed under the major architectural review process or the minor architectural review process set forth in subsection (C), taking into account the factors and considerations set forth in those subsections.

G. Extensions of Time and Termination.

1. Time Limit for Development. The time limit for the commencement of construction under an architectural approval shall be two (2) years from the effective date of the approval, provided that if the City has also issued concurrent land use permits and entitlements for the project, the time limit for the commencement of construction under an architectural approval shall be two (2) years from the date the concurrent permits/entitlements were approved.

2. Extensions of Time. Extensions of time may be granted pursuant to the requirements of PSZC Section 94.12.00.

ATTACHMENT #5
Draft Ordinance –
Site Development Permit

Proposed Ordinance: Site Development Permit

94.XX.XX Site Development Permit.

- A. Purpose and Intent. The purpose of the Site Development Permit process is to ensure:
1. That the proposed development is consistent with the General Plan, the Zoning Code, and other adopted plans, regulations and policies of the City;
 2. That the proposed uses are consistent with the zone district where the project is located;
 3. That the location, height, massing, and placement of the proposed development is consistent with applicable standards and is consistent with its context;
 4. That the necessary infrastructure is in place to service the proposed development; and
 5. The environmental impacts of the proposed development have been evaluated and addressed.
- B. Applicability and Authority.
1. Site Development Permit Required. A Site Development Permit shall be required as set forth in this subsection.
 2. Major Site Development Permit. A Major Site Development Permit acted upon by the Planning Commission shall be required for the following:
 - a. New multifamily, commercial, and industrial buildings;
 - b. Additions to multifamily, commercial, and industrial buildings which increase the existing floor area by more than twenty-five percent (25%);
 - c. New mobile home parks and recreational vehicle parks;
 - d. New subdivisions containing five (5) or more units;
 - e. New quasi-public buildings, such as religious facilities, hospitals, private schools, and similar buildings;

- f. Additions to quasi-public buildings which increase the existing floor area by more than twenty-five percent (25%); and
3. Minor Site Development Permit. A Minor Site Development Permit acted upon by the Director shall be required for the following:
 - a. Additions to multifamily, commercial and industrial buildings which do not increase the existing floor area by more than twenty-five percent (25%);
 - b. Additions to quasi-public buildings which do not increase the existing floor area by more than twenty-five percent (25%);
 - c. Agricultural buildings in the E-I (Energy Industrial) and M-2 (Manufacturing) zones; and
 - d. Cannabis facilities located within the Cannabis Overlay Zone.
4. Exceptions. The following development types are exempt from the Site Development Permit review process:
 - a. New single-family residential units or additions to single-family residential units, except as otherwise required by this Section;
 - b. Accessory dwelling units and junior accessory dwelling units;
 - c. Other development types which are expressly exempt from site development permit review under state law.
5. Authority. The Director shall have the authority to:
 - a. Determine whether an application requires a Major Site Development Permit or a Minor Site Development Permit under this Section;
 - b. Determine whether an activity or improvement is exempt from a Site Development Permit under this Section;
 - c. Approve or deny an application which requires a Minor Site Development Permit review;
 - e. Require a pre-application submittal for review and comment by the Planning Commission for Major Site Development Permit applications based on the scale of development proposed or complexity of the proposed development type.

C. Application and Procedures.

1. Major Site Development Permit Review.

a. Pre-submittal Conference Required. A pre-submittal conference with a designated representative from the Department is required prior to submitting a Major Site Development Permit application. The applicant shall provide a pre-submittal package in a form as determined by the Director, and shall include the following:

- 1) A schematic site plan;
- 2) Site cross sections, showing abutting properties;
- 3) Schematic floor plans;
- 4) Schematic building elevations and building sections;
- 5) A roof plan;
- 6) A schematic landscape plan; and
- 7) Proposed materials and color selections.

