

Title 24 ZONING

Chapter 24.08 LAND USE PERMITS AND FINDINGS

Part 5: DESIGN PERMIT

24.08.430 Findings Required - General.

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All applications for design permits shall be reviewed in relation to established criteria for design review. Applications for design review shall be approved if proposed buildings, structures, streets, landscaping, parking, open space, natural areas and other components of the site plan conform with the following criteria, as applicable.

1. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.
2. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.
3. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, materials and colors which blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.
4. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.
5. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.
6. The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.
7. The site plan shall minimize the effect of traffic conditions on abutting streets

through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.

8. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage nonauto travel.

9. The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

10. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.

11. Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.

12. Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.

13. The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.

14. In all projects in Industrial (I) Zones, building design shall include measures for reusing heat generated by machinery, computers and artificial lighting.

15. In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.

16. Heating systems for hot tubs and swimming pools shall be solar when possible but in all cases energy efficient.

17. Enhance the West Cliff Drive streetscape with appropriate building mass, modulation, articulation, coloring and landscaping that is compatible with and would not diminish the visual prominence of the public open space.

(Ord. [2000-27](#) § 3, 2000: Ord. [85-05](#) § 1 (part), 1985).

24.08.440 Findings Required - Substandard Residential Lot Development.

Whenever a project is proposed for a substandard residential lot, as defined in Section [24.22.520](#) of this title, applications for design review shall be approved in the findings set forth

in Section [24.08.430](#) can be made and proposed buildings, structures, landscaping and other components of the site plan conform to the following additional criteria:

1. The maximum allowable lot coverage for structures shall be forty-five percent.
2. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less lot coverage.
3. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.
4. New structures shall be sited in ways which avoid causing substantial change in the pattern of existing building projections along streets. Continuous long, parallel abutting walls on narrow side yards shall be avoided.
5. Spacing of buildings and overall siting of structures shall maximize the potential for solar access to each lot.
6. Siting of second-story elements adjacent to single-story structures shall be avoided.
7. Landscaping shall be required at least for front yard areas and shall be used to screen parking from street.
8. Structures shall incorporate methods to lessen the impact of garages on a street facade.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.450 Guidelines for Large Homes in Single-Family Areas.

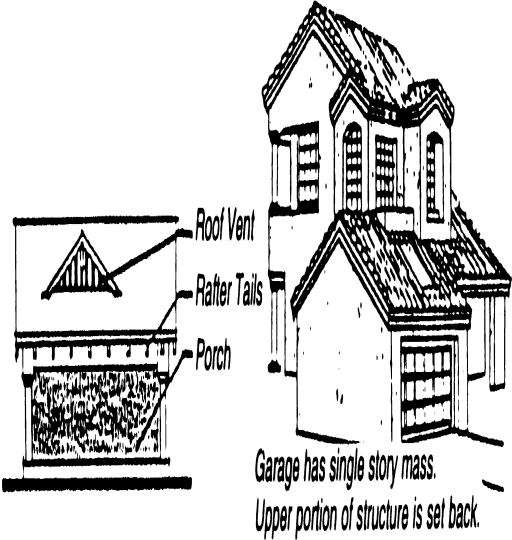
1. Purpose. The intent of the design permit findings for large-scale residential buildings is to protect existing neighborhood character and identity by development guidelines that promote a variable streetscape by requiring a variety of building massing and placements, and also by maintaining existing neighborhood patterns to limit obtrusive visual impacts on nearby properties. In addition to the standard requirements of the R-1 district, homes over four thousand square feet in R-1-10, over three thousand five hundred square feet in R-1-7 and three thousand square feet in R-1-5 shall prepare a survey of buildings within one hundred feet of the property on both sides of the street, which identifies front and side yard setbacks, building heights, driveway widths, garage locations, and architectural style.

There is no particular architectural "style" required for residential structures, but the focus should be on the development of a high quality residential environment. In general, the architecture should consider compatibility with surrounding character, including harmonious building style, form, size, color, material, and roofline. Individual dwelling units should be distinguishable from one another. Also projects should comply with design standards established in relevant specific area plans such as the Western Drive Master Plan, Seabright Area Plan and the Moore Creek Access and Management Plan and others that apply.

