

SECTION 13A – SINGLE FAMILY AND DUPLEX RESIDENTIAL DESIGN REVIEW ¹

Editor's Note: Current through Ordinance 2016-1100

13A.1 **PURPOSE** – The regulations in Section 13A establish standards that allow residential property owners to develop their property while ensuring that the development is in harmony with and preserves the City's tranquil, safe and desirable neighborhoods. These regulations, as augmented by the Residential Design Guidelines, together with Section 4 are intended to provide a predictable and consistent framework for review of residential projects.

13A.2 **DESIGN REVIEW REQUIREMENT** - Except as provided in Section 24, no person may construct on property zoned R-1 or R-2 a new residential building that requires a building permit or alter the square footage or floor plan of an existing residential building without first receiving design review approval in accordance with Section 13A.

13A.3 **APPLICATION**

(a) An applicant for Single Family and Duplex Residential Design Review must submit an application to the Director of Community Development on a form prescribed by the Director. The application must include the following data:

- (1) Name and address of applicant.
- (2) A Statement certifying under penalty of perjury that the applicant is the owner of the property, the authorized agent of the owner, or the master developer.
- (3) Address or description of the property.
- (4) A map showing the boundaries of the subject parcel and each separate lot or parcel within 300 feet of the exterior boundaries thereof together with a list, or the names and addresses of the last known owners of each lot or parcel insofar as they are of public record.
- (5) A statement of the precise nature of the proposed development and any other data pertinent to the findings prerequisite to the granting of a Single-Family Design Review in Section 13A herein.
- (6) Such other information, plans, maps and data which may be necessary to assure a full presentation of pertinent fact for the record and to assist in making a determination in harmony with the objectives of this Ordinance.

(b) A mandatory pre-application meeting with planning staff is required for projects requiring Zoning Administrator or Planning Commission approval.

(c) At the time of filing the application, an applicant must pay the application fee required by the Master Fee Schedule. The Community Development Director may not process an application without payment of the application fee.

13A.4 **REVIEW PROCEDURE**

¹ Added by Ord. 996, 2/24/04, by Ord. 2016-1100, §25, 2/23/16

- (a) The reviewing authority for projects within the scope of Section 13A.2 is specified in Table 13A.4(a).

Table 13A.4(a) - Residential Design Review (RDR) Authority Thresholds.

Tier	Project Characteristics	Reviewing Authority
1	<ul style="list-style-type: none"> Ground floor additions up to 399 sf. cgfa, with top of the addition plate height 12 feet or less, and top of the new roof 18 feet or less, as measured from finished grade. Enclosure of carports & additions of any size that do not increase the foot print of the home (i.e., underfloor and attic areas that are made habitable) 	Community Development Department (CDD)
2	<ul style="list-style-type: none"> Ground floor additions not consistent with Tier I Ground floor additions from 400 sf to 899 sf. cgfa Upper floor additions up to 399 sf. cgfa Combination of upper and lower floor addition up to 899 sf. cgfa. 	Zoning Administrator (ZA)
3	<ul style="list-style-type: none"> New Single-Family Homes Grading more than 500 cubic yards Disturbance of 6,000 sf. or more of site area Upper floor additions of 400 sf. cgfa. or more Combination of upper and lower floor additions of 900 sf. cgfa. or more SFDR with other PC level entitlements 	Planning Commission (PC)

- (b) The addition square footages in Table 13A.4(a) are cumulative gross floor area (cgfa) as defined in Section 2.48.1
- (c) After determining that an application is complete, the reviewing authority must timely consider whether the project meets the standards for approval in Section 13A.5.
- (d) The outreach, noticing, and hearing requirements for residential design review applications are set forth in table 13A.4(d):

Table 13A.4(d) –RDR Review Procedure

Tier	Neighborhood Outreach	Project Notice	Public Hearing
1	Not required	Not required	Not required
2	All projects - required	Notice to Neighboring Property Owners	If requested
3	All projects - required	Public hearing notice per Section 11.4.1	Required