The Director or designated representative shall review the pre-submittal package for general conformance to adopted development standards and to the criteria set forth in subsection (D) below, and shall provide comments and a submittal checklist to the applicant.

b. Formal Application Submittal. After completing the pre-submittal conference/review, an applicant shall submit a formal Major Site Development Permit application upon such forms as may be established by the Department, and shall be accompanied by such fees as may be established by the City Council. The application shall be signed and notarized by the property owner or their legal representative. The application submittal shall include the following:

- 1) A site plan, as approved by the Planning Commission as part of the development permit process;
- 2) A preliminary grading plan, including cross sections through the site and showing the elevations of abutting parcels;
- 3) Floor plans;
- 4) Building elevations and building sections;

- 5) A roof plan;
 - 6) A landscape plan;
 - 7) Material and color selections;
 - 8) A lighting plan;
 - 9) Depictions of the location and size of any proposed signage, where appropriate for the development type; and
 - 10) Any other plans or exhibits that may be required by the Director based on the development type or site characteristics.
- c. Concurrent Submittals. In the event the applicant has submitted a Major Architectural Review application in conjunction with a Major Site Development Permit application and any other concurrent submittals for land use discretionary permits for the project, including a Conditional Use Permit, Change of Zone, etc., the Planning Commission or City Council shall take final action on the Major Site Development Permit application and the other concurrent submittals before the Architectural Review Committee shall consider the Major Architectural Review application.
- d. Planning Commission Meeting and Approval. A Major Site Development Permit application shall be reviewed at a public meeting of the Planning Commission. The Director shall prepare a report and recommendation for review by the Planning Commission, providing an analysis as to whether or not the proposed application meets the criteria established in subsection (D) below. The Planning Commission shall consider the Director's recommendation, along with any evidence or testimony offered at the public meeting, and shall evaluate the application and make findings with reference to the criteria set forth in subsection (D) below. The Planning Commission may approve the application as proposed, approve the application with modifications or conditions, or deny the application and shall make findings accordingly. The Director shall provide the applicant with notice of the action taken, along with the findings made and any conditions or modifications imposed by the ARC.
- e. Appeal. The decision of the Planning Commission regarding a Site Development Permit application shall be final unless appealed to the City Council. The appeal procedure shall be pursuant to Chapter 2.05 of the Palm Springs Municipal Code.

2. Minor Site Development Permit Review.

- a. Application Submittal. An applicant shall submit a Minor Site Development Permit application upon such forms as may be established by the Department, and shall be accompanied by such fees as may be established by the City Council. The application shall be signed and notarized by the property owner or their legal representative. The application submittal shall include the following as may be deemed necessary by the Director:
 1. A site plan;
 2. Floor plans;
 3. Building elevations;
 4. A landscape plan; and
 5. Any other plans or exhibits that may be required by the Director based on the development type or site characteristics.
- b. Staff Action and Approval. A Minor Site Development Permit application may be reviewed administratively by the Director. The Director shall review the application for conformance to the criteria established in subsection (D) below. The Director may approve the application as proposed, approved the application with modifications or conditions, or deny the application. The Director shall provide the applicant with notice of the action taken and any conditions or modifications imposed.
- c. Appeal. The decision of the Director shall be final unless appealed to the Planning Commission within fifteen (15) days following the date that the Director issues notification to the applicant of the decision. The appeal shall be in writing and filed with the City Clerk. The City Council may establish a fee to be paid in connection with the filing of an appeal under this Section. The Director shall schedule the appeal for consideration by the Planning Commission within thirty (30) days following receipt of the appeal request and payment of the appeal fee. The decision of the Planning Commission shall be final unless further appeal is made to the City Council in the manner provided by Chapter 2.05 of the Palm Springs Municipal Code.

D. Criteria and Findings. In considering a Site Development Permit application, the approval authority shall evaluate the application and make findings for conformance to the following criteria:

