

AGENDA ITEM REQUEST FORM

K-1.

Department: Planning & Building Services

Department Head: Richard Mitchell
by Janet Harbin

Phone: 307-8159

Meeting Date: May 29, 2007

Final Decision Date Deadline: _____

STATEMENT OF THE ISSUE: Pursuant to direction from the City Council, staff has prepared a proposal to revise the design review process for residential, commercial, industrial, office and retail projects to provide more reasonable criteria for exemption and administrative design review for projects, and has prepared a timeline for other tasks and products related to the revision of the City's design review process.

INDICATE APPROPRIATE BODY

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|---|---|--|---|---|
| <input checked="" type="checkbox"/> City Council | <input type="checkbox"/> Redevelopment Agency | <input type="checkbox"/> Housing Authority | <input type="checkbox"/> Surplus Property Authority | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input type="checkbox"/> Other _____ | |

ITEM

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> Council As Whole | |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |
| <input type="checkbox"/> Resolution | | |

RECOMMENDED ACTION: Direct staff to: 1) Incorporate the proposed draft design review process revisions in a draft Ordinance amending the Richmond Municipal Code; 2) Appoint an Ad Hoc Committee of two Council Members to review draft design review process documents; and, 3) Return by October 30th with the proposed draft ordinance, design review principles and guidelines document, and modified ordinances and policies combining the Planning Commission and Design Review Board duties and process.

<p>REVIEWS/APPROVALS DO NOT WRITE IN THIS SPACE</p> <p>Reviewed and Approved by City Attorney (if Contract, Ordinance or Resolution)</p> <p>_____</p> <p style="text-align: center;">Date Signature</p> <p>Reviewed and Approved by Finance Department for Fiscal Impact</p> <p>_____</p> <p style="text-align: center;">Date Signature</p> <p>Reviewed and Approved by City Manager</p> <p>5-25-07</p> <p>Date Signature</p>	<p>AGENDA ITEM NO:</p> <p>_____</p>
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AGENDA REPORT

PLANNING AND BUILDING REGULATIONS DEPARTMENT

DATE: May 29, 2007
TO: Mayor McLaughlin and Members of the City Council
FROM: Richard Mitchell, Director of Planning and Building Services
SUBJECT: RECOMMENDED THRESHOLDS FOR DESIGN REVIEW AND TIMELINE FOR RELATED MODIFICATIONS TO THE DESIGN REVIEW PROCESS

STATEMENT OF THE ISSUE:

Pursuant to direction from the City Council, staff has prepared a proposal to revise the design review process for residential, commercial, industrial, office and retail projects to provide more reasonable criteria for exemption and administrative design review for projects, and has prepared a timeline for other tasks and products related to the revision of the City's design review process.

RECOMMENDED ACTION:

Review the proposed revisions to the design review process and direct staff to:

- 1) Incorporate the proposed draft design review process revisions in a draft Ordinance amending the Richmond Municipal Code;
- 2) Appoint an Ad Hoc Committee of two Council Members to review the draft Ordinance and modified design review process documents; and
- 3) Return by October 30, 2007 with the proposed ordinance, design review principles and guidelines document, and modified ordinances and policies combining the Planning Commission and Design Review Board duties and process.

FINANCIAL IMPACT OF RECOMMENDATION:

This action would have no direct impact on the General Fund. The development review process is funded by application fees.

DISCUSSION:

At its meeting of February 20, 2007, the City Council directed staff to prepare a proposal to streamline review of development applications by revising the criteria or thresholds by which development applications or projects would be exempt from design review (by a board or

commission), be subject to administrative review (or design review at staff level), or receive design review at a Commission level. The City Council also gave direction to staff to prepare revisions to the appropriate ordinances and policies to facilitate combining the duties of the Design Review Board with those of the Planning Commission in order to establish one Commission with authority over both existing Planning and Design Review functions.

Additionally, in June 2005, the City of Richmond requested proposals from architectural consulting firms to develop new citywide Design Guidelines to be utilized by the new combined Commission, staff and the public in the development and review of projects in the City. Following the receipt of proposals from various firms, the City selected the architectural firm of Opticos to assist in preparing the new guidelines.