- (e) Neighborhood Outreach. When required, applicants must complete the neighborhood outreach process established by the Community Development Director for neighboring property owners.
- (f) Tier 2 Projects. The following procedures apply to Tier 2 projects.
 - (1) Project Notice. The Zoning Administrator must send notice of intent to take action to neighboring property owners. The notice must include a general description of the project and a statement that the Zoning Administrator will take action on the project without a public hearing unless a hearing is requested in writing by a neighboring property owner within 10 days of the project notice date.
 - (2) Project Determination. If the Zoning Administrator does not receive a timely written hearing request, he or she must proceed to make a project determination under Section 13A.5.
 - (3) For purposes of Tier 2 projects, neighboring property means a lot within 150 feet of a project site.
- (g) Public Hearings. The Community Development Director must provide notice of Zoning Administrator and Planning Commission public hearings in the manner required by Section 11.4.1.
- (h) Appeals.
 - (1) Except as provided in subsection 13A.4(h), the provisions of Section 15 govern appeals of residential design review project determinations.
 - (2) For Tier 1 projects, the applicant may appeal a project determination to the Planning Commission. A decision by the Planning Commission on a Tier 1 project is final unless appealed by the applicant.
 - (3) For Tier 2 projects, the applicant and neighboring property Owners may appeal a project determination to the Planning Commission. The Planning Commission may either affirm the underlying determination or forward the appeal to the City Council with a recommendation to approve, approve with conditions, or deny the project.
 - (4) All appeals must be in writing, accompanied by the required appeal fee, and delivered to the Community Development Department within 10 days of the project determination.
- (i) The City Council finds that ordinarily projects in Tier 1 of Table 13A.4 (a) do not have the potential to substantially or significantly adversely affect the property rights of other property owners, and that projects in Tier 2 of Table 13A.4(a) do not have the potential to substantially or significantly adversely affect the property rights of other property owner beyond neighboring property owners. The City Manager, in consultation with the City Attorney, may expand the scope of notice and opportunity to appeal for Tier 1 and 2 projects if necessary due to facts peculiar to the proposed project to provide due process.

13A.5 STANDARDS FOR APPROVAL. The reviewing authority may approve, conditionally approve, or deny an application for residential design review. The reviewing body may approve or conditionally approve a residential design review if it makes the following findings:

- (a) The buildings and structures shown on the site plan will be:
 - (1) Designed to be compatible with any existing development on the site;
 - (2) Located and designed to minimize disruptions of existing public views, and to protect the profile of prominent ridgelines.
- (b) The overall site and building plans will achieve an acceptable balance of the following factors:
 - (1) building bulk,
 - (2) grading, including
 - (A) disturbed surface area, and
 - (B) total cubic yards, cut and fill.
 - (3) The aesthetic impacts of hardscape as viewed from a public vantage point.
- (c) All proposed accessory and support features, including driveway and parking surfaces, underfloor areas, retaining walls, utility services and other accessory structures will be integrated into the overall project design.
- (d) The proposed landscape plan will incorporate:
 - (1) Native plants appropriate to the site's environmental setting and microclimate, and
 - (2) Appropriate landscape screening of proposed accessory and support structures.
- (e) The project will be in substantial compliance with the Residential Design Guidelines and Residential Design Criteria as applicable.
- (f) City staff and consultants have provided technical review and conditions of approval are included, as applicable, regarding project-related grading, drainage, storm-water runoff, vehicular and pedestrian access, site stability, structural encroachments, and construction impacts.

13A.6 Reserved.

13A.7 LAPSE OF APPROVAL AND EXTENSION OF TIME – A residential design review approval expires two years following the date on which it became effective unless, before expiration a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site, or the Building Official issues a certificate of occupancy for the site subject to the design review approval. Extension of time is governed by Section 10.5.