

# Santa Monica Zoning Ordinance Update



## Design Review Practices: Issues, Options, and Case Studies



City of  
**Santa Monica**

*Prepared by:*

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Urban and Regional Planners

**MARCH 2012**



*Santa Monica Zoning Update*

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*Santa Monica Zoning Code Update*

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# 1 Introduction

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The 2010 adoption of the Land Use and Circulation Element (LUCE) of the General Plan requires a revision of the City Zoning Ordinance and provides an opportunity to re-examine the design review process with an eye toward implementation of the LUCE's extensive provisions regarding the design of new development. One of the purposes of this paper is to provide information about the practices that a group of comparable cities use to administer their design review requirements and to highlight those features that are likely to be appropriate models for Santa Monica. Research for this study, which included confidential interviews with staff from the peer cities and a close examination of their design review procedures, provides background information about how well the procedures work and whether they are achieving the quality of design the cities desire. The paper also provides recommendations to the City of Santa Monica on ways it may change its design review process to better achieve the goals of the LUCE to improve the quality and character of new development.

Regulation of the physical form of development for the protection of public health, safety, and welfare has long been a basic feature of zoning. Although the explicit objective of provisions requiring building setbacks or height limits may not have been to define the visual character of cities and neighborhoods, such regulations do contribute to the aesthetic character of places. In recent decades, American planners and city officials have become more aware of the extent to which the form and design of development affects community quality and are going beyond traditional zoning approaches to influence the quality of the built environment within jurisdictions.

Cities adopt design review programs for a variety of reasons. In addition to improving the quality of design, the most common include:

- Ensuring development that is compatible with and enhances the desirable characteristics of existing neighborhoods and districts;
- Creating, maintaining, and enhancing an architectural style or styles that convey the community's distinctive character;
- Preserving the architectural style and integrity of historic areas or properties with architectural or historical significance;
- Achieving community planning objectives such as encouraging pedestrian activity, protecting views of particular value, and enhancing natural resources such as creeks; and
- Improving and protecting property values.

This range of objectives often leads cities to go beyond quantitative performance metrics such as height, floor area, and setback, to identify other features that determine how the design of individual buildings and sites fits into and contributes to the city fabric. As a result, the explicit review of design has become a common and crucial factor in the development review process. Municipalities of all sizes now commonly require design review, often by architects and other design professionals, as a standard element of their development process.

Local agencies choosing to incorporate design review as part of their development review process do so as an exercise of police power by applying design review requirements to specific project categories in addition to other required approvals such as conditional use permits and tentative maps. Although State law does not either expressly authorize or specifically regulate design review practices, there is a considerable body of case

law that does specifically authorize this type of review. There is also considerable variation in the approaches that cities have devised to implement their design objectives.

Santa Monica first established its Architectural Review Board (ARB) in 1974 and has amended the zoning requirements that describe the design review process and aesthetic characteristics of proposed projects several times. These include the creation of the Landmarks Commission and the adoption of Architectural Review Board Design Guidelines and design-oriented development regulations for some Santa Monica neighborhoods such as Ocean Park (1990) and North of Montana (2000). There have not, however, been any substantial changes in the procedures the City employs to implement its design policies.

## **APPROACH**

In order for Santa Monica's design review procedure to remain effective and efficient, it is useful to examine practices that other cities are successfully employing to achieve their design objectives.

Among the wide variety of jurisdictions that have enacted design review requirements to augment their zoning regulations, the five cities that were evaluated share certain characteristics with Santa Monica, which make them particularly good candidates for this type of survey and analysis. In addition to promoting high quality and creative design, these include maintaining and enhancing the community's distinct character, the presence of active citizens and community groups, and a strong commitment to providing ample opportunity for public input to the development review process. The five California peer cities selected are Berkeley, Pasadena, West Hollywood, Palo Alto, and Ventura. Although a number of other cities, including Seattle, Portland, and San Francisco share some of the same characteristics, their size and a variety of unique features, such as Oregon's statutory requirements for ministerial approval of certain projects, San Francisco's extensive use of discretionary review for small residential projects, and Seattle's complex system of citywide and neighborhood design review boards and guidelines made them less suitable candidates.

In order to understand the aspects of the current design review procedures that have proved most challenging in Santa Monica, the consultants conducted 16 interviews with City Staff, current and former City officials, local designers, and local developers who have extensive experience with the City's design review process. The major issues that emerged from these sessions provide a basis for defining and describing the choices the City can consider when deciding how to implement any potential changes to its design review requirements. One of the key objectives of the peer city review is to determine how, if at all, other communities have grappled with these issues and whether they have devised approaches that may be applicable to Santa Monica. Features that distinguish the peer cities' different approaches to implementing design review overlap with themes heard in interviews, and can be divided into the following broad themes:

### **Theme #1**

**Balancing Prescriptive Standards & Advisory Guidelines:** Most individuals engaged in the design and development process in Santa Monica recognize that allowing for design creativity is essential to achieving the quality of architecture that the community expects. At the same time, development processes must be fair and predictable. Establishing an appropriate balance between prescriptive standards and advisory guidelines that are implemented through a discretionary review process will require consideration of the format and scope of the guidelines as well as the procedures for incorporating them into the review process.

### **Theme #2**

**Defining Roles and Responsibilities:** A number of municipal officials and agencies typically participate in the design review process including staff, the Architectural Review Board, the Landmarks Commission, the Planning Commission, and the City Council. Determining which of these bodies has advisory or decision-

making authority over design review and the organization of responsibility by various City officials and bodies is a crucial task of the Zoning Ordinance revision. Most individuals interviewed feel that the City, through the zoning update, needs to ensure that individuals with design expertise have significant input regarding design review decisions.

### **Theme #3**

**Defining the Scope and Timing of Design Review:** Related to the issue of roles and responsibilities is the question of how design evaluation best relates to the broad range of land use, circulation, and planning considerations that the development review process must address. A number of individuals spoke of the need to clarify the extent to which, if at all, the ARB design review process includes examination of massing and scale. Likewise, many spoke of the need to clarify the extent to which the Planning Commission addresses specific design issues related to materials, colors, architectural detail, proportions, and aesthetics. Additionally, questions regarding the timing of design review (i.e., whether it should occur early or later in the project review process) need to be revisited.

In Section 2 of this report, Santa Monica's current design review process is presented and outlined for comparison with the case studies in Section 3. Section 3 provides an in-depth description of the design review process in each of the five peer communities and, through these cities' design review procedures, demonstrates various alternatives for examining the issues noted above. Each design review case study ends with an evaluation of best practices that may inform Santa Monica's process. Section 4 includes conclusions and recommendations based on an analysis of the issues raised by Santa Monica City staff, the individuals interviewed, and the peer city case studies.

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## 2 Design Review in Santa Monica: Background & Existing Procedures

To establish a baseline for comparison with the case studies in Section 3, this section describes the bodies and procedures responsible for design review that exist in Santa Monica.

### DESIGN REVIEW BODIES AND THRESHOLDS

In Santa Monica, both the Planning Commission and the City Council (in cases of appeals, development agreements, or similar decisions) provide design comments during the development approval process. However, per Chapters 9.32 and 9.36, Article 9, of the Santa Monica Municipal Code, direct responsibility for design review is divided among the Planning and Community Development Director and his/her staff (Director), the Architectural Review Board (ARB), and the Landmarks Commission (LC). The ARB and LC have specific requirements for membership, as follows:

**Architectural Review Board:** The ARB consists of seven members, at least two of whom must be professional architects. Other members of the board must, as a result of their training, experience, and attainments, be qualified to analyze and interpret architectural and environmental trends and information, to appraise resource uses, and to be responsive to the social, aesthetic, recreational and cultural needs of the community. Members with expertise in conservation, recreation, design, landscaping, the arts, urban planning, cultural-historical preservation, and ecological and environmental science must be represented on the ARB, insofar as practicable. The Landmarks Commission may select one of its members to provide active liaison with the ARB when the Board is considering additions to or modifications of historic resources. The Commissioner chosen has neither a vote on the ARB nor is eligible to be its chairperson. ARB members serve four-year terms.

**Landmarks Commission:** The LC consists of seven members. One member must be represented from each of the following categories: 1) a registered architect; 2) an architectural historian; 3) a California real estate licensee; and 4) a person with demonstrated interest and knowledge, to the highest extent practicable, of local history. Commissioners serve four-year terms and must be residents of Santa Monica and over 18 years of age.

Design review is required for all non-single family projects proposed in Santa Monica. For non-exempt projects, design review authority is tiered to some extent based on project size and scope, although the thresholds for review by the ARB are quite low. City Staff, under the supervision of the Director, has review and approval authority over minor projects, typically less than 500 square feet. For a summary of design review thresholds in Santa Monica, see Table 2.0 below.

**TABLE 2.0: SANTA MONICA DESIGN REVIEW THRESHOLDS & DECISION BODIES (SUMMARY)\***

<i>Project Type</i>	<i>Size/Scope</i>	<i>Review Authority</i>
New Construction	All	Architectural Review Board
Additions to Existing Structures	< 500 sq. ft.	Planning and Comm. Dev. Director
	500+ sq. ft.	Architectural Review Board
Historic Resources	All	Landmarks Commission

\* For additional information on design review thresholds in Santa Monica, see Appendix A.

## **DESIGN REVIEW PROCEDURES**

### ***Preliminary & Design Review Applications***

In Santa Monica, applicants for design review may submit to the City for an optional Pre-Submittal Review with City Staff. Pre-submittal review consists of an informal meeting with the Director, and as necessary, with Staff from other City divisions responsible for reviewing development applications. Staff reviews the proposed project and offers comments on issues that may be important to consider in preparation for formal review. Staff interviewed for this report consider pre-submittal review to be helpful. Comments provided to applicants are considered non-binding.

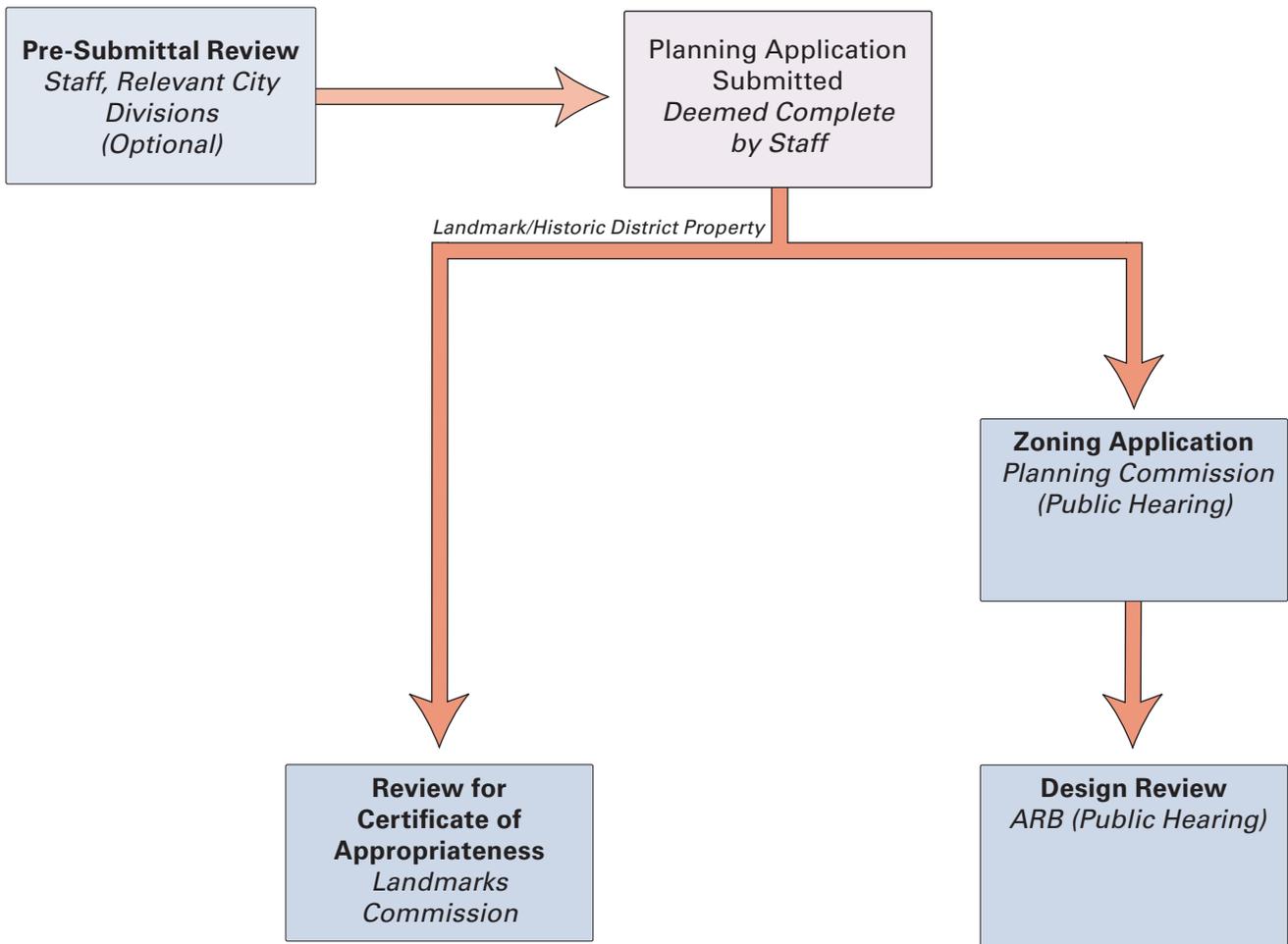
Once Staff determines that an application is complete, it proceeds to formal Design Review. If the ARB has review authority over the project, design review takes place at a noticed, public hearing. The applicant or any interested party may appeal any decision by the ARB to the Planning Commission (PC). Any member of the PC may also call up an ARB decision for Commission review. The PC's decision on an ARB appeal is final (See Figure 2.0). The ARB is also responsible for approving sign permit applications, although the Municipal Code provides for Staff action on signs that conform to adopted City guidelines or a sign program that the ARB or Commission approved in conjunction with design review of a building.

