

## **RESOLUTION 12-20**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLIAMS ADOPTING DESIGN REVIEW PROCEDURES**

WHEREAS, the City Council of the City of Williams approved an a comprehensive update to the General Plan on June 20, 2012, which references the need to develop a Design Review Manual to enhance the appearance of new development throughout the City; and

WHEREAS, the City Council of the City of Williams approved a comprehensive Zoning Ordinance Update, Ordinance 194-12, on July 25, 2012, with Section 17.05.270.1 establishing A Design Review Manual and related Design Procedures that sets forth the rules, procedures and criteria for conducting design review; and

WHEREAS, the City conducted an extensive public outreach process for the Design Review Manual and related Design Review Procedures to gain an understanding of the needs, desires, and concerns of the community; and

WHEREAS, the City Council appointed 7 members of the community to serve on a Design Review Ad-Hoc Committee which, over the course of 3 meetings, provided guidance and recommendations on key issues relating to the Design Review Manual and related Design Review Procedures; and

WHEREAS, the Design Review Procedures establishes a facilitated approach to processing Design Review applications; and

WHEREAS, adoption of Design Review Procedures is exempt from environmental review in accordance with Section 15308 of the California Environmental Quality Act (CEQA) Guidelines regarding actions taken by a regulatory agency to assure maintenance and enhancement of the environment; and

WHEREAS, the Design Review Ad-Hoc Committee, on April 30, 2012, unanimously recommended approval of the Design Review Procedures; and

WHEREAS, the Planning Commission, at their regular meeting held on August 27, 2012 reviewed the Design Review Manual and related Design Review Procedures and recommended approval to the City Council; and

WHEREAS, the City Council, at their regular meeting held on September 19, 2012, considered the recommendation of the Planning Commission on the Design Review Procedures.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council finds that:

- a. The Design Review Procedures are consistent with the City of Williams General Plan and in compliance with the City of Williams Zoning Ordinance.

- b. The Design Review Procedures have been established in accordance with Section 17.05.270.1 of the Zoning Ordinance.
  - c. Adoption of the Design Review Procedures is exempt from environmental review in accordance with Section 15308 of the California Environmental Quality Act (CEQA) Guidelines
2. The City Council hereby adopts the City of Williams Design Review Procedures which is hereby incorporated and attached hereto into this resolution.

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, can carried by the following roll call vote, the foregoing Resolution is hereby adopted  
vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**PASSED AND ADOPTED** by the City Council of the City of Williams this 19<sup>th</sup> day of September, 2012.

\_\_\_\_\_  
John J. Troughton, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles Bergson, Interim City Clerk

\_\_\_\_\_  
Ann M. Siprelle, City Attorney

# **Design Review Manual**

## **City of Williams Design Review Procedures**

### **Section 1: Purpose, Authority and Scope**

#### **1.1 Authority**

These rules and procedures are adopted by City Council Resolution 12-20 that implements Section 17.05.270.1 of the Williams Zoning Code concerning Design Review.

#### **1.2 Purpose**

The purpose of these procedures is to provide objectives, criteria and specific procedures for the orderly evaluation of development projects, building re-painting (in the downtown) and signs in the City of Williams pursuant to the Williams General Plan and Zoning Code.

#### **1.3 Scope**

These procedures shall apply to the City of Williams and all departments, agencies, and districts governed by the City Council of the City of Williams. The requirements of these procedures shall apply to all projects, both public and private, which require City approval.

#### **1.4 Revisions**

The Director of Planning may, from time to time, revise these procedures when he/she determines that such revisions are necessitated by amendments to the Zoning Ordinance or when the revisions are essentially technical in their nature, and conform to the Zoning Ordinance. All other revisions, such as changes to accommodate the goals and objectives of the Planning Commission and City Council, shall be approved by the City Council.

### **Section 2: Definitions**

The following definitions are intended to clarify and supplement, but not replace or negate, the definitions contained in the Zoning Code. In the event of inconsistency, the Zoning Ordinance shall control.

**Advisory Body:** The public body or administrative official required by State Law or City Ordinance or Resolution to consider and make recommendations on a specific type of project. The Planning Commission is the advisory body for the following types of projects: rezoning, General Plan amendments and annexations.

**Approval:** The decision by the City Council, the Planning Commission, Design Review Committee, Director of Planning or other commission or administrative official of the City of Williams to authorize a project.

**Building Department:** The department in the City of Williams which accepts detailed working drawings, reviews these plans for compliance with related Public Health and Safety Codes, coordinates review of these plans with other City Departments and public agencies, issues building permits and inspects construction projects.