2. Design Criteria.
 - a. Facade and Roof Articulation. The articulation of facades and the massing of structures give them richness and scale. Long uninterrupted exterior walls shall be avoided on all

structures. All structure walls shall have "relief" to create an interesting blend with landscaping, structures, and the casting of shadows. The integration of varied texture, relief, and design accents on building walls can enhance the architecture.

For sloped roofs, both vertical and horizontal articulation is encouraged. Roof lines should be representative of the design and scale of the units under them. Roof articulation may be achieved by changes in plane of no less than two feet six inches and/or the use of traditional roof forms such as gables, hips, and dormers. Flat roofs and A-frame type roofs are discouraged unless appropriate to the architectural style.



Roof and building plane articulation.

b. Varied Structure Design.

(1) Design of structures shall be varied in tract developments to create variety and interest. A significant difference in the massing and composition (not just finish materials) of each adjacent house should be accomplished. One design shall not be repeated more frequently than each fourth house.

(2) New development in existing neighborhoods should incorporate distinctive architectural characteristics of surrounding development, for example: window and door detailing, decoration, materials, roof style and pitch, building height, finished-floor height, porches, bay windows, and the like.

c. Scale.

(1) Form and scale should relate to the use of the structure as a single-family residence. Also, the scale of structures shall be at a human scale so as not to overwhelm or dominate their surroundings. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.

(2) New development should continue the functional site relationships of the surrounding neighborhoods. As an example, common patterns found in the surrounding neighborhoods should be repeated, such as single-story dwellings, entries facing the street, front porches and parking at the rear.

d. Setbacks.

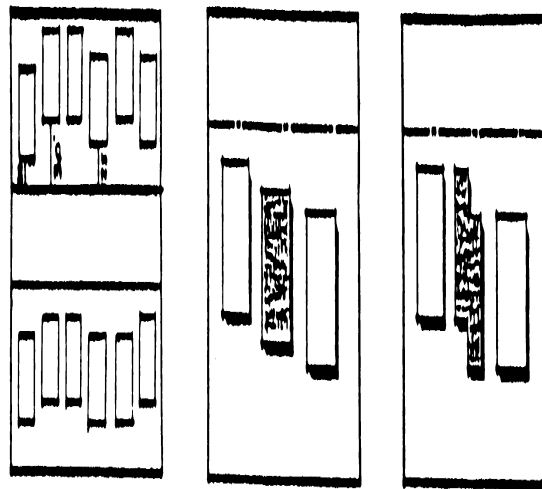
(1) New projects shall provide variable front setbacks, with a minimum of five-foot differentiation provided between adjacent lots.

(2) New single-family development in existing neighborhoods shall be integrated with the housing units in the adjacent area. Site setbacks of infill residential projects shall be either:

(a) Equal to the average setback of all residences on both sides of public streets within one hundred feet of the property lines of the new project; or

(b) Equal to the average of the two immediately adjacent residences.

In cases where averaging between two adjacent existing residences is chosen, the new residence may be averaged in a stepping pattern between the setbacks of adjacent residences, or the new residence's entire frontage may be built on the average setback line.



Variable setback requirements for new developments.

Average of setbacks of adjacent buildings.

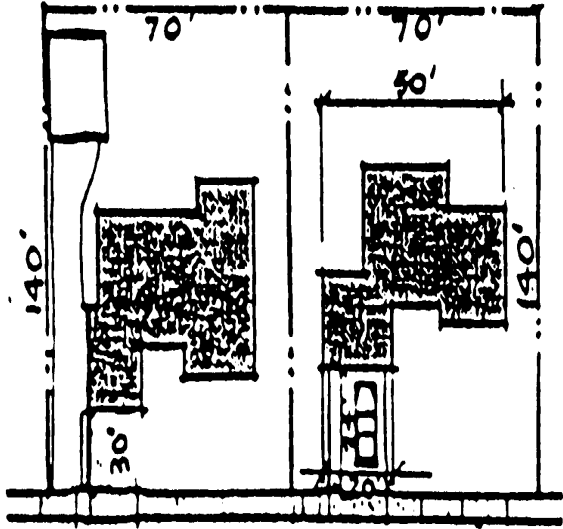
Stepped setbacks to match adjacent buildings

e. Garages.