The City also employs an un-codified but widely approved process for early review by both the PC and the City Council. The so-called "float-up" process is currently used only for projects subject to a development agreement (DA) and, typically, where an Environmental Impact Report is required. The current process includes a public hearing before the PC, followed by comments and recommendations to the City Council. The City Council then conducts a public hearing to decide whether the City should commence DA negotiations for the project in question and provides the applicant with its comments with respect to physical design and planning issues and community benefits. City Staff's role has been to transmit project information to the PC and City Council, identify key issues to be reviewed, and recommend a course of action.

The current "float-up" process sometimes precedes the filing of a formal application, and sometimes follows it. The process has generally not been available for projects subject to quasi-judicial permits (e.g., Development Review Permits) on the advice of the City Attorney due to concerns that comments could be construed as pre-judgment. Other jurisdictions have addressed this potential problem by establishing procedures stipulating that the Commission and Council comments are preliminary and non-binding.

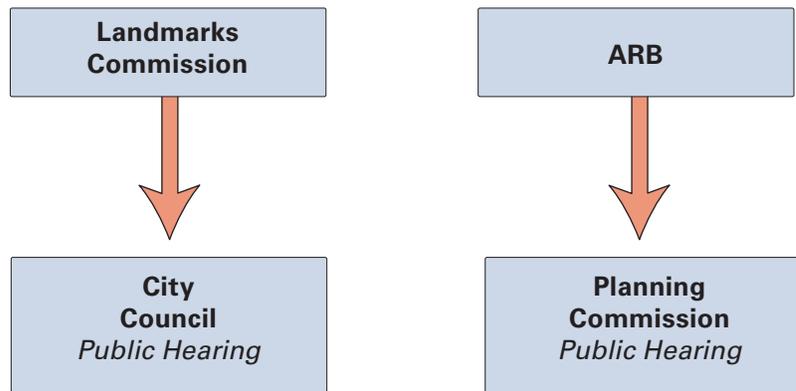
Proposed projects that involve alteration or demolition of designated landmarks or are located in historic districts require review by the LC and the issuance of a Certificate of Appropriateness; such projects are generally exempt from review by the ARB, but must go before the LC at a public, noticed hearing. Decisions by the LC are appealed directly to City Council. The Municipal Code does not specify when during the development review process LC action occurs if a project also requires action by the Planning Commission. Typically, ARB review occurs after Commission action and LC action takes place beforehand.

Figure 2.1:  
Santa Monica Design Review Process



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### Appeals Process



### **Evaluation Criteria and Scope**

The City of Santa Monica currently only uses guidelines that cover areas outlined in specific plans for designated areas such as Ocean Park and the Civic Center but is considering the adoption of citywide design guidelines to complement the LUCE. It is also anticipated that there will be design guidelines in future specific and area plans. The nature of the guidelines found in specific plan documents tends to be broad and without highly prescriptive language, thus allowing for flexibility in the solution of design challenges.

The Zoning Ordinance establishes objectives for the design review process (Section 9.32.010) and identifies four “elements” that should be used as a basis for design review guidelines (Section 9.32.040). The Ordinance also specifies criteria that the ARB must use when reviewing applications (Section 9.32.140). The criteria are broadly defined, providing design review authorities with wide discretion assessing the design merits of proposed projects. They require the ARB to find that projects are “expressive of good taste...and the image of Santa Monica as a place of beauty, creativity and individuality;” “not of inferior quality;” “compatible” with development in the general area; and in conformity with applicable development standards found in the zoning code and specific plans.

The issues to be considered when establishing guidelines for reviewing projects within designated architectural review districts emphasize the importance of maintaining neighborhood character including:

- The integrity of neighborhood environments;
- Existing local, social, aesthetic, recreational and cultural facilities, designs and patterns within the district;
- The disparate elements of neighborhood communities within a district and the architectural relationship of adjoining neighborhood communities; and
- General patterns and standards of architectural development within the entire district.

Despite the broad sweep of the purposes of the ARB review, Section 9.32.120 limits the scope of ARB review to the following project elements:

- Exterior elevations
- Landscaping
- Signs
- General appearance

SMMC Section 9.32.040 allows the ARB to adopt additional guidelines and standards, which it did in 1989. However, City staff does not view the existing citywide guidelines as especially useful, particularly since the adoption of the 2010 Land Use and Circulation Element. According to City staff, the expertise of both the ARB members, as well as the City’s Urban Designer, is of greater importance than the use of the existing guidelines. However, staff has expressed that guidelines of a more detailed nature written to be consistent with the LUCE and complementary to the revised Zoning Ordinance could be of great help in the design review process.

Because the ARB review typically occurs after the PC has taken action on any required zoning approvals, Staff and Board members have expressed concern that the body has limited opportunity to comment on issues such as massing, scale, and overall design themes at an important stage of the design and overall review process. The existing ARB Design Guidelines do include the following: “The Zoning Ordinance establishes

the building setback requirements for all sides of the property. This creates an allowable building footprint or 'build to line.' Strict interpretation that results in an austere building design will require additional articulation of the building mass." Further, "The articulation of the building mass affects both the footprint and vertical profile of the building, thus potentially reducing the maximum square footage. This should be taken into account early in the design phase, since it will impact the economic feasibility of the project." However, because there is no formal design review at the early part of the review phase, it is difficult to administer or exercise the intent of these Guidelines.

Relative to the issue of the scope of ARB authority, Staff has brought the discussion forward in the context of several specific projects. In their reports for these projects, Staff has consistently taken the position that the ARB can require additional articulation both to make the building compatible with surrounding development and to soften the apparent mass of the building. However, ARB cannot require modifications to the building design that negate the fundamental development standards established by Code (e.g., overall height, number of stories, density). In practice, this means that the ARB's review will be effectively limited to comments regarding the building's exterior such as colors, design details, proportions, materials, and landscaping. Although the Ordinance authorizes the ARB to deny design review approval or require changes to ensure compliance with the criteria set forth in Section 9.32.140, the ARB's ability to address broader urban design issues is again constrained by the timing of its review following PC action.

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### **3 Peer Community Case Studies**

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This section describes the key features of the design review procedures used by four peer communities in California: Berkeley, Palo Alto, Pasadena, West Hollywood, and Ventura. The following information and analysis are based on a review of City Ordinances, supplementary information available online or provided by City staff, and phone interviews with staff. The analysis highlights aspects of each community's design review procedures that may be appropriate for consideration by Santa Monica as it reviews its own design review process. For an overview of the major aspects of design review in each City, see Table 3.0.

While Santa Monica and each of the five peer communities takes a somewhat different approach to design review based on community priorities and the existing environment, they all have similar types of administrative bodies that have some influence on the design of proposed projects. These bodies include a planning/community development director and staff,<sup>1</sup> who are career planning and design professionals; an appointed design review board; and an appointed historic preservation board. The specific title and authority of each body varies by city, but the overall makeup and scope of responsibilities is similar. Other important bodies present in each city with jurisdiction over decisions that may have significant impacts on project design are the Planning Commission and City Council.

Santa Monica and its peer communities have also adopted similar procedures for conducting design review of development projects. Each City provides for a round of preliminary review with staff and/or the design review board. The purpose of preliminary review is to solicit early feedback from the City on the major aspects of a proposed project before an applicant invests significant resources into its design. This also affords an opportunity for staff to convey issues that they know the community will be sensitive to. Typically, applicants submit preliminary project information in the form of schematic plans, sketches, photographs, models, and a written project description along with an application fee. Preliminary review can be beneficial for both cities and applicants, as it provides city staff with greater input into the development process and applicants with important information that will increase the chances for project approval. Once a project application has been formally accepted for review, all five communities provide a multi-track system that requires varying levels of review based on the size and scope of the project. These multi-track systems may provide for advisory review by the landmarks board in cases where the project involves a potential historic resource.

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<sup>1</sup> Throughout this report, the planning director, planning manager, and city staff will be referred to collectively as "Director."

**TABLE 3.0: OVERVIEW OF DESIGN REVIEW ELEMENTS & PROCEDURES**

		Berkeley	Palo Alto	Pasadena	Ventura	West Hollywood	Santa Monica
Composition of Design Review Body (design professionals <sup>1</sup> out of total membership)		3 of 7	3 of 5	9 of 9	4 of 5	NA	2 of 7
Citywide Design Guidelines		No	No	Yes	Yes	Yes	Yes
Preliminary Review		Mandatory	Optional	Mandatory	Optional	Optional; uncodified	Optional
Review Authority (Major Projects)	Staff	Approval	Approval	Advisory	Advisory	Advisory	Advisory
	Design Review Body	Advisory	Advisory	Approval	Approval	Advisory	Approval
	Historic Resources Review Body	Advisory <sup>2</sup> & Approval	Advisory	Approval	Advisory & Approval	Advisory & Approval	Approval
Appellate Authority	Staff Decisions	Design Review Committee	City Council <sup>3</sup>	Design Commission	Planning Commission	Planning Commission	NA
	Design Review Body Decisions	Zoning Adjustments Board	NA	City Council	City Council	NA	Planning Commission
Level of Design Review Discretion		High	High	Moderate-High	Low	High	Moderate
Typical Approval Time		NA	1-6+ months	--	2-6+ months	4-6+ months	--

<sup>1</sup> Includes architects, landscape architects, planners, urban designers, etc.

<sup>2</sup> Structures more than 40 years old.

<sup>3</sup> Appeals of Minor Review decisions are granted a hearing before ARB, which issues an advisory recommendation to the Director.

### 3.1 PALO ALTO

The City of Palo Alto is located at the southeastern end of the San Francisco Peninsula, approximately 17 miles northwest of San Jose. In 2010 it had a population of 64,000.

#### Design Review Bodies and Thresholds

In Palo Alto, responsibility for design review is divided among the Director of Planning and Community Environment and his/her staff (Director), the Architectural Review Board (ARB), and the Historic Resources Board (HRB). The ARB and HRB have specific requirements for membership, as follows:

**Architectural Review Board:** The ARB consists of five members, at least three of whom must be architects, landscape architects, building designers or other design professionals. Members serve three-year terms without pay.

**Historic Resources Board:** The HRB consists of seven members who have a demonstrated interest in and knowledge of history, architecture or historic preservation. Three members must be architects, landscape architects, building designers or other design professionals and at least one member must possess academic education or practical experience in history or a related field. One member must be

an owner or occupant of an historic structure, or of a structure in an historic district. HRB members serve three-year terms without pay.

City policy requires members of the ARB or HRB who have worked on or have a financial interest in a project that comes before their respective Board, to recuse themselves from any related Board decisions. Additionally, a representative of the Board Member, not the Board Member him/herself, must make any presentations to the Board on such a project. According to Staff, the Palo Alto City Council takes potential conflicts into account when approving ARB members and, thus far, ARB has not had any issues reaching a quorum as a result of this policy.