1. The proposed project is consistent with the General Plan and any applicable specific plan;
2. The proposed uses are in conformance to the uses permitted in the zone district where the site is located, and are not detrimental to adjacent properties or residents;
3. The proposed project is in conformance to the property development standards for the zone district where the site is located;
4. The proposed height and massing of the project is consistent with applicable standards and compatible with adjacent development;
5. The proposed setbacks and placement of the building are consistent with applicable standards and consistent with setbacks of adjacent buildings;
6. The site for the proposed project has adequate access to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed uses, and the design for the site plan enhances or continues the city's existing grid in accordance with the Circulation Plan of the General Plan;
7. On-site circulation conforms to minimum standards, and accommodations are made for safe on-site pedestrian circulation;
8. Landscape areas and open space are in conformance to applicable standards, and the design of stormwater management features are appropriately integrated with other elements of the site design;
9. Public infrastructure, such as water, sewer, and similar utilities, is adequate to serve the proposed project;
10. Based on environmental review, the proposed project either has no potentially significant environmental impacts, any potentially significant impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted to address unmitigated significant environmental impacts;
11. The proposed project has no significant detrimental effects on public welfare, health or safety.

- E. Effective Date. A Site Development Permit approval shall become effective after an elapsed period of fifteen (15) days from the date of the decision of the approval authority.
- F. Modification. After a Site Development Permit application has been approved, any request to amend the approval shall be submitted to the Department.
 - 1. Minor modifications. Minor modifications to an approved Major or Minor Site Development Permit may be approved by the Director, or may be referred to the Planning Commission for approval at the discretion of the Director. Minor modifications may include any of the following:
 - a. A reduction in the number of units or overall building square footage by no more than ten percent (10%);
 - b. Minor adjustments to building footprints or building setbacks, provided conformance is maintained to perimeter setback requirements;
 - c. Minor adjustments to the configuration of parking areas, provided conformance is maintained to parking requirements;
 - d. Minor adjustments to landscape buffer areas or open space areas, provided lot coverage and minimum open space requirements are maintained.
 - 2. Major modifications. Any modification that does not qualify as a minor modification as defined in this Section shall require review by the Planning Commission in accordance with the initial submittal requirements.
- G. Extensions of Time and Termination.
 - 1. Time Limit for Development. The time limit for the commencement of construction under a Site Development Permit approval shall be two (2) years from the effective date of the approval.
 - 2. Extensions of Time. Extensions of time may be granted pursuant to the requirements of PSZC Section 94.12.00.

ATTACHMENT #6
City Council Staff
Report – 1 / 30 / 20



CITY COUNCIL STAFF REPORT

DATE: JANUARY 30, 2020 NEW BUSINESS

SUBJECT: CONSIDERATION AND DIRECTION REGARDING PLANNING AND ZONING APPLICATION PROCESSES, INCLUDING DECISION-MAKING BODIES, ARCHITECTURAL ADVISORY COMMITTEE AND NUMBER OF MEETINGS.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider and provide direction to staff regarding several proposals, which are intended to make the City's planning and zoning application process more streamlined, in order to be more business /resident friendly. These include the following:

- Reducing the types of planning/zoning applications that require City Council approval;
- Providing for Planning Commission consideration/approval of projects prior to review/consideration by the Architectural Advisory Committee; and
- Capping the number of meetings at which certain planning and zoning applications are considered.

RECOMMENDATION:

Consider and provide direction to City staff regarding the above-referenced proposals.

BACKGROUND AND SETTING:

The following is a summary of the City's current practices, with regard to planning and zoning applications.

ITEM NO. New Business 5D

Decision-making bodies

Under the City's current zoning ordinance, the following are the decision-making bodies for planning and zoning entitlement applications:

<i>City of Palm Springs Decision-Making Bodies</i>	
Entitlement	Decision-Making Body
General Plan Amendment	City Council
Zoning Ordinance Text Amendment	City Council
Zoning Map Amendment	City Council
Development Agreement	City Council
Final Map	City Council
Tentative Map	City Council
Conditional Use Permit (CUP)	Planning Commission ¹
Land Use Permit	Director of Planning
Planned Development District (PDD) -- Preliminary Development Plan	City Council
Planned Development District (PDD) -- Final Development Plan	Planning Commission
Architectural Review	Planning Commission ²
Variance	Planning Commission
Minor Modifications	City Council ³
Minor Modifications	Planning Commission ⁴