(1) Unit design is encouraged to limit the visual impact of automobile parking by developing detached garages in the rear yard or significantly limiting the garage's lineal frontage

of a structure to forty percent of the structure's overall width.

(2) Garages should have a single-story mass if developed at the front of a structure and provide an architectural transition if there is two-story massing.



$$50' \times 40\% = 20'$$

f. Grading.

(1) Development should relate to the natural land forms and surroundings and minimize grading by following the natural contours as much as possible. Graded slopes should be rounded and contoured to blend with the existing terrain. Structures built on slopes or hills should be sensitively designed to minimize visual impact by stepping structures to match topography.

(2) Significant natural vegetation should be retained and incorporated into the project whenever possible. Landscaping shall be required for the front yard areas.

(Ord. [93-19](#) § 15, 1993).

Part 6: SIGN PERMIT

24.08.500 Purpose.

Regulations in this ordinance governing signs (not in public right-of-way) are established in order to:

1. Accommodate the community's need to communicate political, civic, public service, religious and other noncommercial messages with a minimum of restraint;
2. Protect the aesthetic amenities on which the city's economy and quality of life

depend;

3. Promote traffic safety and minimize structural hazards posed by unsafe signs;
4. Achieve consistency between General Plan goals, and regulations dealing with the size, location and content of exterior signs.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.510 building Permit.

A building permit shall be obtained for any structure designed or intended to support a sign and governed by the Uniform Building Code.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.520 Design Permit.

A design permit shall be obtained for any sign except the following:

1. Any freestanding sign or signs five feet in height or lower as measured from grade or any sign on a parcel having signs the aggregate area of which is thirty square feet or less;
2. Real estate sign of six square feet or less in area, placed on a property and advertising that property for sale, lease or rent;
3. Signs placed within windows;
4. Any sign required by law or placed to protect health and safety;
5. Public art;
6. Construction project signs conforming to other requirements of this part.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.530 Design Permit Review.

In reviewing applications for design permits, the issuing person or body may not consider the sign's message content.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.540 Public Art Exception Procedure.

1. Signs. Where a sign is proposed as art, an application for consideration by the zoning board shall be filed with the planning department without fee. Such proposal shall be considered by the zoning board at a public hearing. The zoning board shall approve an application for a public art exception if it finds that:

- a. The proposed sign does not contain characteristics of a commercial sign as defined in this code;
- b. The location, format and design is consistent with the city's adopted visual art policy;

c. The proposed public art complies with all relevant provisions of this code.

2. Murals. When a mural is proposed as public art, the zoning administrator shall determine whether it contains the characteristics of a sign, i.e., whether its principal function is to serve as an advertisement. If the zoning administrator determines that a mural is a sign, it shall be subject to the requirements of this part. A mural may be subject to building and construction codes or other requirements of the Municipal Code.

(Ord. [91-29](#) § 4, 1991; Ord. [85-05](#) § 1 (part), 1985).

24.08.550 Inspection.

The zoning administrator, building official or an authorized representative may at any time make such inspections as may be necessary or appropriate to ascertain whether any sign will comply or is complying with this part and city sign regulations (Part 4, Chapter 24.12) and other applicable laws. If required by the building official, an inspection shall be called for by the permittee upon completion of the structural portion of every sign, and before the structural connections to the building or structure are concealed or covered.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.560 Abandoned Signs.

Any sign on any building, parcel or portion of a parcel which has become vacant for six consecutive months and any sign unrelated to the present occupant or business, and any sign advertising a past event is presumed to have been abandoned. Abandoned signs must be promptly removed by the owner or occupant of the premises on which the sign is placed. Failure to remove an abandoned sign is an infraction.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.570 Unsafe and Unlawful Signs.