The City’s Zoning Ordinance requires design review for all projects within Palo Alto, except for single-and two-family residences that are not part of planned developments with three or more adjacent units. For nonexempt projects, design review progresses along one of two tracks, depending on their size and scope: minor site and design review (minor review, which is generally applicable to structures up to 5,000 sq. ft. that are exempt from CEQA review and minor changes to signs and previously approved plans; or major site and design review (major review), which covers all other projects and requires an advisory recommendation by the ARB (See Table 3.1).

**TABLE 3.1: PALO ALTO DESIGN REVIEW THRESHOLDS & DECISION BODIES (SUMMARY)<sup>1</sup>**

<i>Project Type</i>	<i>Size/Scope</i>	<i>Review Process (Minor/Major<sup>2</sup>)</i>
New Construction	< 5,000 sq. ft. and exempt from CEQA review	Minor
	5,000+ sq. ft.	Major
	Multi-family residential projects with 3 or more units. Construction of 3 or more adjacent single-family homes or duplexes.	
Previously Approved Plans/Projects (Minor Changes <sup>3</sup> )	Plans that have previously received architectural review approval Plans that have previously received site and design approval	Minor
Historic Resources	Landmarks or structures in historic districts	Minor or Major

<sup>1</sup> For a full accounting of design review thresholds in Palo Alto, see Appendix B.

<sup>2</sup> Major review requires an advisory recommendation by the Architectural Review Board.

<sup>3</sup> "Minor" means a change that is of little visual significance, does not materially alter the appearance of previously approved improvements, is not proposed for the use of the land in question, and does not alter the character of the structure involved. If the cumulative effect of multiple minor changes would result in a major change, a new application for architectural review approval of a major project, site and design approval, planned community district approval, or other applicable approval is required.

## Design Review Procedures

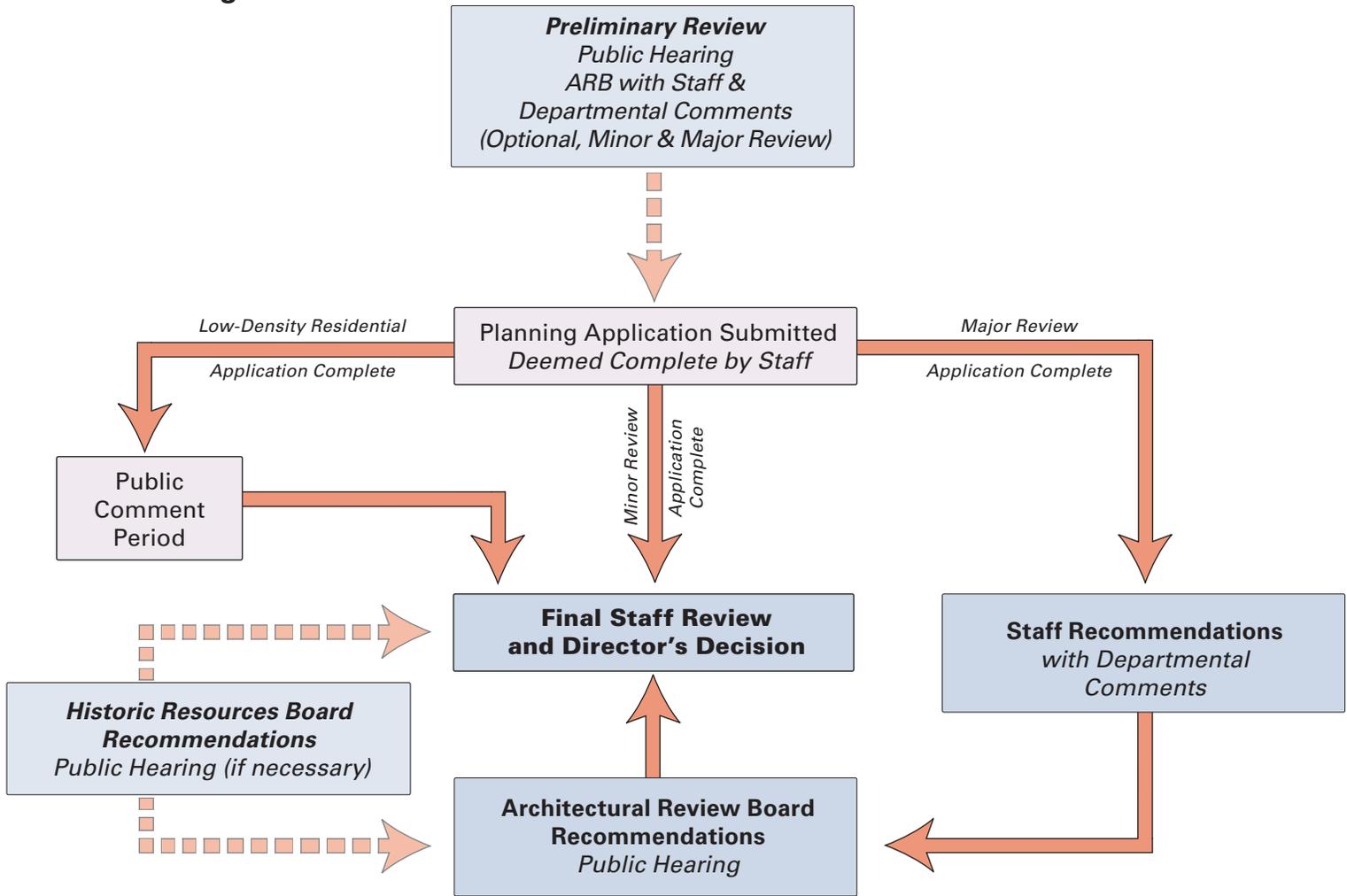
### ***Preliminary & Design Review Applications***

In Palo Alto, preliminary review is optional and available for both major and minor projects, although rarely exercised for minor applications. Preliminary review takes place at a noticed public hearing of the ARB with feedback and recommendations to project applicants delivered directly from the ARB at the hearing as well as through written comments from City Staff. Prior to an ARB hearing, Staff reviews the application materials and may solicit feedback on the project from other City departments as necessary. All recommendations from the ARB and Staff rendered during preliminary review are considered non-binding. Staff in Palo Alto

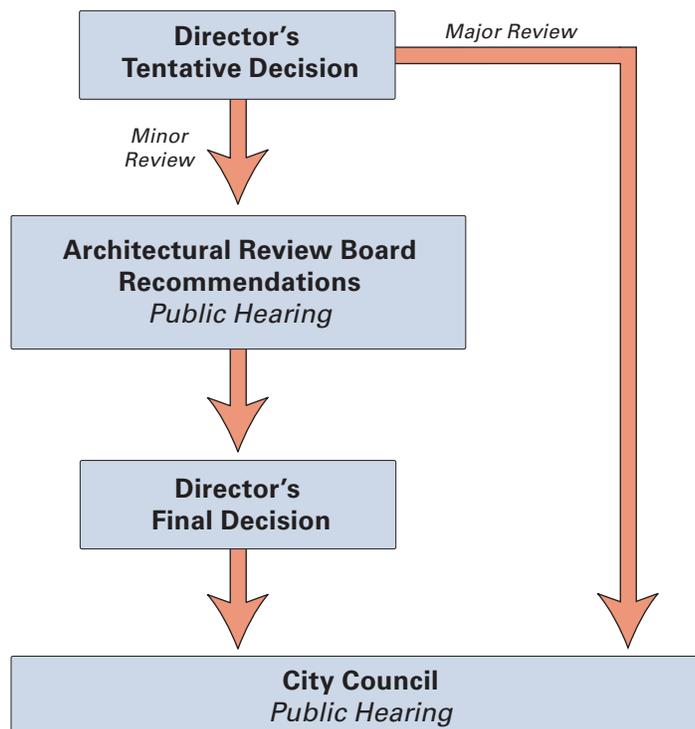
considers preliminary review to be an “invaluable” part of the process, as it provides applicants with crucial early feedback on what aspects of a project are likely to be approved.

Staff, under the supervision of the City Planning Manager and the Director, conducts both minor and major review (See Figure 3.1). Although many members of staff have design credentials, this is not a requirement to conduct design review. If historic structures or districts are affected by proposed projects, the HRB holds a public hearing to review the application and offer recommendations prior to final Staff decision; however, HRB recommendations are not required for application approval and applicant compliance is voluntary. The primary difference between minor and major review is that the latter requires a public hearing before the ARB, which issues a recommendation to approve or deny the application to the Director. The Director may approve the application, approve with conditions, or deny it. Although final approval authority rests with the Director, one Palo Alto Staff member with whom we spoke said that ARB recommendations are weighted heavily in the final analysis because the input of design professionals on the Board is considered crucial to a thorough evaluation.

Figure 3.1:  
**Palo Alto Design Review Process**



**Appeals Process**



Appeals of the Director's decision, which can be initiated by any interested party, proceed directly to City Council under major review. Applications under minor review are appealed first to the ARB, which reviews the project at hearing and offers recommendations to the Director. At this point, the Director once again has the opportunity to approve, approve with conditions, or deny the application. If an appeal of the Director's final decision is made, the application is forwarded to the City Council for a public hearing and final review.

One aspect of design review that is not codified in the Palo Alto Zoning Ordinance, but is nonetheless an important tool for evaluating small projects, is "counter review." For very minor exterior changes that have no effect on the overall aesthetic of a structure (e.g., changing of doors, small signs, well-shielded rooftop equipment, etc.), staff is permitted to make discretionary decisions without the need for those seeking changes to file a formal design review application. Instead, staff can approve changes immediately at the planning counter. There are not specific criteria for assessing what projects may be eligible for counter review, but the types of projects (see above) are well known by Staff. This process streamlines minor review by reducing the paperwork and time needed to gain approval for small changes.

Typically, the Palo Alto Planning Commission (PC) is only involved in very large development projects, which require land use or zoning changes. It plays little role in site or design review, except as necessary to comply with underlying zoning requirements, and its recommendations are advisory only. Applications for additional entitlements such as a zoning change must be approved by the City Council with an advisory recommendation from the PC. Depending on the complexity of the proposed project, design review may take place simultaneous to or after the approval of entitlements. Until several years ago, all design review appeals went through the PC before making their way to the City Council, but in an effort to streamline the process, PC review was eliminated.

### ***Evaluation Criteria and Scope***

In addition to design standards included in the Palo Alto Zoning Ordinance, Staff and the ARB have several tools that establish criteria and scope for the evaluation of proposed projects. The City of Palo Alto does not have any citywide guidelines that govern design evaluation, but it has adopted design guidelines for Downtown, El Camino Real, and some other districts. These guidelines are generally written to allow design flexibility and choice, rather than being heavily prescriptive.

Staff and ARB project evaluation are heavily guided by an extensive list of required findings enumerated in the Zoning Ordinance. In order to grant approval of a design review application, the Director (or City Council on appeal) must affirm that the application conforms to 17 individual findings, which cover a wide range of issues including project context, site design, land use compatibility, design unity, scale, character, open space, circulation, environmental conservation, architectural detail, landscape design, and energy efficiency (for a detailed list of findings, see Appendix C). These findings are extremely broad, allowing Staff and ARB the flexibility to arrive at more than one interpretation of how to best address any particular design challenge.

Finally, the City Zoning Ordinance specifies specific conditions under which the Director may require changes from or impose restrictions on design review applicants for the protection of public health, safety, general welfare, or convenience. These provisions, which go well beyond purely aesthetic concerns, give the Director considerable latitude to modify design guidelines and, according to Staff, may affect the building envelope for new construction (although typically to a minor degree).

Overall, Palo Alto's broad evaluation criteria and wide scope for design review make for a process that is based significantly on the discretionary decisions of the ARB and Staff. While Staff believes that this results in a high quality of design, it is acknowledged that the process works best for applicants who have prior

development experience in Palo Alto and thus an established understanding of the City's design expectations. That said, one Staff member expressed the opinion that ARB members are responsible and realistic about what they can and should expect from applicants. Indeed, administrative statistics seem to suggest that friction between applicants and design review bodies in Palo Alto is minimal. In 2011, out of more than 400 design review applications, only a handful had been appealed and none had proceeded to litigation.

### **Lessons for Santa Monica**

#### *Theme #1: Balancing Prescriptive Standards & Advisory Guidelines*

- Evaluation of projects under design review in Palo Alto relies heavily on broad and subjective criteria, including findings and, to some extent, suggestive guidelines.
- Palo Alto's overall approach emphasizes discretionary review allowing considerable discretion to modify requirements when appropriate.