**Building Official:** The Building Official for the City of Williams.

**City:** City means the City of Williams.

**City Clerk:** Clerk to Council.

**Commission:** Commission means the Planning Commission who is appointed by the Council to make recommendations and take actions concerning the physical community development of the City.

**Committee:** Committee means the Design Review Committee which consists of a committee established by the Williams Zoning Code to make recommendations and take actions concerning the new development, building repainting and signs within the City.

**Planning Department:** The City Department responsible for coordinating the physical development of the City.

**Council:** Council means the City Council of the City.

**Decision-Making Body:** The City Council, Planning Commission, Director of Planning, or other commission or administrative official of the City, who approves, conditionally approves, or disapproves a project.

**Department:** Department means any agency of the City, any division of any agency, any department of the City not included in one of its agencies, or any special district governed by the City Council.

**Design Review Manual:** A set of guidelines and/or standards for use and reference in the design and review of new development and signs within the City.

**Director:** Director means the Director of the Planning Department for the City or his/her designee.

**Downtown Area:** A specific area delineated on the zoning map that comprise of properties along Downtown Williams fringe streets of Fifth Street, Sixth Street, Seventh Street, Eighth Street, E Street, and F Street that are zoned C.

**General Plan:** A comprehensive plan for growth and development in the City and surrounding unincorporated areas, adopted pursuant to State law by Article 5, Section 65300 et seq. of the Government Code.

**Major Projects:** Development projects of greater building intensity than moderate development projects that are subject to Planning Commission consideration. Such projects include the following:

1. Projects requiring separate discretionary entitlement, such as rezoning, Subdivision Maps, variances, planned unit developments, Use Permits and similar applications that will result in exterior appearance changes to the building or site.
2. Buildings and/or building additions of more than 2,000 square feet in floor area (if additions involve 20 percent or more increased floor area to the existing building) if located outside the Downtown Area.
3. Buildings and/or building additions of more than 1,000 square feet in gross floor area (if additions involves 20 percent or more increased floor area to the existing building) if

located inside the Downtown Area.

4. Residential multiple family buildings consisting of 3 or more dwelling units.
5. Demolition or relocation of a building found to have some architectural or historical significance. Historical significance, in this case, means distinctive characteristics of a building that are associated with events that have made a significant historical or cultural contribution to Williams.
6. Residential multiple family buildings and/or additions consisting of 3 or more dwelling units, new non-residential buildings and/or additions of 2,000 gross square feet or less (if addition involves 20 percent or more increased floor area to the existing building floor area), demolitions of structures constructed less than 50 years from the date of application. Pursuant to Sections 17.020.090.6 and 17.02.090.9 of the Zoning Code, this excludes design review of multiple family housing development located in the Urban Residential High Density Zoning District, where such development design is in compliance with associated Zoning regulations and consistent with the Design Review Manual.
7. Projects which may not, in the opinion of the Director, achieve consistency with the design objectives and standards of the Zoning Code or related Design Standards.

**Minor or Incidental Projects:** Minor projects, typically approved by the staff Planner or the Director, consist of building, signs, new single family dwellings, residential manufactured houses and accessory buildings that comply with minimum single family development standards established in the Zoning Code and/or pertinent development/design standards/guidelines unless such building (s) are subject to design review as a condition of the subdivision approval for the lot or when an applicant proposes constructing three or more houses in the same vicinity; and other minor projects, which in the opinion of the Director, have no potential for conflict with or achieve consistency with the design objectives and standards of the Zoning Code of new small structures or signs (that comply with relevant sign regulations and standards); installation of new roofing material over an existing roof; repainting of buildings in the Downtown Area that comply with the City's approved Color Palette; new access ramps for disabled people; a change or addition to an existing Pursuant to Sections 17.020.090.6 and 17.02.090.9 of the Zoning Code; Multiple family housing development qualifies and Minor or Incidental when it is located in the Urban Residential High Density Zoning District, and where such development design is in compliance with associated Zoning regulations and consistent with the Design Review Manual.

**Moderate Projects:** Moderate projects, typically approved by the Committee, consist of development of greater building intensity than minor development projects and elaborate signs (as determined by the Director) that are not subject to Commission consideration. Such projects typically include the following:

1. Residential multiple family buildings and/or additions consisting of 3 to 5 dwelling units, single family houses when the same applicant proposes to building three or more houses in the same vicinity.
2. New buildings, and/or additions of more than 2,000 gross square feet but less than 5,000 gross square feet (if addition involves 20 percent or less increased floor area to the existing building gross floor area) if located outside the Downtown area.
3. Buildings and/or building additions of less than 1,000 square feet in gross floor area (if additions involve 20 percent or less increased floor area to the existing building) located

within the Town Center Overlay area.