1. Any sign erected or maintained in violation of any provision of this part or any sign regulation (Part 4, Chapter 24.12) or of any other ordinance or law is a public nuisance. Upon receiving notice of noncompliance from the zoning administrator or building official, the sign shall be removed or brought into lawful compliance. Signs found by the building official to present a threat to public safety must be removed or made safe immediately. Other noncomplying signs must be brought into conformity within thirty days.

2. Any permit issued pursuant, to this chapter may be revoked for failure to comply with any provision herein.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.580 Exception Procedure.

Where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of these provisions and regulations set forth herein and in Part 4, Chapter 24.12, may result, from the strict application of same, an exception may be granted pursuant to the following procedure.

1. Written application for such exception shall be filed with the planning department.
 2. Such application shall include all information relevant to the circumstances existing which require such exception.
 3. Such application shall be considered in light of the purposes to be attained by this part and shall be approved, conditionally approved, or denied by the zoning administrator.
- (Ord. [85-05](#) § 1 (part), 1985).

Part 7: CONDITIONAL FENCE PERMIT

24.08.600 Purpose.

The purpose of this permit is to regulate the installation of fences exceeding normal height limits set, forth in Section [24.08.610](#) herein. For the purposes of this title, the term "fence" shall include fences or structures in the nature of a fence.

(Ord. [2006-02](#) § 2 (part), 2006: Ord. [85-05](#) § 1 (part), 1985).

24.08.610 General Provisions.

A conditional fence permit shall be required when the proposed fence is:

1. On that portion of any private property in the area between the street and the front or the exterior side yard setback line established by the Zoning Ordinance, the building code or other ordinances of the city and exceeds a height of three feet six inches from finished grade, except as provided in Section [24.12.160\(a\)\(3\)](#).
2. On that portion of the property back of the setback lines described in subsection (1), above, and exceeds a height of six feet from finished grade, except as provided in Section [24.12.160\(a\)\(3\)](#).

(Ord. [2006-02](#) § 2 (part), 2006: Ord. [95-33](#) § 1, 1995: Ord. [85-05](#) § 1 (part), 1985).

24.08.620 Procedure.

The zoning administrator may approve a conditional fence permit without a hearing, unless the conditional fence permit is accompanied by an application which must be heard by a higher body (zoning board or city council), if it is consistent with the findings in Section [24.08.630](#) and the fence does not exceed a height of three feet six inches in the front or exterior side yard, or exceed a height of eight feet in the rear or interior side yards.

1. A conditional fence permit shall be required and a public hearing shall be held by the zoning administrator for any conditional fence permit that exceeds the height limits established in Section [24.08.620](#).

(Ord. [2006-02](#) § 2 (part), 2006: Ord. [94-34](#) § 10, 1994: Ord. [85-05](#) § 1 (part), 1985).

24.08.630 Findings Required.

A conditional fence permit shall be granted when the following findings can be made:

1. The issuance of such a permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or full use and enjoyment of the property;
2. The fence will not create a safety hazard for pedestrians or vehicular traffic;
3. The appearance of the fence is compatible with the design and appearance of existing buildings and structures within the neighborhood;
4. The fence or hedge is a planned architectural feature which avoids dominating the site or overwhelming the adjacent properties and structures;
5. The orientation and location of the fence or hedge is in proper relation to the physical characteristics of the site and the surrounding neighborhood and does not impede reasonable solar access of any adjacent property; and
6. The fence will be of sound construction and located so as not to create a safety hazard.

(Ord. [2006-02](#) § 2 (part), 2006: Ord. [85-05](#) § 1 (part), 1985).

Part 8: PLANNED DEVELOPMENT PERMIT

24.08.700 Purpose.

A. The purpose of the provisions contained herein is to:

1. Provide an administrative technique to foster development plans for eligible lands which serve public objectives more fully than development plans permitted under conventional zoning regulations;
2. Establish criteria for identifying those parcels of land in the city which are eligible for the special procedures available to applicants proposing creative development plans requiring special review and approval procedures.

B. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. [94-33](#) § 18, 1994: Ord. [85-05](#) § 1 (part), 1985).