#### *Theme #2: Defining Roles and Responsibilities*

- The Palo Alto Planning Director has final approval authority over design review, with the ARB and HRB playing advisory roles to the Director.
- The Palo Alto Planning Commission is an advisory body for both entitlement and design issues.
- Despite its advisory role, ARB works closely with staff and exerts strong influence over design review. City Staff and the ARB members have a good working relationship, which allows for effective communication of design expectations to applicants.

#### *Theme #3: Defining the Scope and Timing of Design Review*

- The scope of ARB review is broad and allows for some control over urban design issues
- Palo Alto's historic preservation ordinance is rather weak. An HRB hearing is not required for application approval and recommendations from the Board are voluntary.

## **3.2 PASADENA**

The City of Pasadena is located in central Los Angeles County, approximately 10 miles northeast of Downtown Los Angeles. With a population of 137,000 in 2010, it is the largest city examined in this report.

### **Design Review Bodies and Thresholds**

The three principal bodies responsible for design review in Pasadena are the Planning Director and his/her staff (Director), the Design Commission (DC), and the Historic Preservation Commission (HPC). Membership requirements for the DC and HPC are as follows:

**Design Commission:** The DC has nine members, who must have a demonstrated interest in the community as well as professional expertise and experience in a design related field, including one or more of the following: architecture, landscape architecture, city planning, historic preservation, art, urban design, engineering, or transportation planning. Members are required to file annual statements of economic interest pursuant to the city's conflict of interest code. DC members are unpaid, serve three-year terms, and may not serve more than two consecutive terms.

**Historic Preservation Commission:** Like the DC, the HPC has nine members, all of whom must be conversant with Pasadena's historical, architectural and cultural heritage. Additionally, they must

have special interest, knowledge, or training in fields closely related to historic preservation, such as architecture, history, landscape architecture, architectural history, city planning, archaeology, urban design, geography, real estate, law, finance, building trades or related areas. If possible, HPC should also include three professionals from the design or history fields, to the extent that such professionals are available in the community. HPC members must be residents of Pasadena and must file annual statements of economic interest. As is the case for the DC, members are unpaid, serve three-year terms, and may not serve more than two consecutive terms. According to Staff, DC and HPC recusals are rare.

All projects proposed for construction are subject to design review in Pasadena with the following exceptions:

- Projects that are, in their entirety, not visible from the public right of way;
- Projects with only partial public view. Design review is limited to those exterior portions of the structure that can be seen from the public right of way, although some interior courtyards and building elevations may be considered in order to improve the visual relationship between new construction and its surroundings;
- Interior features and alterations unless they materially affect a structure's appearance from the public right of way;
- Signs having no words or symbols exceeding three inches in height, temporary signs, and banners.

For nonexempt projects, Pasadena has a detailed system for determining thresholds for design review authority, which takes account of the size, scope, and location of the proposed project. Major projects are reviewed by the DC, which has approval authority. These include applications for new construction over 5,000 square feet within Pasadena’s Central District or over 25,000 feet outside (the Central District encompasses the Civic Center and historic Old Pasadena). City Staff, under the supervision of the Director, has review and approval authority over minor projects. For a summary of design review thresholds in Pasadena, see Table 3.2.

**TABLE 3.2: PASADENA DESIGN REVIEW THRESHOLDS & DECISION BODIES (SUMMARY)\***

<i>Project Type</i>	<i>Size/Scope</i>	<i>Review Authority</i>
New Construction in Central District	< 5,000 sq. ft. OR residential projects with nine or fewer dwelling units	Planning Director
	5,000+ sq. ft. OR residential projects with 10 or more dwelling units	Design Commission
Existing Structures (Major Rehab)	< 10,000 sq. ft.	Planning Director
	10,000+ sq. ft.	Design Commission
New Construction & Existing Structures (Major Rehab) Outside Central District	< 25,000 sq. ft.	Planning Director
	25,000+ sq. ft.	Design Commission
Historic Resources In Central District	Minor Projects	Planning Director
	Major Projects	Design Commission
Historic Resources Outside Central District	Minor Projects	Planning Director
	Major Projects	Historic Preservation Commission

\* For a full accounting of design review thresholds in Pasadena, see Appendix D.

## **Design Review Procedures**

### ***Preliminary & Design Review Applications***

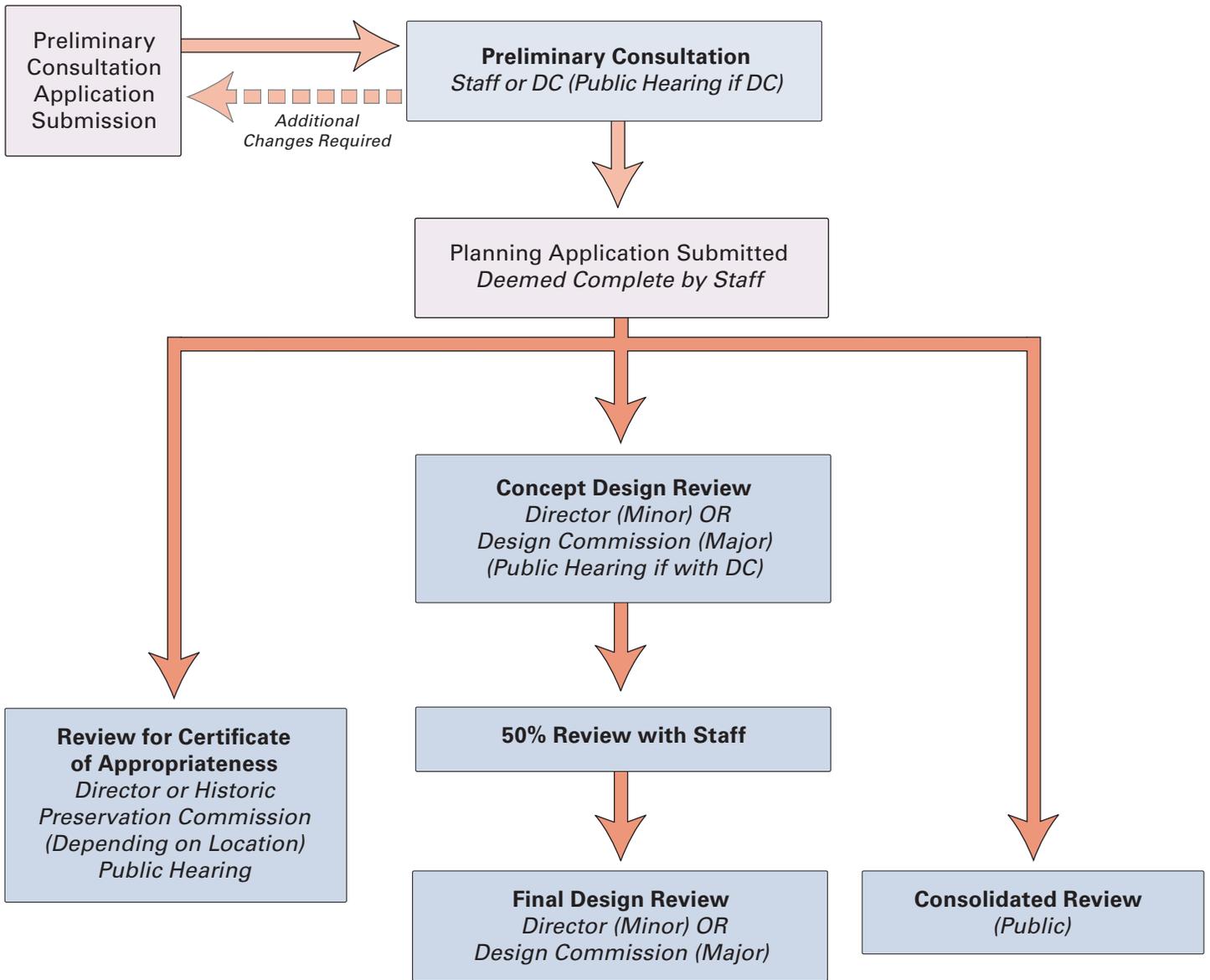
The standard design review process in Pasadena occurs in three stages, beginning with a mandatory Preliminary Consultation. During this stage, applicants discuss applicable design guidelines and review procedures, as well as potential compliance issues for the project with either the Director or the DC, depending on who has final review authority. Consultation with the DC takes place at a public hearing. Projects may require multiple consultations before Staff permits an application to proceed to formal design review.

Following Preliminary Consultation, design review applications proceed to Concept Design Review, which is the primary forum for the Director or DC to address the basic design of a project, including compatibility with surroundings, massing, proportion, siting, solid-to-void relationships, and compliance with applicable design guidelines (see Figure 3.2). If the DC has review authority, a noticed public hearing is required. If Staff has review authority, a planner with professional design credentials typically performs review.

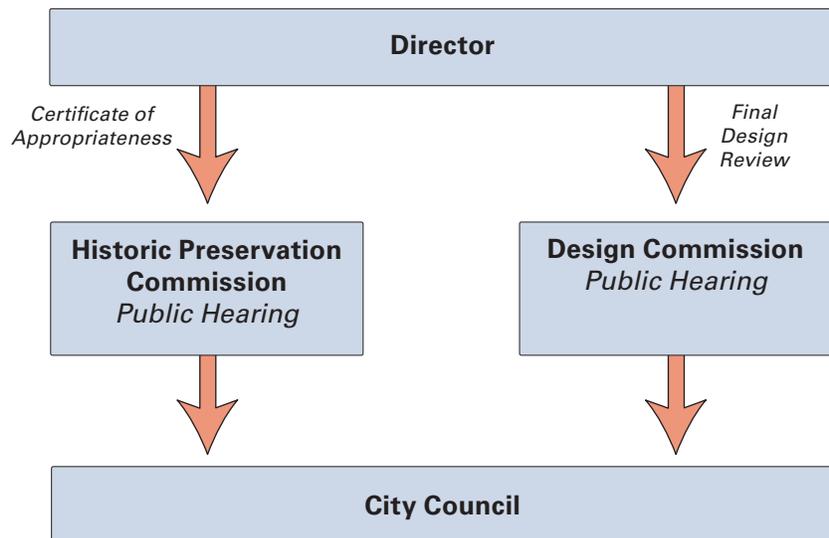
Barring an appeal, the last stage in the design review procedure is Final Design Review. During this stage, the review body normally focuses on construction details and compliance with the conditions of the design approved during Concept Design Review. Although the Ordinance does not require a public hearing for Final Design Review, in practice, the City often conducts hearings for large projects. Between Concept and Final Review, Pasadena also allows for an optional 50 Percent Design Review, which gives applicants the opportunity to consult with Staff to ensure that they have properly interpreted the feedback received during Concept Review. There is no limit on the number of times an application can be considered under Preliminary, Concept, or Final Review.

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**Figure 3.2:  
Pasadena Design Review Process**



**Appeals Process**



Other design review procedures that may apply to some projects are Consolidated Review and Expedited Review. Consolidated review is an alternative to the two-step review process described above, during which all aspects of project design, including large and small details, are discussed at once. Consolidated Review is granted only at the discretion of Staff and is typically reserved for larger projects, such as multi-family housing. Minor changes to awnings, paint colors, and signs are eligible for Expedited Review by Staff provided that they comply with applicable zoning code, are consistent with design guidelines, and are replacing a similar item existing on the structure in the same general location. A five-day comment period applies to applications for Expedited Review.

Pasadena's Historic Preservation Ordinance requires approval of a Certificate of Appropriateness for proposed projects that may affect the significance of an historic building or district to ensure that proposed changes within the public view maintain the character of any historic resources. The Director conducts review for Certificate approval of minor projects. Certificate review for major projects within the Central District is conducted during a public hearing by the DC and by the HPC for projects in all other areas. According to City Staff, however, review of historic resources by the DC has been challenged in recent litigation, which may affect the design review process in the future. Standards for historic review are drawn from the *U.S. Secretary of the Interior's Standards for Rehabilitation* as well as local guidelines documented in the *Illustrated Guidelines for Rehabilitating Historic Buildings and Design Guidelines for Historic Districts in Pasadena, California*.

Design review appeals proceed along two different tracks depending on whether they affect historic resources. Decisions by the Director for Certificates of Approval are appealed to the HPC, while the Director's decisions relating to Final Design Review proceed to the DC. Decisions by the HPC and DC are appealed to the City Council, which holds final approval authority.

During the development process, the Pasadena Planning Commission (PC) is principally involved in granting entitlements such as conditional use permits and zoning changes for major new construction over 75,000 square feet. As an element of approval, the PC typically weighs in on the proposed site design of a project, however, all entitlements and other development requirements such as the provision of public art or affordable housing must be secured by applicants prior to review by the DC. The DC may require changes to site design or building height based on the zoning code or design guidelines during its review of the project without specific approval by the PC.