Modification of Ordinance Requirements and Thresholds for Design Review

In response to Council direction to streamline the review of development applications, staff researched design review practices in several neighboring communities including El Cerrito, Berkeley, Oakland, and San Rafael. Additionally, staff also consulted the draft "Operations and Service Levels Work Flow Study for the Planning and Building Services Department" prepared by Zucker Systems in December 2006.

Based on its research, staff recommends adoption of the design review requirements labeled "Recommended Requirements" in the table below (for ease of comparison, "Current Requirements" are in the column on the left.).

Current Requirements	Recommended Requirements
<p>Unless exempt, all exterior construction or modification for which a building permit, zoning permit, certificate, or discretionary planning approval (including any variance from the Richmond Sign Ordinance) is subject to design review.</p>	<p><u>Design review by the Planning and Design Commission shall be required for:</u></p> <ul style="list-style-type: none"> • Any project that staff determines does not conform to zoning (e.g., requires a variance or rezoning). • All mixed-use projects. • All residential projects that create four (4) or more units. → • New residential construction of more than 35 feet in height above existing grade or more than 5,000 square feet in floor area. • Residential additions that project at any point more than 35 feet above existing grade or exceed 2,000 square feet in area. • New commercial construction or commercial additions that project at any point more than 40 feet above existing grade or exceed 20,000 square feet in area. • New industrial construction or additions that project at any point more than 40 feet above existing grade or exceed 20,000 square feet in area. • Coordinated sign programs for commercial, industrial, residential or mixed-use developments. • Projects on sites within any Resource Management Overlay District. • Projects on sites with average slopes exceeding 15%.

Current Requirements	Recommended Requirements
<p>Administrative Design Review criteria:</p> <ul style="list-style-type: none"> • Exterior construction of residences and residential additions of 500 to 1,200 square feet total floor area and not more than 15 feet in height from existing grade. • Attached second dwelling units of 500 – 1,200 square feet or up to 30% of existing living area. • Single story additions not more than 15 feet above grade. • The project conforms to zoning (i.e., does not require a variance or rezoning). • Not over a garage. • Does not eliminate existing on-site parking, convert or enclose an existing garage, or otherwise decrease on-site parking or create a non-conforming parking situation. • Slope of project site does not exceed 15%. 	<p>Administrative Design Review criteria:</p> <ul style="list-style-type: none"> • Residential projects creating less than four (4) units. • Residential additions of 500 square feet, but less than 2,000 square feet total floor area, and project not more than 35 feet above existing grade unless the Director of Planning and Building Regulations or his/her designee determines Commission design review is necessary. • New residences of not more than 35 feet above existing grade and do not exceed 5,000 square feet of floor area. • Second dwelling units that do not meet all of the regulations of the City's Zoning Ordinance and design guidelines. • Decks of no higher than six feet above grade at any point (excluding railings) • Commercial buildings or commercial additions of more than 1,000 square feet but not more than 20,000 square feet provided the structure does not project at any point more than 40 feet above existing grade, unless the Director of Planning and Building Regulations or his/her designee determines design review by the Commission is necessary. • Industrial buildings or industrial additions of more than 1,000 square feet but not more than 20,000 square feet provided the structure does not project at any point more than 40 feet above existing grade,, unless the Director of Planning and Building Regulations or his/her designee determines design review by the Commission is necessary. • Average slope of project site does not exceed 15%.
<p>Exempt from Design Review:</p> <ul style="list-style-type: none"> • All painting, siding, roofing, and other maintenance and replacement items with like or compatible materials or colors, including replacement or reconstruction of existing equipment or appurtenant facilities with equipment or facilities similar in size, design, and appearance to that replaced. • Minor window, door and roof modifications. • Decks of no higher than four feet from grade at any point (excluding railings) • Replacement of existing decks where the structure is similar in size, design, and appearance to the deck replaced. • Residences and residential additions of less than 500 square feet total floor area and less than 15 feet in height above existing grade. • Accessory structures of less than 250 square feet total floor area and less 	<p>Exempt from Design Review:</p> <ul style="list-style-type: none"> • All painting, siding, roofing, and other maintenance and replacement items with like or compatible materials or colors, including replacement or reconstruction of existing equipment or appurtenant facilities with equipment or facilities similar in size, design, and appearance to that replaced. • Window, door and roof modifications that are not visible from the street or that do not affect more than twenty percent (20%) of the portion of the building visible from the street. • Decks of no higher than six feet from grade at any point (excluding railings) • Replacement of existing decks where the structure is similar in size, design, and appearance to the deck replaced. • Residential additions of less than 500 square feet total floor area and less than 15 feet in height above existing grade unless the Director of Planning and Building Regulations or his/her designee determines design review is necessary. • Attached or detached second dwelling units that do not project at any point more than 15 feet above existing grade that comply with design review principles/guidelines and all other regulations of the Zoning Ordinance. • Accessory structures of less than 250 square feet total floor area and