¹ City Council approval is required for the following uses: airport, or aircraft landing facilities; ambulance; apiaries (beekeeping); cemeteries, crematoriums, mausoleums, mortuaries; child care; commercial communications antennae, including, but not limited to, monopoles and towers that may have a visual impact on the surrounding area; equestrian establishments (academies, schools and amusement); establishments or enterprises involving large assemblages of people or automobiles, including: amusement parks, circuses, fair grounds, open-air theaters, excluding drive-in movie theaters, outdoor recreational centers privately operated, race tracks, stadia, swap meets; governmental facilities; institutions of a philanthropic or charitable nature; large scale resorts of twenty (20) acres or more, including recreational vehicle parks; large-scale shopping centers; plant nurseries; private educational institutions on major thoroughfares as defined on the general plan of the city; and public utility structures and installations.

² The following uses may be approved by the Director of Planning: additions to single-family residential structures that do not increase the existing floor area by more than 40%; additions to multifamily, commercial, and industrial structures that do not increase the existing floor area by more than 25%; agricultural structures in the E-1 and M-2 zones; cannabis facilities in the Cannabis Overlay Zone; entry features; exterior lighting plans; landscaping plans; minor grading plans; repaints; reroofs; sign programs; signs; walls and fences. For cannabis facilities that are subject to architectural review, the Architectural Advisory Committee (AAC) approves signage, while the City Council approves all other architectural elements.

³ For cannabis facility separation distances.

⁴ For modifications of building heights and front yards in slope/hillside areas

Minor Modifications	Director of Planning ⁵
Unlisted Use Determination	Planning Commission
Sign program (conforming)	Director of Planning
Sign program (variance)	City Council

Under State law, General Plan amendments, zoning text amendments, zoning map amendments and development agreements are legislative acts, which require City Council approval. In addition, in Palm Springs, Planned Development Districts are treated as the equivalent of a zoning ordinance, and therefore require City Council approval. All other entitlements listed above can be delegated to a body or official of the City Council's choosing.

Should the City Council wish to modify which body or official is the decision-making body/official for any of the above-referenced applications, such modification would take the form of a zoning text amendment. The City Council is authorized to initiate zoning ordinance text amendments. (PSMC 94.07.01(A)(1)(b).) Following the City Council's direction, City staff would study the proposal, bring it forward to the Planning Commission for a legally required noticed public hearing. The Planning Commission would then make a recommendation to the City Council, which would also require a noticed public hearing prior to revising the zoning ordinance text. (PSMC 94.07.01(A).)

Therefore, staff is seeking direction from the City Council as to whether, and how, the City Council would like to see any changes to the decision-making bodies listed above.

Architectural Advisory Committee

The City's zoning ordinance establishes a "Planning Commission Architectural Advisory Committee" (AAC), which is responsible to, and appointed by, the planning commission. (PSMC, 94.04.00(C).) A planning commissioner attends the AAC meetings, and serves as a liaison to the committee. The planning commission can appoint technical advisors to assist in reviewing detailed plans pursuant to this chapter. Technical advisors are to include three California licensed architects, one California licensed landscape architect, one other design professional, and additional technical members for a total of seven members. The planning commission is also to appoint up to two alternate members to ensure adequate representation at AAC meetings.

The AAC is required to examine the material submitted with the architectural approval application to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent

⁵ For the following modifications: additions of one (1) additional dwelling unit on a multi-family lot, reductions of lot area by not more than 10%; reductions of yards by not more than 20%; reductions in number of required parking spaces by not more than 10%; modification of walls/fences not to exceed 20%; trash enclosure modifications; encroachments of mechanical equipment into setbacks in residential areas; and expansions of legal non-conforming structures in R-1 zones by not more than 50%.

and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Specifically, the AAC is to consider the following:

- Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas
- Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted
- Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment
- Building design, materials and colors to be sympathetic with desert surroundings
- Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously
- Consistency of composition and treatment
- Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials
- Signs and graphics, as understood in architectural design including materials and colors
- Additional, specific written guidelines to supplement the design criteria and carry out the purposes of the City's zoning ordinance (PSMC 94.04.00(D).)