4. All signs, exterior building appearance changes within the Downtown area and demolitions of structures less than 50 years old that are located within the Downtown area.

**Planning Division:** The department within the City which assists in coordinating the physical development of the City.

**Project:** An activity that is subject to one or more discretionary governmental approvals; an activity requiring the issuance of a permit, certificate, license or other entitlement to proceed with development and use.

**Staff Planner:** The staff Planner, who makes determinations and recommendations on the potential environmental impacts of projects, who helps manage the design and environmental review processes for project applications as assigned by the Director.

**Zoning Code:** Comprehensive set of regulations that apply to the design of development or redevelopment within the City consistent with the general plan.

### **Section 3: Application Procedures**

#### **3.1 Applicability.**

These application procedures apply to all activities determined to be a projects subject to development review in accordance with the Zoning Code. .

#### **3.2 Pre-application Meeting**

A pre-application conference with the Committee is highly recommended for any project that has substantive design issues, with exception of “minor development projects”. Staff will advise potential applicants of this City service and encourage submittal of schematic plans, sketches or other generalized, conceptual drawings which are of sufficient detail to determine basic code compliance such as building setbacks, heights, and parking. No application or fees are required to be included in this submittal package. The staff Planner shall coordinate review of such plans with potential applicants and other interested parties with the Committee. At the meeting, the Committee will familiarize potential applicants and interested parties with the review process that will apply to the project and identify any related City regulations, development standards and review criteria which may affect the project. Pre-application review allows the Committee to evaluate basic concepts and discuss plans before an applicant makes a major commitment of time and money to a particular design approach.

Pre-application meetings shall be scheduled concurrently with other formal application submittals and placed on the Committee’s agenda in accordance with Section 4.1 of these procedures.

#### **3.3 Determining Application Completeness and Level of Development Review**

Once a project application has been submitted, it shall be checked to determine if it contains the required information prior to acceptance by the Planning Department. This review shall also involve determination of what level of Development Review will be required based on definitions of “minor or incidental”, “moderate”, and “major” projects indicated in these procedures. Determining level of review

often will require consultation with the Director. A checklist of required items for each type of application is available at the Planning Department. It is the responsibility of the applicant to ensure that all required information is provided. Projects shall not be deemed received for processing until an application requesting approval of the project is **accepted as complete** by the staff Planner.

- A. Incomplete Applications.** When the staff Planner determines that an application is incomplete, the applicant shall be notified in writing, within 30 days of the submittal, specifying the areas which were found to be incomplete, and what is needed to complete the application. The staff planner will make reasonable efforts to complete an initial review of application completeness and notify the applicant of project status within seven days of the application submittal date.
- B. Complete Applications.** In cases where more information has been requested to provide a complete application, the staff Planner shall notify the applicant in writing when the application has been found to be complete.

### **3.4 Determining Level of Development Review:**

Upon application submittal, the staff Planner should be able to determine level of development review and should be able to render a determination as to what review process and fees apply to the application. However, in cases where this level of review is not clear, the application will be taken in for referral to the Director for final determination. This determination will be made in conjunction with review for application completeness as noted in Section 3.3 of these procedures.

### **3.5 Transmittal for Agency Comment.**

Upon submittal of a complete application the staff Planner will determine what public agencies could be affected by the project and transmits plans for their comment. Typically, larger projects, defined as Major Projects, but, in some cases, Moderate Projects, procedures will require some form of distribution for agency comment. Depending on the complexity of the project, a comment period is established, usually ten to twenty days (not to exceed thirty days) and a letter is sent with the plans describing the project and requesting comment within the given time period. If the project requires environmental review, an initial study is prepared and the study and plans are distributed concurrently for comment to various affected agencies. Any agency comments that could potentially impact the project design or land use shall to be addressed through the staff Planner, applicant and the commenting agency before the project is scheduled for final review by the decision making body.

### **3.6 Environmental Determination.**

Upon application submittal the staff Planner will review the project for compliance with the CEQA (California Environmental Quality Act). Such determination will be made through reference of the City's Environmental Review Procedures and the State CEQA Guidelines. Review of application completeness, as noted in Section 3.3 of these procedures, coincides with Section 3.3 of the City's Environmental Review Procedures (if applicable). Environmental determinations shall be rendered for all projects prior to or concurrently with approval of any project application.