24.08.710 Intent.

The intent of this part is to insure that:

1. Planned development permits will be issued only where the subject parcel is large enough to make innovative and creative site planning possible;
2. Applicants for planned development permits have the professional capability to produce a creative plan;
3. The public's interest in achieving goals stated in the General Plan will be served more fully through the planned development process than through application of conventional zoning regulations;
4. The advantages to landowners afforded by the planned development process will be balanced by public benefits;
5. Natural or man-made features and resources of the site such as topography, trees, watercourses, and the like are preserved.

(Ord. [85-05](#) § 1 (part), 1985).

24.08.720 General Provisions.

A planned development permit provides variation on district regulation, where appropriate, in the following areas:

1. Building setbacks.
2. Street standards.
3. Lot coverage.
4. Parking and loading.
5. Landscaping.
6. Open space.
7. Lot area.
8. Uses.
9. Slope regulation modifications, pursuant to procedures set forth in Chapter [24.08](#), Part 9 (Slope Regulations Modifications).
10. Height, not to exceed one story or twenty percent of height (in feet) over and above regulations established in district regulations for the district in which the project is proposed.

All aspects of the proposed development which represent a departure from strict application of district regulations shall be explained in the application and reasons given why the proposed development plan affords greater public benefits than would be achieved through application of conventional zoning regulations.

(Ord. [85-65](#) § 4, 1985; Ord. [85-47](#) § 1, 1985; Ord. [85-05](#) § 1 (part), 1985).

24.08.730 Eligibility Criteria.

An applicant for a planned development permit must demonstrate the following before the application may be heard.

1. Land Area. The land area subject to planned development permit shall comprise at least twenty thousand square feet, except as modified below:
 - a. For residential projects or mixed-use projects where all units are affordable according to city standards, the minimum land area shall be the minimum lot area requirement of the district in which the project is located.
 - b. For applications involving conversions of cooperatives to condominiums, the minimum lot area shall be the minimum lot area requirement of the district in which the project is located.
2. Land Ownership. The applicant owns or controls the land subject to the planned development permit application.
3. Development Team. A development team of design professionals (architects, landscape architect, planner, civil engineer, soils engineer, solar energy expert, etc., as appropriate) with the expertise and experience to carry out the intent of this permit, has been engaged.

(Ord. [90-32](#) § 1, 1990; Ord. [88-61](#) § 1, 1988; Ord. [86-55](#) § 1, 1986; Ord. [85-47](#) § 1, 1985; Ord. [85-05](#) § 1 (part), 1985).

24.08.740 General Requirements.

1. Staged Approval Option. Conceptual approval of a PD project may be made at any level of detail provided by applicant. While this approval constitutes approvals of a PD permit, approval of a design permit shall be required prior to issuance of a building permit. The purpose of a design permit is to establish the precise site and building plan.
2. Phased Development. All proposed phased development shall be accompanied by a schedule establishing approximate dates when each such phase shall be complete. Each phase of a phased development shall include its pro rata share of total planned common space, facilities, services and inclusionary units, as applicable.
3. Provision, Operation and Maintenance of Common Areas. Where common areas or facilities are proposed, an operation and maintenance program shall be prepared.
4. Development Agreements. Completion time and complexity of proposed planned developments may make desirable a development agreement between the project applicant and the city. The purpose of such an agreement is to provide assurance that an approved project may proceed in accordance with the policies, rules and regulations existing at the time of the agreement and subject to conditions of approval, even though city regulations may change subsequent to approval. Sections 65864 through 65869.5 of the California Government Code provide for such development agreements, and shall govern any such agreements approved under the provisions of this part.
5. Applicable District Regulations. Regulations and standards of the underlying zoning district shall apply except where departures from strict application of district regulations are

authorized by the planned development permit. Where mixed uses are proposed, the preponderance of the floor area shall reflect the uses permitted in the district.

6. Legal Advertising. All aspects of a proposed project which represent a departure from district regulations shall be set forth in the legal advertising of such proposed project.

(Ord. [85-05](#) § 1 (part), 1985).