Architectural review is required for the following development applications within the City:

- All industrial, commercial, professional and residential structures and related landscape areas, except for single-family residences not located on major thoroughfares
- Hillside developments, including all structures, grading, landscaping, and exterior lighting
- Churches, governmental buildings and hospital and health facilities
- Mobilehome parks and recreational vehicle parks (but, not be required for individual mobile home or recreational vehicle sites)
- Tennis courts
- Designated historic sites, upon referral by the historic site preservation board, and certain properties within designated historic districts
- Entrance features and gates above the height allowed in front and side front setback areas (PSMC 94.04.00(E).)
- Cannabis facilities (PSMC 93.23.15(F)(3).)

Such review may be performed at a staff level (Director of Planning), for the following developments:

- Additions to single-family residential structures that do not increase the existing floor area by more than 40%
- Additions to multifamily, commercial, and industrial structures that do not increase the existing floor area by more than 25%
- Agricultural structures in the E-I and M-2 zones
- Cannabis Facilities in the Cannabis Overlay Zone
- Entry features
- Exterior lighting plans
- Landscaping plans
- Minor grading plans
- Repaints
- Reroofs
- Sign programs
- Signs
- Walls and fences

The Director's decision can be appealed to the Planning Commission. (PSMC 94.04.00(E)(2)(a)(1).) The Director also has the option of consulting with the AAC on the application types listed above, or referring the application to the Planning Commission (PSMC 94.04.00(E)(2).)

All other development applications that require architectural review, are required to be approved by the Planning Commission, following review by the AAC. (PSMC 94.04.00(E)(2)(c).)

It has been suggested that having the architectural review conducted *after* the Planning Commission review/approval, as opposed to *prior to* the Planning Commission's review/approval, may provide for a more efficient and well-informed decision.

Should the City Council wish to revise the order in which the AAC performs its review, such an action would require a revision to the City's zoning ordinance text, specifically Chapter 94.04.00 (Architectural review). Again, the City Council is authorized to initiate zoning ordinance text amendments. Following the City Council's direction, City staff would study the proposal, and bring it forward to the Planning Commission for a legally required noticed public hearing. The Planning Commission would then make a recommendation to the City Council, which would also require a noticed public hearing prior to revising the zoning ordinance text.

Therefore, City staff is seeking direction as to whether the City Council would like to initiate the process for amending the City's zoning text to provide for AAC review after Planning Commission consideration of development applications.

Number of meetings

The City does not currently regulate, either by ordinance or otherwise, the number of public meetings that may be held concerning a particular zoning/planning application. It has been suggested that placing a cap on the total number of meetings at which a particular application is reviewed may streamline the application process.

For example, the California Legislature adopted Senate Bill 330 (the "Housing Crisis Act of 2019"), which prohibits more than five (5) hearings when reviewing a project that complies with a city's general plan and zoning standards. That statute, effective January 1, 2020 reads, in pertinent part:

Cal. Gov. Code 65905.5

(a) Notwithstanding any other law, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, after the application is deemed complete, a city, county, or city and county shall not conduct more than five hearings pursuant to [the State statute for public hearings for variances and conditional use permits], or any other law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project. If the city, county, or city and county continues a hearing subject to this section to another date, the continued hearing shall count as one of the five hearings allowed under this section. The city, county, or city and county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act....

(b)

(2) "Hearing" includes any public hearing, workshop, or similar meeting conducted by the city or county with respect to the housing development project, whether by the legislative body of the city or county, the planning agency..., or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof. "Hearing" does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

Should the City Council wish to cap the number of meetings at which specific

applications are considered, the City Council might want to consider borrowing from SB 330, and expand it to applications other than housing applications.

Note, several aspects of SB 330:

- SB 330 sets a cap of 5 hearings or meetings for covered projects. There is nothing in the legislation that suggests that the City could not reduce this number below 5.
- SB 330 applies only to project applications that are consistent with the general plan and zoning ordinance in effect at the time the application is deemed complete.
- SB 330 only applies to "housing" projects, defined as "residential units only; mixed-use developments consisting of residential and nonresidential uses with at least 2/3 of the square footage designated for residential use; or transitional housing or supportive housing"
- SB 330 does not apply to meetings or hearings to review a legislative approval, such as a general plan amendment, a specific plan/amendment, or zoning ordinance/map amendment. Thus, for projects that include any or all of those sorts of legislative approvals, the City is not bound by the 5 meeting cap.