### **3.7 Design Review Process.**

In reviewing projects, the decision making body shall consider the project's compliance with the General Plan and any applicable Specific Plans, the Zoning Ordinance and conformance and/or consistency with pertinent development/design standards/guidelines. Upon determination that the design review application is complete the staff Planner shall pursue processing of the application based on the

determined level of development review as follows:

- A. Minor Development Review** applications are evaluated by the staff Planner for conformance with applicable regulations and then approves or conditionally approves the project. Such review shall consist of minor development, repainting of buildings in the Downtown Area that comply with the City's Paint Color Pallet and minor sign projects, as defined in the definitions portion of these procedures. This review step is often completed upon application submittal of building plans to the Building Department for a building permit. In this instance review can be completed concurrently with the Building Department's plan check process and a decision can be rendered upon initial plan submittal or within a few days of submission. Conditions are often made a part of the Building Department's building permit and often added to assure that projects conform to various regulations and are consistent in design with pertinent development/design standards/guidelines. Such decision shall be in writing to the applicant through comments offered on the Building Department's Plan Check Comment Form or other appropriate form. Unless this action is appealed, no further design review will be necessary. The applicant's rights of appeal are clearly spelled out in the staff Planner's comments to the Building Division (refer to Appendix "A" Planning Department Plan Check Form). These comments are referred to the applicant. The applicant must agree with the conditions before securing the building permit. The Planning Department will maintain a log of all minor Design Review applications.
- B. Moderate Design Review** applications are evaluated by the Committee for conformance with applicable regulations, reviews for consistency with pertinent design review standards/guidelines and may be approved, conditionally approved or denied. This review step is completed after a separate planning application and fees are submitted to the Planning Department and reviewed by the staff Planner for completeness (refer to Section 3.3). Applicants are encouraged to submit schematic plans, such as sketches or other generalized, conceptual drawings, for a pre-application review by the Committee prior to submitting a formal application (see Section 3.2).

Upon determination that the project qualifies as a "Moderate Project", in accordance with Section 3.4, the staff Planner evaluates the project for consistency with related Zoning Ordinance regulations and development/design standards/guidelines and may prepare a brief report and recommendation to the Committee. The staff report may include the following:

- \* Summary recommendation
- \* Brief description of the project
- \* Discussion of the project's compliance with CEQA (California Environmental Quality Act).
- \* Any pertinent information on the existing project site, including topographic, vegetative and improvement characteristics that might affect the project design.
- \* Brief description of any land use issues related to zoning compliance.
- \* Bullet references to areas pertinent for discussion by the Development Review Committee (site design, architecture, landscaping, public improvements and signage).
- \* A list of possible findings and draft conditions.

The staff report and plans are transmitted to the Committee at least five days prior to the scheduled meeting. The staff report is also distributed to the applicant in this same time frame. The staff Planner attends the meeting, presents the report, coordinates dialogue between the Committee and the applicant and is responsible for taking notes and following up with the applicant on conclusions made by the Committee.

If the Committee is satisfied with the proposed project design, it may approve the project with or



without conditions. This approval may include direction to the applicant and staff to make minor changes in design and to return with plan revisions for final approval by the Committee or by staff. If more information is required for the Committee to make an informed decision, the Committee will continue the application with direction to return for further evaluation by the Committee. The Committee may also continue the application with direction to the applicant and staff to redesign the project (the applicant must concur with this approach and direction). The Committee may refer moderate projects to the Commission for determination. In such instances, no additional fees will be required, but the project application shall be processed in accordance with Subsection C of this section of these procedures. The Committee may deny the application. Actions of denial must be accompanied with appropriate findings.

- C** **Major Development Review** applications are reviewed by the Committee for recommendation to the Commission. The Commission evaluates all major projects for conformance with applicable regulations and consistency with pertinent development/design standards/guidelines. This review step is completed after a separate planning application and fees are submitted to the Planning Department and reviewed by the staff Planner for completeness. Applicants are encouraged to submit schematic plans: sketches or other generalized, conceptual drawings for a pre-application review by the Committee prior to submitting a formal application (see Section 3.2).

Upon determination that the project qualifies as a “Major Project”, in accordance with Section 3.4, the staff Planner coordinates review of the project design for recommendation with the Committee in the same manner as described under Section 3.7B of these procedures except that the Committee shall be limited to review of the project for recommendation to the Commission. The objective of this process is screening the project design before it is reviewed by the Commission.