### **Evaluation Criteria and Scope**

In addition to the standards articulated in Pasadena's Zoning Ordinance, proposed projects are evaluated on the basis of four findings. Applicants must meet the standards set in these findings to gain design review approval. Overall, however, they are general in nature, specifying simply that proposed projects be consistent with applicable design guidelines or historic standards described in other documents.

In Pasadena, design guidelines are a particularly important resource for design review evaluation. The City has multiple sets of design guidelines that provide direction to the design review bodies and vary significantly in their approach and scope. Pasadena's current citywide guidelines, which were adopted in 1992, articulate a broad design vision for public and private development in the City and cover all major city elements (streets, residential lots, commercial lots, etc.) Overall, they are highly suggestive rather than prescriptive in nature, offering guidance through brief text descriptions and simple line drawings. Pasadena has seven areas that are subject to adopted specific plans, each of which also contain a set of design guidelines. Overall, these guidelines tend to be quite prescriptive, detailing, for example, heights, setbacks, landscape placement, etc.

Another set of guidelines that is particularly important in Pasadena covers the City's neighborhood commercial and multi-family districts, which were adopted in 2009 and apply to all development outside of

specific plan areas or single-family zones. The guidelines explore three primary elements (street, block, and building character), each of which has a set of recommendations that are demonstrated through diagrams, models and photographs. Design strategies that are NOT recommended are also highlighted. In general, the guidelines encourage applicants to pursue building design that is creative and/or outside of the traditional architectural vernacular of the City, but they also explicitly place the onus on applicants to demonstrate that such designs respond to their context in a sensitive manner. In other words, design that is non-traditional may be subject to a higher level of scrutiny in design review.

Development standards, findings, and design guidelines represent the major tools that Pasadena's design review bodies have at their disposal to evaluate projects. However, within this context, the Pasadena Zoning Ordinance also describes the design review scope of authority, which determines what aspects of a project are subject to consideration during design review. Specifically, the Ordinance establishes three conditions:

- Changes in a project required as a condition of Design Review approval may include density, height, open space, parking or loading, and sign requirements, as long as the conditions are not more restrictive than those prescribed by applicable zoning district regulations, a valid permit, or other legislative or zoning entitlements.
- Design Review authority over new and amended Master Plans and Planned Developments are limited to recommendations to the Commission and Council on aesthetic and urban design issues related to architecture, landscaping, site plan, and related aesthetic issues, as well as historic preservation.
- Design Review may require appropriate site plan revisions (e.g., different arrangements of open space), as well as revisions to the proposed building massing and transitions in scale of the structure(s), especially in historic districts to achieve greater compatibility between new construction and existing historic resources.

In general, design review in the City of Pasadena relies on a mix of discretionary and prescriptive standards for project evaluation. On the one hand, design review bodies have a wide scope of authority that provides them considerable discretion in making decisions regarding design quality and character. Additionally, Pasadena's current citywide design guidelines are written to allow considerable design flexibility. On the other hand, the City's guidelines covering specific districts tend to place greater emphasis on prescriptive standards and a greater burden on applicants seeking to design outside of traditional conventions. One City Staff member who was interviewed believes the balance between discretionary and prescriptive standards is appropriate for Pasadena and that design guidelines provide important direction for development.

## **Lessons for Santa Monica**

### *Theme #1: Balancing Prescriptive Standards & Advisory Guidelines*

- Design guidelines range greatly from prescriptive to flexible. Scope of authority implies a process that is based to a large degree on discretionary review, however.

### *Theme #2: Defining Roles and Responsibilities*

- Director, DC, and HPC all have approval authority depending on the size, location, and historic status of the project.

*Theme #3: Defining the Scope and Timing of Design Review*

- Design bodies are explicitly given authority to require revisions in site plans, density, building envelope, etc.
- Concept Design Review process provides an opportunity for the design review authority (Director or DC) to weigh in on urban design issues, including compatibility with surroundings, massing, proportion, siting, solid-to-void relationships, as well as compliance with applicable design guidelines.
- Heavy emphasis on historic preservation based on a rigorous ordinance as well as requirements for considering impacts of other projects on the significance of landmarks.
- Entitlements from PC must be granted before design review proceeds.

### **3.3 VENTURA**

The City of Ventura is located along the Pacific Coast in southwestern Ventura County, approximately 9 miles northwest of Central Oxnard. It had a 2010 population of 106,000.

#### **Design Review Bodies And Thresholds**

In Ventura the three principal bodies responsible for design review are the Community Development Director and his/her staff (Director), the Design Review Committee (DRC), and the Historic Preservation Committee (HPC). Membership requirements for the DRC and HPC are as follows:

**Design Review Committee:** The DRC has five members. Two must be licensed architects or building design professionals, one of whom must also serve on the HPC. Two members must be either a landscape architect or a licensed architect or a design professional such as an urban designer, interior designer, graphic designer, building designer or similar design professional. One member must be from the development community, such as a real estate professional, real estate developer, building contractor or sign contractor. All members of the design review committee must be able to read and interpret architectural drawings and evaluate the effects of a proposed building, structure, or sign upon the surrounding community. Additionally, at least two members of the design review committee must be planning commissioners appointed by the City Council.

**Historic Preservation Committee:** The HPC has a minimum of three members, at least two of whom must be appointed from among professionals in the disciplines of archeology, architecture, history, architectural history, art history planning, or other historic preservation-related disciplines, such as urban planning, American studies, American civilizations, cultural geography or cultural anthropology, to the extent that such professionals are available in the community. At least one committee member must be a licensed architect who serves on the DRC. These members must have a demonstrated interest in, and knowledge of, the City's historic preservation and cultural resources. Additional HPC members may be appointed who are lay people with a demonstrated special interest, competence, experience, or knowledge in the above categories or are residents and property owners within a designated historic district.

Design review is required for any new construction or projects that affect the exterior or architectural features of existing structures. A number of exemptions exist, however, including single- and two-family homes outside of Historic Overlay Zones. Review authority over non-exempt projects depends on the size and scope of the project, with new construction over 2,000 square feet (non-residential) or multi-family structures with five or more units (residential) being under the purview of the DRC. Although the Director may conduct design review below these thresholds, Staff has indicated that the vast majority of applications are

reviewed by the DRC, even for smaller projects. See Table 3.3 for a summary of design review thresholds in Ventura.

**TABLE 3.3: VENTURA DESIGN REVIEW THRESHOLDS & DECISION BODIES (SUMMARY)\***

<i>Project Type</i>	<i>Size/Scope</i>	<i>Review Authority</i>
Residential New Construction	Small Multi-Family Use Types or Residential Condominiums of four units or fewer	Community Development Director
	Large Multi-Family or Residential Condominium use types consisting of five or more units	Design Review Committee
	Single-family residences in subdivisions consisting of five or more lots	
Non-Residential New Construction	< 2,000 sq. ft.	Community Development Director
	2,000+ sq. ft.	Design Review Committee
Existing Structures	Additions to non-residential structures that are less than 25 percent of the existing square footage of the structure	Community Development Director
	Additions to nonresidential structures that are larger than 25 percent of the existing square footage of the structure	Design Review Committee
Historic Resources	New residential duplexes or single-family dwellings comprising projects of four units or fewer in Historic District (HD) Overlay Zones or exterior additions or for alterations to designated landmarks or points of interest	Historic Preservation Committee

\* For a full accounting of design review thresholds in Ventura, see Appendix E.

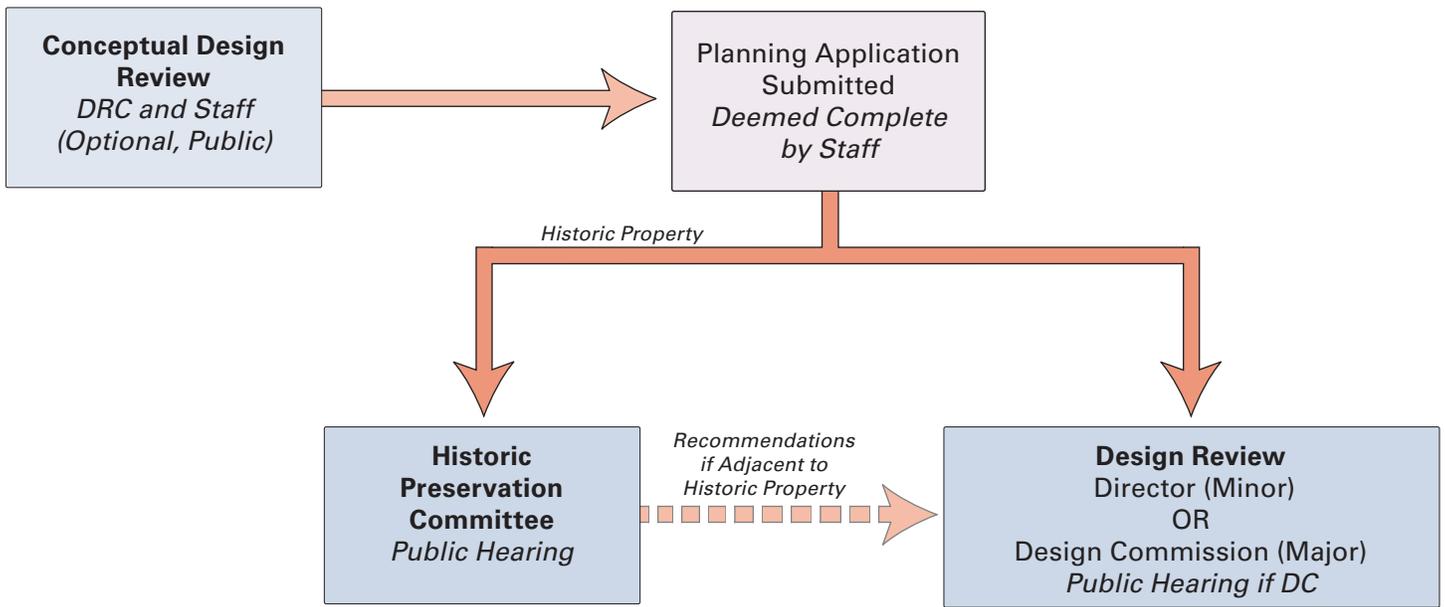
## Design Review Procedures

### ***Preliminary & Design Review Applications***

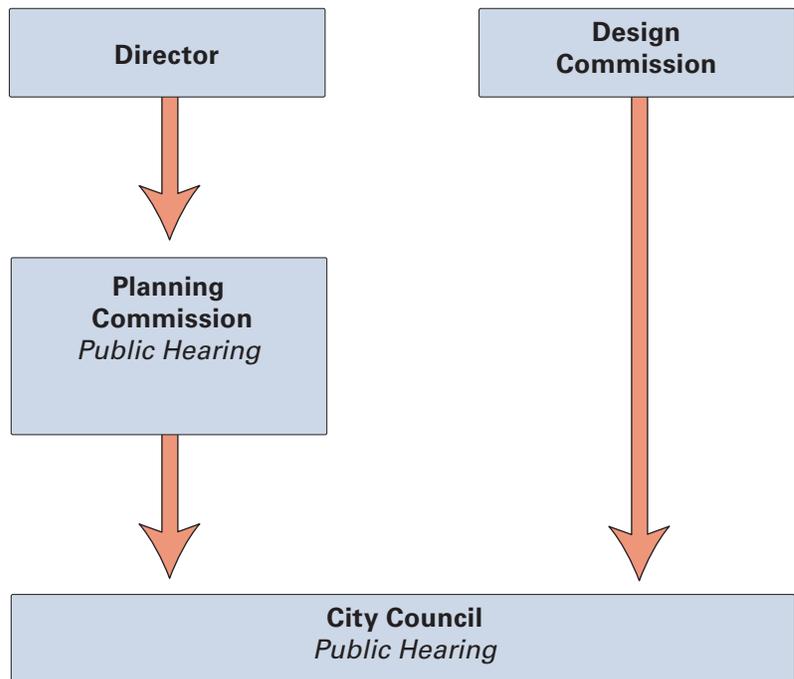
In Ventura, the first phase of design review is called Conceptual Design Review and is only available for projects for which the DRC has approval authority (See Figure 3.3). Conceptual Review is optional, although staff reports that a large majority of applicants take advantage of this tool in order solicit early feedback from the DRC on overarching design ideas. The format is a working session between the DRC, Staff, and the applicant at a public, non-noticed meeting. In addition to feedback during the meeting, non-binding comments are delivered to applicants via Staff through action minutes. Projects typically go through Conceptual Review only once, although, on occasion, an application may receive a second hearing. For large, complex projects the DRC or Staff may request a joint session of Conceptual Review with the Planning Commission (PC) to discuss a proposed design in relation to land use or zoning issues. Although the process is uncodified, staff considers the input gained from the PC at these joint sessions to be critical, particularly if a project is considered controversial within the community.