Therefore, the City Council is being asked to consider this new state mandated cap, and provide direction to City staff as to whether, and under what circumstances, the City Council might wish to see a similar cap applied to housing and/or other planning/zoning applications within the City.

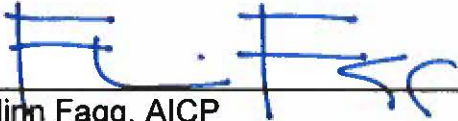
Should the City Council wish to impose a cap on the number of meetings for any particular class of applications, that cap could be memorialized in either a zoning ordinance or a resolution. It might be advisable to memorialize such a policy in the form of a resolution, rather than an ordinance, at least until the City and stakeholders have had a chance to experience how such a cap works in practice (the bylaws for both bodies would then be amended to reflect the Council resolution). An ordinance memorializing such a cap, as well as any amendment to such a cap would, as discussed above, require noticed public hearings before the Planning Commission as well as the City Council. A resolution declaring the City Council's policy can be adopted by the City Council at one meeting, as could any future amendments to such a policy resolution.

CONCLUSION:

Therefore, City staff is seeking direction regarding whether, and how, the City Council might want to modify final decision-making bodies/officials for planning/zoning applications, the manner in which AAC and Planning Commission conduct their reviews, and whether and under what circumstances the City Council would like to limit the number of meetings at which certain classes of projects are reviewed.

Environmental Determination:

Pursuant to the California Environmental Quality Act (CEQA), this item is categorically exempt under CEQA Regulation Section 15306 (Information Collection), in that should the City Council direct staff to move one or more of the above-referenced proposals forward, such action would result in the collection of data and research a part of a study leading to an action that the City has not yet approved, adopted or funded.



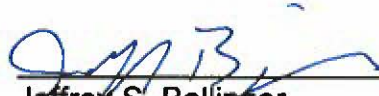
Flinn Fagg, AICP
Director of Planning Services



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.
City Manager



Jeffrey S. Ballinger
City Attorney

D. CONSIDERATION AND DIRECTION REGARDING PLANNING AND ZONING APPLICATION PROCESSES, INCLUDING DECISION-MAKING BODIES, ARCHITECTURAL ADVISORY COMMITTEE AND NUMBER OF MEETINGS

City Attorney Ballinger presented the staff report.

In response to City Council inquiry, Director Fagg recommended that Planning Commission call-ups be considered by the City Council prior to the Architectural Advisory Committee (AAC). City Attorney Ballinger advised that it is City Council's discretion whether to include its call-up within the total meeting limitation for land use entitlements, including specific plans; pointed out that housing projects subject to the State's five-meeting limit, will include call-ups from the City Council as well as study sessions.

Councilmembers Garner and Woods voiced support for establishing a five-meeting limit and requiring Planning Commission approval prior to AAC. Councilmember Woods expressed a desire for staff, with an architecture or urban design background, to pre-screen applications and help guide developers through the review process.

In response to City Council inquiry, Director Fagg stated that staff will pursue a Zoning Code amendment to delegate approval of tentative and final tract maps, if permitted by state law, and sign program variances to the Planning Commission; advised that staff will review which uses require Conditional Use Permits, including childcare facilities and institutions of a philanthropic/charitable nature, and return to City Council with recommendations for a Zoning Code amendment.

Mayor Kors suggested that additional meetings should be permitted, if the developer and commission mutually agree, noting that the goal is to streamline the process while ensuring quality projects.

Mayor Pro Tem Holstege requested that staff develop an expedited review process for housing developments.

Following discussion, Director Fagg stated that staff will return to the City Council with a proposal which establishes a streamlining track which complies with SB 330 for housing projects and a proposal for other entitlements under a standardized review process; advised that staff will evaluate whether study sessions should be included in the five-meeting limit, noting that appeals to the City Council are separate from the meeting limit.