



MEMORANDUM

Date: November 27, 2012

To: Preservation Commission Members

From: Teresa Haenggi, Associate Planner, 916-808-7554,
Tom Pace, Long Range Planning Manager, 916-808-6848

SUBJECT: The Planning and Development Code Update

On August 1, 2012, Staff provided an overview of the Planning and Development Code project, which is a comprehensive update of the zoning code. Staff is returning to provide an update on the project and to address concerns and questions presented at the Preservation Commission in August.

Staff is also proposing several potential strategies that would encourage the preservation of existing historic resources. These strategies, summarized below, would apply to historic landmarks or contributing resources in a historic district:

- Residential density limits would not apply if the development is kept within the historic building envelope. This would potentially allow for more residential units than allowed in a particular zone. Unit size requirement would be a minimum size of 450 square feet, and an average size of 750 square feet.
- Regardless of zone, commercial or office use can occupy up to 100% of the historic building as long as development remains within the building envelope.
- The Preservation Director can waive up to 100% of required private open space requirements if providing the open space would make the project infeasible.

In addition to the proposed code amendments listed above, the City Council recently approved the parking code update, which will take effect on December 30, 2012. The updated parking code does not impose parking requirements for historic resources that are converting from a commercial use to a residential use.

Attachment: Site Plan and Design Review Process – Comparison chart of current and proposed process.

Planning and Development Code
 Site Plan and Design Review (Existing and Proposed)
 November 27, 2012

	TYPE OF PROEJCTS TO BE REVIEWED		NOTIFICATION		POST-DECISION/ RECOMMENDATIONS	
	Existing	Proposed Changes	Existing	Proposed Changes	Existing	Proposed Changes
Preservation Staff Level	Projects subject to neither Preservation Commission nor Preservation Director Hearing and not elevated to Preservation Director Hearing Project not subject to #1 or #2 (below) Includes minor projects and Over-The-Counter reviews.	Review is broadened to include site plan review.	None	No change	No Public Hearing No Appeals,	No change
	1. Projects subject to special notice and reconsideration procedures: a. major changes or additions involving conditioned space affecting noncharacter defining features of the property's secondary facades; and b. removal of non-significant original features on the property's primary facades.	Review is broadened to include site plan review.	Early Notification* of Project: Mailing to property owners w/in 300 feet of property and relevant neighborhood association/s at time of initial receipt of a project application deemed complete. Notice of Staff Action/Certificate of Appropriateness* Mailing to property owners w/in 300 feet of property and relevant neighborhood associations within 1 day of decision	No change	Request for Reconsideration W/in 10 days* of decision, a request may be made to Preservation Director to reconsider Staff decision	No change
	2. Projects subject to Staff Review AND also require approval of one or more Zoning Administrator entitlements Preservation staff makes a recommendation to the Zoning Administrator.	Review is broadened to include site plan review.	Early Notification and Legal Notice of Zoning Administrator Hearing	No change	Zoning Administrator Hearing and Appeals (w/in ten calendar days of decision an appeal may be made to Planning Commission); or if appeal is related to the preservation issue, can request a Reconsideration by Preservation Director.	No change