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Figure 3.3:  
Ventura Design Review Process



**Appeals Process**



If the DRC or HPC has approval authority, Final Design Review takes place at a noticed, public hearing. A project application may come before the DRC or HPC a maximum of three times. For projects that are adjacent to historic resources, the HPC issues recommendations to the Director or DRC. Final Review decisions by the Director may be appealed to the PC, while decisions by the DRC or PC are appealed to City Council. Subsequent to an application's final approval and concurrent to the issuance of a building permit, Staff performs a confirmation of details review to ensure that constructions plans match the plan approved during final review. Projects that require entitlements such as a use permit or variance from the PC or Director may apply for the entitlement concurrently to the design review process. However, the Director has the discretion to require design review to occur before or after the PC takes action on discretionary permits and approvals based on a project's size, complexity, location, or other factors.

### ***Evaluation Criteria and Scope***

As in other jurisdictions, Ventura's design review bodies are obligated to base their design review evaluations on a set of mandatory findings. These findings are general in nature and mostly refer to design standards set in other City documents. Ventura also has a citywide *Design Primer*, which is a document intended to reflect the overarching design vision, intentions and standards of the community and the DRC. It, too, provides broad design direction to decision-makers.

The most important evaluation standards for design review in Ventura are contained in the City's form based code (FBC). Ventura's 2005 General Plan introduced the FBC as a planning and design tool that would be fully articulated in the City's various specific plans. At least three specific plans or codes have been adopted since then, including for Downtown, which establish detailed design standards that are "calibrated" to address the aesthetic traditions and challenges of specific neighborhoods. While Ventura's FBC does not specifically prescribe architectural style, its standards for site design, building envelope, block structure, the pedestrian realm, and the public-private interface are quite detailed. Currently, approximately 45 percent of the City falls under the FBC. Overall, city staff feel that the FBC provides a good road map for development in Ventura as well as helpful guidance to design review applicants, design bodies, and citizens. Many architects, however, reportedly feel that the FBC is overly prescriptive. According to Staff, most design review applicants—approximately 90 percent—take advantage of code provisions that allow the DRC to grant "warrants" or "exceptions" to standards based on unique conditions related to the project or site.<sup>2</sup> Although the FBC is a relatively new tool in Ventura and its effectiveness in shaping development has not been fully tested as a result of the recent economic recession, the extent to which projects need modifications suggests that some standards may warrant reconsideration. In the 18-month period ending in January 2012, the Director and DRC reviewed a combined total of 40 applications. One case has been appealed, but a decision has not yet been issued.

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<sup>2</sup> The Ventura Downtown Specific Plan defines "warrants" and "exceptions" as the following:

- A **warrant** is "a deviation that would permit a practice that is not consistent with a specific provision of this plan, but is justified by its ability to fulfill this plan's intent while not compromising its goals, policies and actions." Warrants are subject to Director review and action in a public Administrative hearing.
- An **exception** is "is a deviation that would permit a practice that is not consistent with a specific provision of this plan that is critical to the furtherance of its goals, policies and actions." Exceptions are subject to Planning Commission review and action.

The Ventura Zoning Ordinance defines the scope of authority for the City's design review bodies in general terms, stating only that they may not determine the operation or appropriateness of land uses for a project if the land uses comply with applicable zoning. It does not specifically grant authority to address larger urban design issues and the City's FBC ensures that many details that have some level of discretionary review in other jurisdictions, such as building envelope and site design, are prescribed in Ventura. Overall, the evaluation of projects in Ventura's design review process can be characterized as highly prescriptive. Although the City's design review bodies have the authority to grant exceptions to the FBC, they are obliged to give substantial deference to the design guidance articulated therein.

### **Lessons for Santa Monica**

#### *Theme #1: Balancing Prescriptive Standards & Advisory Guidelines*

- FBC makes design review process highly prescriptive, but provides for some discretion through the approval of exceptions.

#### *Theme #2: Defining Roles and Responsibilities*

- For large and/or complex projects, joint sessions with the DRC and PC to discuss proposed designs help to identify issues relating to land use and zoning early in the process.

#### *Theme #3: Defining the Scope and Timing of Design Review*

- Applicants can apply for entitlements from PC concurrently to going through Conceptual Review with the DRC. Must have entitlements before final review.

## **3.4 BERKELEY**

The City of Berkeley is located on the eastern edge of San Francisco Bay in northwestern Alameda County, approximately 5 miles north of Downtown Oakland. It had a 2010 population of 112,500.

### **Design Review Bodies and Thresholds**

In Berkeley the three principal bodies responsible for design review are the Planning and Development Director and his/her staff (Director), the Design Review Committee (DRC), and the Landmarks Preservation Commission (LPC). Membership requirements for the DRC and LPC are as follows:

**Design Review Committee:** The DRC has seven members, four of whom must have concurrent membership on another city board or commission: two from the Zoning Adjustments Board (ZAB), one from the LPC, and one from the Civic Arts Commission. Additionally, a minimum of two members must be licensed architects, one must be a licensed landscape architect, and two must be laypersons.

**Landmarks Preservation Commission:** The LPC consists of nine members, one appointed by each member of the City Council.

All projects for which a building or sign permit is required, involving exterior construction or alteration, are subject to design review, with the exception of those in residential zoning districts outside of the Southside Plan Area. In contrast to the other case study cities examined in this report, Berkeley relies to a greater extent on subjective standards to determine which body has design review authority and focuses more on the type of entitlement the project is required to seek. For example, the Berkeley Zoning Ordinance states that responsibility for design review is determined by project size, visibility, and degree of sensitivity to the

community but assigns few specific, quantitative standards for these criteria (See Table 3.4). Berkeley is also unique in that it requires design review by the DRC or Staff (with an advisory recommendation by the LPC) for all structures that are over 40 years old and in zoning districts that are subject to design review.

**TABLE 3.4: BERKELEY DESIGN REVIEW THRESHOLDS & DECISION BODIES (SUMMARY)**

<i>Project Type</i>	<i>Size/Scope</i>	<i>Review Authority<sup>1</sup></i>
New Construction (Non-Residential or Mixed Use)	Accessory and commercial buildings that meet zoning requirements	Planning & Development Director
	All other development	Design Review Committee
Existing Structures	Residential additions that meet zoning requirements	Planning & Development Director
	All other development	Design Review Committee
Historic Resources	Designated landmarks, structures of merit, or buildings in a historic district	Landmarks Preservation Commission
	Structures listed on the State Historic Resources Inventory or the LPC's List of Structures and Sites. Structures over 40 years old	Design Review Committee or Planning & Development Director <sup>2</sup>

<sup>1</sup> Design review is conducted at the Staff level for all projects requiring an Administrative Use Permit or a Zoning Certificate.

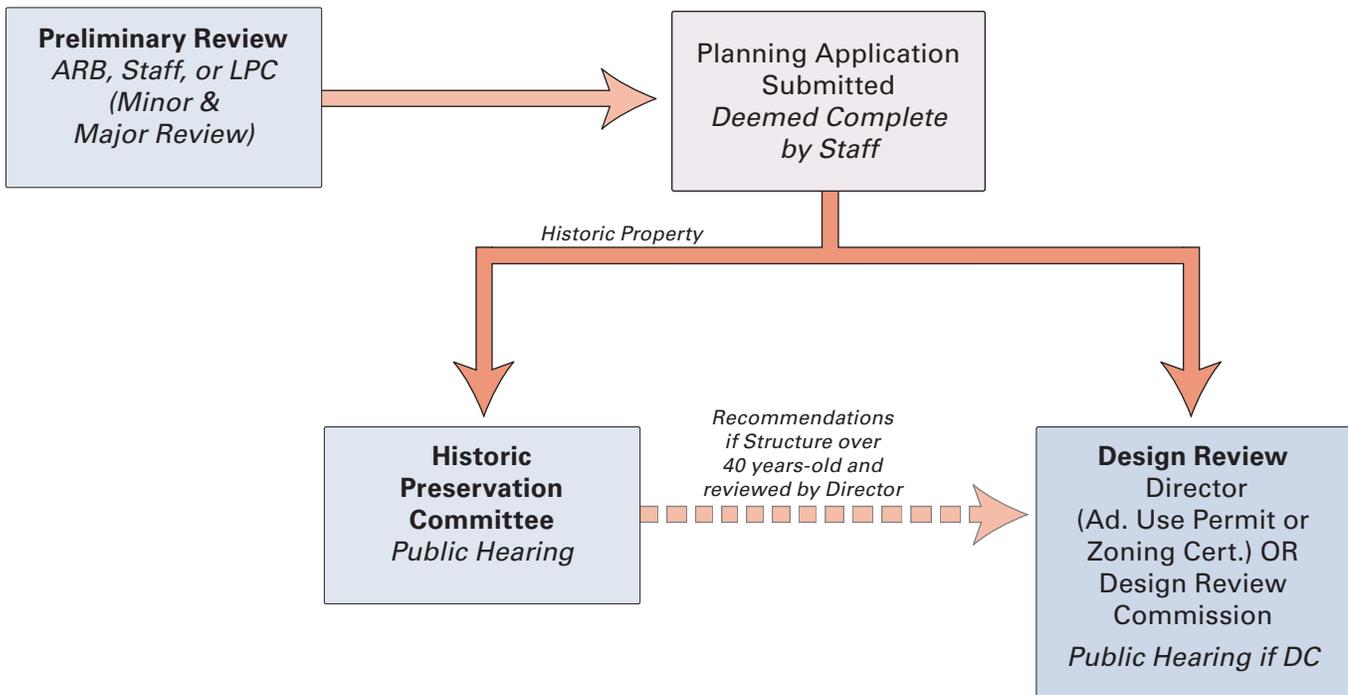
<sup>2</sup> An advisory recommendation from the LPC is required.

## **Design Review Procedures**

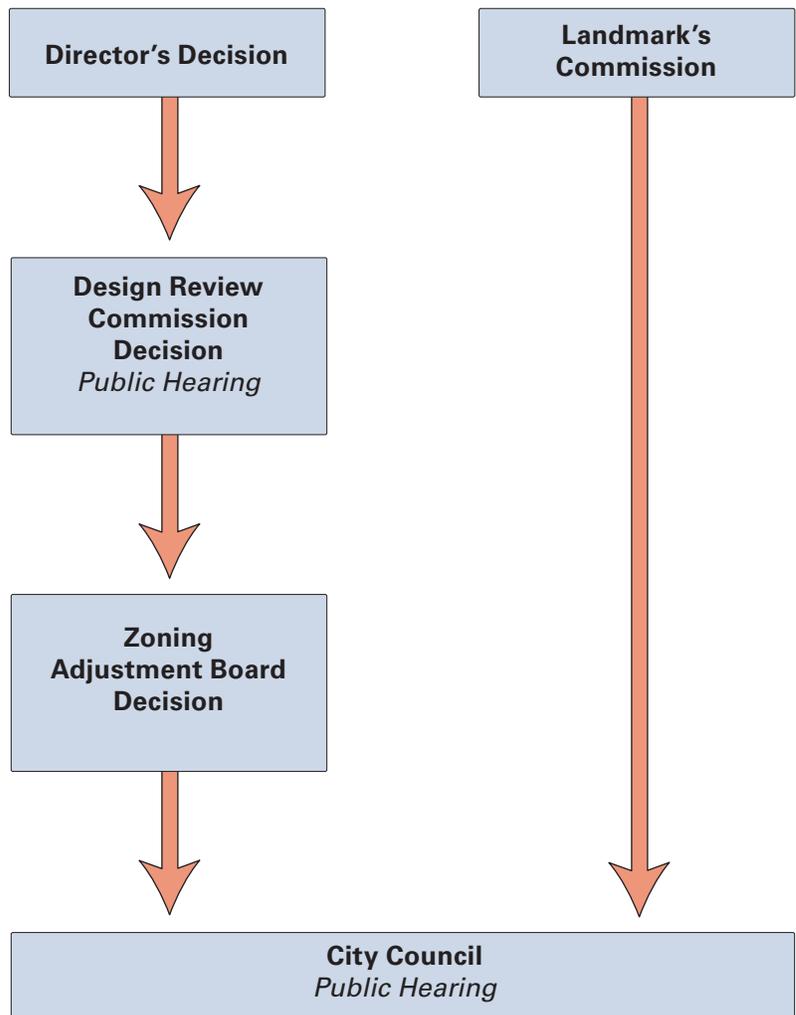
### ***Preliminary & Design Review Applications***

For proposed projects that are reviewed by the DRC or LPC, Berkeley has a two-step process for design review that begins with a mandatory Preliminary Review (See Figure 3.4). This first step is conducted at a public, non-noticed meeting, during which the DRC or LPC meets with applicants operating as a working group. Although the Berkeley Zoning Ordinance technically allows for Preliminary Review to be conducted by Staff, it rarely, if ever, does so. Overall, Staff reports that Preliminary Review is an important part of design review that makes for a smoother process for the applicant and the review bodies.