Current Requirements	Recommended Requirements
<p>than nine feet in height above existing grade.</p> <ul style="list-style-type: none"> • Commercial additions or improvements of less than 1,000 square feet to building or site surfaces, unless project site abuts residentially zoned property. • Industrial additions or improvements of less than 1,000 square feet to building or site surfaces, unless the project site abuts residentially zoned property. • Temporary structures of less than 500 square feet on commercial or industrially zoned property, unless the project site abuts a residentially zoned property. • Single-family homes consistent with the architecture and design standards of a previously approved planned area district or planned unit development. 	<p>less than nine feet in height above existing grade.</p> <ul style="list-style-type: none"> • Decks of no higher than four feet above grade at any point (excluding railings) • Commercial additions, equipment or improvements of less than 1,500 square feet to building or site surfaces, unless project site abuts residentially zoned property. • Industrial additions, equipment or improvements of less than 1,500 square feet to building or site surfaces, unless the project site abuts residentially zoned property. • Temporary structures or equipment of less than 750 square feet on commercial or industrially zoned property, unless the project site abuts a residentially zoned property or any point of the structure exceeds 40 feet in height or the Director of Planning and Building Regulations or his/her designee determines design review is necessary. • Single-family homes consistent with the architecture and design standards of a previously approved planned area district or planned unit development in which the home is located.
<p>Number of exemptions permitted per year: Only one residential addition within any twelve-month period shall be exempt from design review.</p>	<p>Number of Exemptions per year unlimited: Revisions to the ordinance would eliminate this provision, thereby not limiting the number of exempt residential additions allowed per year.</p>

Additional Recommended Revisions to Administrative Design Review

A planning consultant, Douglas Herring, will assist staff in rewriting the ordinance after confirmation that the process to be taken is acceptable with the City Council. Under the new thresholds for design review outlined in the above table, those projects exempt from administrative or the newly created Commission's review will continue to be reviewed and approved by a representative of the Planning and Building Services Department if all other requirements of the Zoning Ordinance and Building Code are met. However, in addition to increasing the thresholds for Administrative Design Review, it is recommended that the public review process also be slightly revised to allow additional public review and comment.

The present Administrative Design Review approval process occurs at the staff level, with review by a project planner. The Zoning Administrator, or the Principal Planner in Current Planning, is the approving authority for this type of review. Currently, items subject to Administrative Design Review are publicly noticed, and property owners within 300 feet of the site proposed for design review, or any interested parties, are sent notices of the review and the 10-day appeal period. Rarely are hearings on the projects held, unless there is an appeal filed. However, as the thresholds for this type of design review are proposed to be increased, staff recommends that the revised ordinance include a public hearing before the Zoning Administrator for each item, as is conducted in other cities in the Bay Area. A hearing date would be established for each project, properly noticed, and occur during working hours. The public could attend and be heard on the project design, after which the Zoning Administrator would issue a letter of approval or

denial. This decision could be appealed to the Director of Planning and Building Regulations, and could be further appealed to the Planning Commission after the Director's decision is issued.