Upon review and recommendation of the Committee, the staff Planner coordinates review of the project application with the Commission. Upon completion of review and recommendation by the Committee, the staff Planner schedules the application for consideration by the Commission as established under Section 4.1 of these procedures. The staff Planner prepares a staff report to the Commission as noted in Section 3.7B except that it will incorporate a more formalized staff report with more thorough project review and incorporate a summary of the Committee’s review of the project and any conclusions or recommendations made.

The staff report and plans are transmitted to the Commission at least five days prior to the scheduled meeting. The staff report is also distributed to the applicant in this same time frame. Project consideration shall be conducted in accordance with the Commission’s Rules of Order.

- 3.8. Findings of Fact** supporting actions of the Committee and the Commission (approval or denial) must be made. Such findings must include, but not be limited to project consistency or inconsistency with the General Plan, the Design Review Manual and with applicable provisions of the Zoning Code, compliance with the California Environmental Quality Act, and the National Environmental Protection Act (if applicable), and other findings supported by input from other public agencies regarding relevant design issues.
- 3.9. Appeals:** Actions of the Director (concerning “minor projects” (approval or denial) may be appealed to the Committee and decisions of the Committee may be appealed to the Commission within 10 days from such action. Such appeals must be in the form of a written request stating the reasons for the appeal and filed with the Planning Department. These appeals will be scheduled for consideration by either the Committee or the Commission, as appropriate at their next regular meetings. Decisions of the Commission may be appealed, through filing a similar

written statement and payment of fees with the City Clerk, within 10 days of the action, for final determination, to the Council.

- 3.10. Notification of Decision:** Within three working days of a meeting with the Committee or the Commission, the staff Planner notifies the applicant in writing of the decision of the appropriate body.
- 3.11. Landscaping Plans.** Prior to issuance of a grading or building permit for a project that includes landscaping improvements that are subject to the City's Water Efficient Landscape Ordinance, final landscape and irrigation plans, prepared by a licensed landscape architect or licensed landscape contractor, shall be approved by the staff Planner. Landscaping and irrigation plans shall be fully implemented prior to final occupancy of the project. The Building Official may grant an extension of time for completion of this requirement when an agreement has been secured and a bond or cash deposit posted to guarantee landscaping and irrigation installation under the agreement.
- 3.12. Final Approval.** Once the project is approved secured (minor, moderate or major projects), the next step is to secure a building and/or sign permit from the Building Department. During plan check review the staff Planner checks the finished working drawings for consistency with the plans approved by the final decision making body and any related conditions of approval.
- 3.13. Plan Revisions.** Any changes in project design or appearance from the approved plans must be approved by the Director, Committee, Commission or Council (depending of the extent of the amendment and the final decision making body). Changes of a magnitude which significantly affects the overall appearance of a project or the compatibility of the project with its surroundings or where such details are inconsistent with the adopted policies contained within pertinent development/design standards/guidelines will be referred to the Committee for determination or recommendation to the Commission or Council.
- 3.14. Approval Periods:** Construction in conformance with the incidental or preliminary design approval should be commenced within one year from the date of the approval unless an extended approval time period is granted as part of the original approval by the same decision making body. If additional time is necessary to commence project construction, the applicant may request extended approval periods. Upon written request of the applicant received prior to the expiration date the Planning Department may grant additional extensions of time in one-year increments, up to a maximum of five years.
- 3.15. Physical Inspections:** Upon completion of project construction the staff Planner conducts a physical inspection to determine if the project has been completed in accordance with the approved plan in conformance with any related conditions of approval. When applicable, prior to final building inspection, a letter from a licensed landscape architect must be submitted certifying that landscaping and irrigation has been installed in accordance with the approved plans.
- 4.1 Public Notification and Review.** Committee meetings shall be conducted in an open public meeting which has been public noticed through posting an agenda and sending the agenda to the Union Newspaper at least 72 hours before the meeting commences. Every item reviewed by the Committee shall be open to public comment. Applicants or potential applicants shall be invited to Design Review Committee meetings when their items have been scheduled. Comments from staff, the applicant and the public shall be considered by the Design Review Committee.

All projects which are subject to review by the Planning Commission shall be noticed as a public

hearing in accordance with California Government Code Sections 6509 and 65091.

- 5.1. Public Agency Project Applications.** Development or sign plans proposed by public agencies, such as the City (Public Works Department, Council, etc.), the Williams Redevelopment Agency and other local, State or Federal agencies may be referred to the Planning Department for development review. Upon submittal of a public agency project application, the Director will determine the level of review and refer the application to a staff Planner for processing. Review shall be limited to staff or Committee review and processed in accordance with Section 3.6 of these procedures, except that the review will be limited to comment and recommendation to the particular agency making the application.