**Figure 3.4:  
Berkeley Design Review Process**



**Appeals Process**



The second step in Berkeley's design review process is Final Review. If a project application requires an entitlement such as a zoning amendment or conditional use permit, it must be considered by the Zoning Adjustment Board (ZAB) before Final Design Review, which takes place at a public, noticed meeting when the DRC is the review authority. Appeals of DRC decisions, which may be mounted by any interested individual, proceed to the ZAB, but are limited to design issues. Staff level decisions are appealed to the DRC, while LPC decisions are appealed to the City Council. For the years 2009-2011, Staff and the DRC handled an average of 72 design review applications in total. Of the three design review appeals during that time, two upheld Staff/DRC decisions and one was withdrawn.

In an interview, one Staff member suggested two changes in the Berkeley's design review procedure that could result in a more efficient and effective process. First, the City should consider including language in the Zoning Ordinance allowing for small changes to existing structures to proceed under an expedited design review, as is permitted in Palo Alto and Pasadena. This would streamline the process for a large number of design review applications. The second suggestion calls for modification of design review to introduce Preliminary Review when Staff is the review authority (as is the case when the DRC conducts review). Since Preliminary Review is seen as a way to assist applicants by establishing overall design expectations, adding this step for all applicants could improve design outcomes.

### ***Evaluation Criteria and Scope***

Unlike the other peer cities examined, Berkeley's Zoning Ordinance does not require design review bodies to affirm that proposed projects comply with any specific findings. Additionally, it defines the scope of design review quite broadly, stating only that "design review shall consider the design of a project in relation to its urban context" and that design review bodies refer to any design guidelines adopted by the City's Planning Commission. According to Staff, design review can result in changes to broader design issues such as density or building envelope, although major changes require approval by the ZAB.

Berkeley has adopted a set of citywide design guidelines, but they are extremely general in nature, running only three pages in length. It also has guidelines that relate to specific area plans such as Downtown and the Southside area, which covers several blocks just south of the UC Berkeley campus. The Downtown Guidelines tend to be quite specific in their approach, although they do provide considerable flexibility to determine applicability to individual projects.<sup>3</sup> Likewise, the other major set of design guidelines adopted by Berkeley as part of the Southside Area Plan do not require that each project complies with every guideline, but rather that the final design substantially complies with the overall intent of the guidelines.

Overall, a lack of required findings, a broad scope, and flexible design guidelines provide Berkeley's design review bodies with a high level of discretionary power. City Staff reports that, in general, design guidelines are viewed as important documents for providing direction and context for proposed development, but are not considered by Staff or DRC members as prescriptive standards. Nevertheless, in an interview at least one Staff member discussed a desire to see more expansive citywide guidelines that could provide enhanced design direction in districts that are not subject guidelines under a specific area plan.

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<sup>3</sup> The Downtown Berkeley Design Guidelines were originally adopted in 1994, but are currently being revised to conform to the City's updated Downtown Area Plan.

## **Lessons for Santa Monica**

### *Theme #1: Balancing Prescriptive Standards & Advisory Guidelines*

- The highly discretionary design review process minimizes reliance on prescriptive standards and guidelines unless necessary to protect adjacent uses.
- DRC operates as a working group when meeting with applicants.

### *Theme #2: Defining Roles and Responsibilities*

- DRC is a sub-committee of and advisory to the Zoning Adjustments Board, which is responsible for approving entitlements under the Zoning Ordinance. It receives public comment but does not conduct public hearings. At least two members must be licensed architects and one a licensed landscape architect.
- DRC includes two members of the ZAB, one member of the LPC, one member of the Civic Arts Commission appointed by their respective boards plus three public members appointed by the ZAB.
- Staff is responsible for conducting review of a wide variety of small construction and renovation projects as well as most signage. DRC reviews and makes recommendations to the ZAB on approval of sign programs for larger projects allowing subsequent review by Staff.

### *Theme #3: Defining the Scope and Timing of Design Review*

- Any project that involves a building more than 40 years old is referred to the Landmarks Preservation Commission for review and advisory comments prior to review by the Design Review Committee or design review staff. Staff may also refer newer buildings to the LPC or its staff for comment if the structure or site has special architectural and/or historical significance.

## **3.5 WEST HOLLYWOOD**

West Hollywood is a small and densely populated city of 34,400 people in 1.9 square miles, situated between Beverly Hills (to the west) and the City of Los Angeles (to the north, east, and south).

### **Design Review Bodies and Thresholds**

West Hollywood approaches design review in a different way than the other cities studied in this report. Dedicated urban design staff exercise a strong role in the review process. The City's Urban Designer has a great deal of discretion and authority over design-related criteria administrative decisions, and a great deal of influence with Planning staff, the Planning Commission, and City Council in discretionary decision making.

Three members of West Hollywood's Planning Commission serve on a rotating basis on a Design Review Subcommittee, which is advisory only, offering opinions and advice to applicants. Prior to a Planning Commission hearing, project applicants provide a presentation and overview of their project before the subcommittee, often with a physical model. A planner assigned to the project will offer discussion points about any aspects of the project that do not comply with the zoning ordinance, and discuss any requested modifications.

West Hollywood's Zoning Ordinance allows administrative design discretion in several notable areas. The design review threshold is driven by the concept of maintaining "architectural character or theme." The Urban Designer can review small and mid-sized commercial or apartment buildings. Permits for small

additions or minor remodels can be obtained over-the-counter if staff, often with the Urban Designer’s help, can make a determination that proposed changes to structures maintain architectural character or theme. In cases where architectural character or theme is clearly changing, the review threshold increases to an Administrative Permit, requiring findings to be made for approval. Projects that require Planning Commission approval must go to the Design Review Subcommittee.

Another area of administrative discretion over design in West Hollywood is in upper-floor front setbacks for residential projects. All projects must have an additional six feet of upper-story front setback, unless the Director deems that waiving the requirement accommodates “exemplary design.” The Director can also approve “Creative Signs” of 50 square feet or less that do not comply with typical sign standards if they meet design, contextual, and architectural criteria (larger signs are reviewed by the Planning Commission).

## Design Review Procedures

### Preliminary & Design Review Applications

While design review is required for any new project, the procedure itself is not codified. As such, there are no formal requirements for preliminary review in West Hollywood; however, applicants are encouraged to meet with the City’s Urban Designer prior to submitting their applications. To be eligible to present to the design review subcommittee, applications must be deemed complete, and include a site plan, landscape plan, elevations, and a rendering that shows the proposed project within the context of nearby buildings. For more complex projects, or those situated in sensitive surroundings, a physical model is often required.

**TABLE 3.5: WEST HOLLYWOOD DESIGN REVIEW THRESHOLDS & DECISION BODIES (SUMMARY)<sup>1</sup>**

<i>Project Type</i>	<i>Size/Scope</i>	<i>Review Authority</i>
New Construction (Non-Residential or Mixed Use)	Detached accessory structures under 500 square feet that maintain a consistent character or theme as the existing residential use	Director
	4 or fewer units in R1, R2 & R3 zones, 8 or fewer units in R4 zones (or 9 units where one is inclusionary), except Condominiums; Project of less than 10,000 sq.ft. of new or additional gross floor area, that requires less than 492 parking spaces, and does not require a Conditional Use Permit or Variance	Director
	All other development	Planning Commission
Existing Structures	Exterior alterations that maintain the same architectural character or theme, additions to single family homes and duplexes that do not increase gross floor area by more than 50 percent	Director
	All other development	Planning Commission
Designated or Potential Cultural Resources	Designated landmarks, structures of merit, or buildings in a historic district	Historic Preservation Commission; Planning Commission also if required

1. For most commercial and residential districts; does not include area governed by Sunset Specific Plan.

### **Evaluation Criteria and Scope**

The West Hollywood Zoning Ordinance requires all proposed development projects and new land uses to meet a short list of standards (See *19.20.020 Applicability*). Additionally, Design Guidelines are included in the zoning ordinance, and include four chapters: Residential, Commercial and Public Uses, Landscape, and Sign Design Guidelines. In reviewing projects, staff will use the guidelines when necessary to reinforce specific recommendations to the Planning Commission. Further, the City's Urban Designer will often provide a verbal presentation of notable merits and challenges presented by a project at Planning Commission Hearings.

### **Lessons for Santa Monica**

A challenge West Hollywood's Design Review process faces is that because the Design Review Subcommittee is comprised of rotating Planning Commissioners, there are times when no one with a design background is on the subcommittee. This puts more pressure on staff, and particularly the City's Urban Designer, to provide expertise to the subcommittee and full commission while carefully weighing the project design against standards and guidelines. However, in West Hollywood's case, this weight has had very positive results; the city is well known for a high level of architecture and design at all sizes and scales.

One lesson from West Hollywood is that high quality design can result from a very different type of design review process. A second lesson is that with appropriately written and administered design criteria, guidelines, and findings, design flexibility can be successfully administered at the staff level. Integrating the design guidelines into the zoning ordinance makes it easier for staff to administer and applicants follow. Further, requiring a physical model to help guide the conversation about the design of the project can be very helpful.

Finally, West Hollywood has clear organization support for its Urban Designer, who was envisioned as part of the city's planning function at the outset of city incorporation. West Hollywood's City Council, Planning Commission, and staff all rely heavily on the advice and direction of the Urban Designer. Part of the result of this reliance is that applicants will often seek the Urban Designer's advice prior to submitting an application, and be more apt to make changes to project designs.

## **3.6 IDEAS AND LESSONS FROM PEER CITIES**

An analysis of the peer city case studies presented in Section 3 reveals a number of potential ideas and lessons that could be useful as Santa Monica considers revisions to its design review procedures. For the sake of clarity, the broad outlines of the five peer cities' design review procedures can be categorized under three basic models based on the level of discretion and scope of authority granted to design review bodies.

### **Model 1: High Discretion & Wide Scope**

The first model, found in Palo Alto, West Hollywood, and Berkeley, is characterized by a high level of design review discretion and a broad scope of design review authority. Specifically, design review in these cities addresses the three principle themes of this report in the following manner:

#### *Theme #1: Balancing Prescriptive Standards & Advisory Guidelines*

- When evaluating the design of proposed projects during design review, neither Palo Alto nor Berkeley rely heavily on design guidelines. While area-specific guidelines may be used to broadly inform the direction of development in a given district, they are not drafted in such a way to prescribe specific solutions to design issues. Neither city has citywide design guidelines.

*Theme #2: Defining Roles and Responsibilities*

- In Palo Alto and Berkeley final design review decisions are made by Staff under the authority of the Planning Director or Planning Manager. While the design review board in each city must review major projects, its comments are advisory. This arrangement provides the design review board greater freedom to address design-related issues that may not fall directly under its discretion but which may be important factors in the Director's final decision. In Palo Alto, minor projects are appealed to the ARB for an advisory recommendation while major projects are appealed to the City Council. In Berkeley, appeals proceed to the DRC followed by the Zoning Adjustment Board.

*Theme #3: Defining the Scope and Timing of Design Review*

- Palo Alto, West Hollywood, and Berkeley define the design review scope of authority in broad terms. All three cities permit design review bodies to address design issues that are beyond the architectural detailing of a proposed project; urban design issues such as massing and site design are also within the design review scope of authority. Berkeley requires that applicants secure all entitlements before applying for design review, while Palo Alto allows these processes to proceed concurrently under some circumstances. West Hollywood addresses design prior to deliberation and hearings on entitlement.