Merging of the Planning Commission and the Design Review Board Functions

In the City Council's action on February 20, 2007, staff was directed to revise and streamline the City's design review process for land use projects to merge the Design Review Board functions and those of the Planning Commission.

As the present members of the Planning Commission have expressed the concern that they are not prepared nor have the expertise to fully assess the design and architectural nature of structures, the City Council might consider that the Planning Commission create a subcommittee of two or three members to perform this task, and provide a recommendation to the Commission prior to formal review of a design review permit application.

Establishment of Subcommittee to Review Related Products

As the public and community had a great deal of input in the development of the present Design Review process and ordinance provisions related to establishing the Design Review Board originally, the recommendation in this agenda report includes the suggestion that the City Council appoint two Council Members to a subcommittee to review all draft ordinances and documents for the proposed design review process revisions, monitor the development of the revised design review process, and recommend the modifications and related products to the City Council.

OTHER DESIGN REVIEW MODIFICATIONS

Preliminary Design Principles and Review Guidelines

In addition to presenting a recommended process for residential, commercial, industrial, office and retail project design review exemptions and administrative review by staff, the City Council requested that staff return to the Council with draft citywide Design and Review Standards. In 2005, the City selected the architectural firm of Opticos to assist in preparing the new guidelines and has been working with Planning staff to develop the draft guidelines.

In April, the City Council received a rough draft of the document addressing design principles and guidelines specific to the North and East Neighborhood areas. This document was compiled by staff, with the intent that Opticos would provide some additional illustrations showing the proper way to design a residential addition for a particular style of home. The final illustrations to include in the document will be received from Opticos in early June, and the complete draft will be then forwarded to the Council subcommittee for review.

After the subcommittee has reviewed the document and is satisfied with the format, content and presentation, the final document will be submitted to the City Council with a recommendation from the subcommittee. Similar guiding documents will be produced for other neighborhoods in the City, all of which will be reviewed and considered by the Council subcommittee, and then submitted to the City Council with recommendations. Staff intends to return to the City Council later this year with the complete set of documents for review and adoption.

Significant Corridor Design Guidelines

Another document related to design principles and guidelines has been initiated within the context of the update of the General Plan, now in process. This is a document containing design

principles and guidelines for significant corridors in Richmond such as Cutting Boulevard, Macdonald Avenue, and Central Avenue. The consultant for the General Plan update program, MIG, will be assisting staff in developing this document, along with a design firm specializing in streetscape and landscape design. The design firm has not yet been selected for the project, and staff is in the process of preparing the Request for Proposals (RFP) to distribute to various firms specializing in this type of work.

PROPOSED SCHEDULE FOR REVISION OF THE DESIGN REVIEW PROCESS

Staff has prepared the following proposed schedule or timeline for input by the City Council for the revision of the design review process, including revision of the appropriate ordinances and completion of the various design principles and guidelines:

<i>Schedule for Revision of the Design Review Process June 2007</i>			
<i>Task</i>	<i>Initiated</i>	<i>Draft to Council</i>	<i>Completed</i>
<i>1. Design Guidelines and Principles Document</i>	<i>June 2005 - RFP</i>	<i>June 19, 2007</i>	<i>September 18, 2007 (Resolution Adopted)</i>
<i>2. Design Review Zoning Ordinance Amendment</i>	<i>February 20, 2007</i>	<i>September 4, 2007</i>	<i>October 4, 2007 (Ordinance Effective)</i>
<i>3. Establishment and Effective date of Planning/Design Commission</i>	<i>February 20, 2007</i>	<i>September 4, 2007</i>	<i>November 1, 2007</i>
<i>4. Significant Corridor Design Guidelines</i>	<i>October 2006</i>	<i>To be determined</i>	<i>To be determined</i>

DOCUMENTS ATTACHED:

Attachment 1: Existing Design Review Ordinance of the Richmond Municipal Code, Chapter 15, Article 15.04.900, Section 15.04.930.

RM/jh

May 29, 2007

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Revised Design Review Requirements