	REVIEW THRESHOLDS		HEARINGS		POST-DECISION/RECOMMENDATIONS	
	Current Process	Proposed Changes	Current	Proposed	Current	Proposed
Preservation Director	<p>Development projects not subject to Preservation Commission review and involves:</p> <ul style="list-style-type: none"> ▪ New construction of structure on the site of a Landmark or w/in Historic District. ▪ Additions of new porches, dormers, or new conditioned space on primary facades or affecting significant features or characteristics. ▪ Alterations affecting primary facades, raising the structure, partial demolitions or other changes that could impact character-defining features or original fabric. ▪ Demolition or relocation of accessory structures not identified as significant features or characteristics of the Landmark/Contrib. resource, on sites of Landmarks or Contributing Resources. 	<p>(In addition to existing projects thresholds) The Preservation Director's review is broadened to include site plan. Development not subject to Preservation Commission and that:</p> <ul style="list-style-type: none"> ▪ is not in substantial compliance with applicable design guidelines; or ▪ includes deviations from development standards that reduce any minimum or exceed any maximum distance, area, or quantity specified in this title by <u>up to 50%</u> 	A decision is effective 10 days after the decision is final, if no request for review by appeal within statutory timeframe (10 days).	No change	A project can be elevated to the Commission by the Preservation Director. Subject to Appeal to Preservation Commission	No change
	Projects subject to staff review that the Preservation Director elects to elevate to Preservation Director Hearing level.	No change				
Preservation Director & Another Director (Zoning Administrator, Planning, or Design)	Projects that meet preservation review thresholds and require a Director (other than Preservation Director) entitlement for non-site plan/review reasons.	No change	Joint hearing. Both Preservation Director and other reviewing director (Planning, ZA, Design) have equal authority, and decisions are issued separately. If project involves both Preservation and Design Director, the project will be heard by the Preservation Director.	Joint hearing. Both Preservation Director and other reviewing director have equal authority.	Subject to appeal to Planning and Design Commission and/or Preservation Commission, depending on what is being appealed.	No change

	REVIEW THRESHOLDS		HEARINGS		POST-DECISION/ RECOMMENDATIONS	
	Current Process	Proposed Changes	Current	Proposed	Current	Proposed
Preservation Commission	<p>Development projects that involve:</p> <ul style="list-style-type: none"> Alteration to Landmark or contributing Resource New construction on site of Landmark or w/in Historic District Relocation of structure to site of a Landmark or w/in Historic District <p>Demolition or relocation of a Landmark or contributing resource in a Historic District.</p> <p>Relocation of a structure to a vacant lot in an Historic District</p>	<p>In addition to projects that are currently reviewed:</p> <p>The Preservation Commission's review is broadened to site plan issues.</p> <p>Deviations from development standards that reduce any minimum or exceed any maximum distance, area, or quantity specified in this title by more than 50%</p>	<p>Public Hearing</p> <p>A decision is effective 10 days after the decision is final, if no request for review by appeal within statutory timeframe (10 days).</p>	No change	Subject to appeal to Council	No change
BOTH Planning and Design Commission (PDC) & Preservation Commission	<p>Development projects that meet preservation review thresholds <u>and</u> require a PDC entitlement.</p>	<p>The Preservation Commission review is broadened to include site plan review.</p> <p>Deviations from development standards that reduce any minimum or exceed any maximum distance, area, or quantity specified in this title by more than 50%</p> <p>The Preservation Commission will provide recommendations focused on site plan and design review. The Planning and Design Commission will review the entire application, including planning entitlements.</p>	<p>Preservation Commission reviews the project, then the PDC. Both Commissions sometimes have overlapping authority; also issues regarding certifying environmental documentation involving issues beyond historic resource impacts.</p> <p>For items to be heard at Council, the PDC forwards recommendations to Council</p> <p>If the Commissions have conflicting decisions, the applicant must resolve conflicts and return to both Commission for another hearing.</p>	Preservation Commission is advisory to the PDC. The Preservation Commission forwards recommendations to the PDC.	Subject to appeal to Council	No change
	<p>Any project subject to ZA and Preservation Director review that the ZA and Preservation Directors elect to elevate to the Preservation Commission and PDC</p>	No change	<p>A decision is effective 10 days after the final hearing, if no request for review by appeal within statutory timeframe (10 days).</p>	No change		
	<p>Appeals of ZA and Preservation Director decisions</p>	No change				
	<p>Any project subject to Preservation Director review that Preservation Director elects to elevate to the Preservation Commission.</p>	No change				

	REVIEW THRESHOLDS		HEARINGS		POST-DECISION/ RECOMMENDATIONS	
	Current Process	Proposed Changes	Current	Proposed	Current	Proposed
	Appeals of Preservation Director Decisions.	No change				