**Model 2: Low Discretion & Narrow Scope**

The second model, which Ventura uses, is characterized by a low level of design review discretion and a narrow scope of design review authority. Design review in Ventura addresses the three themes of this report in the following manner:

*Theme #1: Balancing Prescriptive Standards & Advisory Guidelines*

- Ventura is unique among the peer cities considered in this report in that it has adopted a form-based code (FBC) to guide the development of its physical environment. In contrast to cities that prescribe requirements for density, setbacks, lot coverage, and other requirements, based on the district in which a property is located, Ventura uses a form-based code (FBC), which organizes development according to the size, shape, and character of structures. Since FBCs place greater emphasis on architectural character and context than more traditional zoning codes, they tend to be fairly prescriptive when it comes to design. Despite its relative rigidity, Ventura's FBC allows for exceptions when solutions outside of the code result in better design outcomes.

*Theme #2: Defining Roles and Responsibilities*

- As opposed to Palo Alto and Berkeley, final design review decisions in Ventura may be made by the City's Community Development Director (Director) or the Design Review Committee (DRC). Appeals of the Director's decision proceed to the Planning Commission (PC), while appeals of PC or DRC decisions head to City Council.

*Theme #3: Defining the Scope and Timing of Design Review*

- As noted in Section 2.3, the Ventura Zoning Ordinance does not explicitly grant design review bodies authority to consider urban design issues when evaluating proposed development applications. Furthermore, many urban design issues are directly prescribed in the City's FBC, giving design review bodies relatively little authority in this area. However, although the scope of

design review in Ventura is fairly narrow, the City's practice of granting a joint session of the DRC and Planning Commission during Concept Review for large projects does allow for some consideration of urban design issues as a part of the design review process. Regarding the timing of design review in the development process, Ventura does allow some flexibility. Generally applicants may proceed through design review parallel to the process of securing entitlements unless otherwise required by the City's Community Development Director.

### **Model 3: Moderate/High Discretion & Moderate Scope**

The City of Pasadena uses an approach that falls between the first two models in terms of the level of discretion and breadth of scope afforded design review bodies. Design review in Pasadena addresses the three themes of this report in the following manner:

#### *Theme #1: Balancing Prescriptive Standards & Advisory Guidelines*

- Pasadena has adopted both citywide and area-specific design guidelines. Whereas the citywide guidelines are flexible and allow for discretionary evaluation of proposed projects, the area specific guidelines tend to be more prescriptive. Still, they are less prescriptive than Ventura's FBC.

#### *Theme #2: Defining Roles and Responsibilities*

- As in Ventura, the City's Planning Director or the Design Commission (DC) make final design review decisions in Pasadena. Decisions by the Director may be appealed to the Historic Preservation Commission (for historic resources) or to the DC. Decisions by the HPC and DC are appealed to the City Council.

#### *Theme #3: Defining the Scope and Timing of Design Review*

- The design review scope of authority is fairly broad in Pasadena, allowing for some consideration of urban design issues, although less so than in Palo Alto or Berkeley. As in Berkeley, design review may occur only after an applicant has secured all necessary entitlements.

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## 4 Recommendations

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This final section of the report outlines recommendations for Santa Monica to consider as it weighs changes to its design review procedure.

### **RECOMMENDATION 1: BALANCE PRESCRIPTIVE STANDARDS & ADVISORY GUIDELINES**

Santa Monica stakeholders recognize that great architecture and environmental design cannot be achieved solely through the application of prescriptive design standards and guidelines. Since architectural creativity and innovation are highly valued in Santa Monica, stakeholders generally report a preference for limited development standards and suggestive design guidelines. There was also a consensus among stakeholders that in order to encourage and support design innovation and creativity, the City should offer greater design flexibility to those developers and designers who propose architecture and landscapes that meet community expectations for place-making and design excellence. At the same time, a baseline of consistency and quality for applicants and community members needs to be provided. This will require clear design standards and guidelines as well as parameters for exceptions. Most importantly, this will demand an efficient and fair public discretionary design review process. Thus the new Ordinance will have to strike the right balance between prescriptive standards, discretionary guidelines, and staff and public design review.

To achieve the City's objectives, the new Ordinance should incorporate provisions that:

- Use LUCE as a basis for design standards, guidelines, and review principles that well establish environmental design expectations for the City. At the same time, the ordinance development process needs to balance built-form expectations that in many cases are highly detailed with objectives to promote design creativity and innovation in the built environment.
- Provide essential design standards. Limit prescriptive design standards to key elements such as maximum height, setbacks, density, parking, open space and other key built-form requirements to ensure compatibility with LUCE principles.
- Place additional emphasis on a broad menu of design guidelines. Santa Monica should place greater emphasis on design guidelines that translate LUCE policies into design principles and directions. Guidelines should be visual and incorporate examples of approaches that support design principles but at the same time do not prescribe styles or solutions. By providing a broad menu of guidelines, applicants will be able to work within a framework of multiple design choices and directions to meet LUCE goals and objectives.

Some of the issues that have to be considered in developing regulations that will accomplish this approach include the following:

- Given the LUCE framework of principles, goals, objectives, and policies, should design standards be organized according to development type (e.g., residential, retail, commercial), geographic area and/or district, or land use designation? Pure form-based codes are typically organized by building type or typology, while more traditional zoning codes assign design requirements to individual zoning designations, which can result in cumbersome and wordy documents. Santa Monica may want to consider a hybrid approach that considers both a building's location and its form.
- Should the design guidelines be incorporated into the zoning ordinance or developed as a separate, stand-alone document? Many cities have developed stand-alone design guidelines that are referenced by the zoning code, while others integrate the entirety of land-use and built-form

requirements and goals into one document. There are benefits and drawbacks to each approach. Incorporation into the zoning code helps ensure that guidelines are not overlooked by review bodies and decision-makers and are considered for every project since they are packaged with the standards. On the other hand, if incorporated into the ordinance, changes to guidelines require an amendment to the zoning code, which is typically a lengthy process, and can undermine flexibility.

- The format of the guidelines can be presented in a number of ways. Santa Monica’s existing zoning code is a text-heavy document with few illustrations. At the other extreme, design guidelines in some jurisdictions include dozens of photographs of completed projects (both in the subject jurisdiction and elsewhere) to illustrate everything from exacting standards to idealized (but non-required) design directions. Again, Santa Monica may consider taking a hybrid approach that includes extensive photos and illustrations to enhance its usability to everyday users while providing concise text that offers legal precision and a clear sense of design intentions.
- As illustrated by the case studies discussed in this paper, different cities provide varying degrees of discretion and authority to staff and design review bodies. Currently, Santa Monica City staff has comparatively little authority when it comes to design review, but a revision of the development standards and design guidelines may provide the opportunity for staff to take on greater responsibility in this realm. If Santa Monica proceeds in this direction, the City will have to determine how the design guidelines will be utilized in relationship to the development review process at both the staff and community levels. (i.e. Will they apply to ministerial projects? Who is responsible for review and determination of conformance? Are there conformance determination and appeal tracks or are all projects subject to the same review track?) Recommendation 2 below expands the discussion of this topic area.

## **RECOMMENDATION 2: CLEARLY DEFINE DESIGN REVIEW ROLES AND RESPONSIBILITIES**

The need to clarify design roles and responsibilities was consistently repeated by stakeholders, even though the preferred assignment of responsibilities differed from person to person. Within the context of Santa Monica’s current design review organization, the City has several options to better define roles and assign responsibilities for implementing design review. Five options are presented for consideration, although there are others:

1. Maintain existing design review organization and process.
2. Designate Director of Planning as official for design review decisions subject to the advisory input of a design peer panel.
3. Provide design review approval at both the preliminary design stage of project (subject to Planning Commission appeal) and at the final design stage (as exists).
4. Utilize Planning Commission to make the full range of planning and design decisions subject to City Council appeal.
5. Expand ARB purview and modify the order in which projects are reviewed by PC and ARB.

The first option is to simply maintain the City’s existing design review organizational structure and process. An evolutionary variant of this option would be to give the Architectural Review Board (ARB) clearer direction for guiding applicants. Santa Monica could incorporate more comprehensive design findings into the code in addition to providing the ARB with citywide design guidelines called for by the LUCE. This option could also incorporate clarification of the roles, duties, definitions, and responsibilities of the ARB in

relationship to the Planning Commission (PC) with regard to design issues. While this option has the advantage of being familiar to those currently living and working in Santa Monica, and maintaining the role of design professionals in the process, it does little to increase efficiency by involving Staff to a greater extent in design review.

A second option to consider would closely mirror the existing process in Palo Alto. Under this process the Director of Planning and Community Development (Director) would be designated as the official responsible for making final decisions on design review, subject to appeal to the PC. The Director's decisions would be based on advisory recommendations from the ARB at both the conceptual and final design stages. An advantage of this approach, in the Santa Monica context, is that the ARB would have greater flexibility throughout the design review process to provide feedback on urban design issues, not just during the conceptual phase.

Option three would redefine the scope of the ARB's responsibility as well as its authority such that it would have decision-making (rather than advisory) authority at both the preliminary and final review phases. This approach would authorize the ARB to approve, deny, or conditionally approve conceptual plans before they are presented to the PC. The applicant would have the ability to appeal the ARB's decision to the PC. In so doing, the applicant would, in effect, be given an opportunity to explain to the PC why the conceptual plans are appropriate and conform to applicable policies and guidelines. If the PC accepts the applicant's argument, ARB's final action would be limited to review of the same features as approved by the PC with appeal to the City Council.

The fourth option would be to fold the ARB functions and responsibilities into the PC and to assign the PC responsibility for reviewing and making decisions about the full range of issues it must consider when taking action project designs and development applications. The advantage of adopting this significant change (which might include instituting statutory requirements for including design professionals) would be to elevate the importance of design so it is commensurate with other project features.

Finally, the fifth option is to reposition ARB review at the beginning of the process, with the notion that design review should be approached in a holistic fashion and include issues of height, bulk, and scale in tandem with review of materials and fenestration, and compatibility with surroundings. Applicants would not necessarily present finish materials and colors at this stage of review, but consideration could be given to presenting a materials board and model that convey the general design direction. This review could be done in either an advisory or decision-making capacity. In this model, the PC would still have authority over design issues, but would benefit from early input from both the ARB and staff, potentially allowing them more time to review issues such as community benefits, modifications and variances to standards, and broader policy issues. Further, additional review could be performed by urban design staff following final approval to compare submitted plans to the original ARB recommendation/approval. If staff believes it necessary, the project could be required to return to the ARB to discuss changes that emerged through the design process.

### **RECOMMENDATION 3: ALLOW FOR DESIGN REVIEW INPUT EARLY IN THE PROCESS**

Stakeholders consistently stated a need to clarify the design roles and processes of the Architectural Review Board and the Planning Commission as well as how and when design ideas get communicated to and between City staff, applicants and their design team, the ARB, and the PC. Suggestions included the consideration of design review alternatives that allow for ARB input at earlier project stages and support the presentation of "big idea" or "design statements" at these early phases of project development and design

This paper describes various approaches Santa Monica could take in assigning responsibilities to the relevant design review bodies, which range from minor changes to the current process to a major reorganization of

roles. Regardless of which of these approaches the City chooses, there seems to be a consensus among stakeholders in Santa Monica and Staff from peer jurisdictions that the development review process benefits greatly from (1) increasing opportunities for preliminary review performed by a design review committee; and (2) for large projects, providing for joint review with the Planning Commission.

### **Recommendation 3-A: Establish a Process for Preliminary ARB Review**

Design review committee participation in preliminary review of other than minor projects is practiced in all the peer cities examined in this report - other than Santa Monica. The advantage of this process in other jurisdictions is that it provides for a more robust preliminary design review phase, thereby giving applicants greater clarity on their proposed project designs earlier in the process. Additionally, early design review in Santa Monica could allow the ARB to provide feedback on urban design issues that could inform decisions made by Staff and the PC on entitlements later in the process.

Expanding the ARB's scope to include preliminary review could be accomplished through a relatively minor adjustment to the current process. In codifying this procedure, the City would need to determine if preliminary review is optional or required. Requiring preliminary review for all projects could result in a longer review process for projects that are otherwise ministerial. However, early design consultations could save significant time by providing clearer expectations upfront, and thus balancing out the overall time commitment. Alternatively, preliminary review could be required only for projects that meet certain thresholds. A potential drawback to making the preliminary review process mandatory for any development project covered by the State Permit Streamlining Act (Gov. Code Sec. 65920 et seq.) is that the length of time allowed to act on projects could run from the date the City determines the application for preliminary review is complete, rather than the application for zoning approval (e.g., conditional use permit). One way to approach this issue could be to include the preliminary review process as part of the information required to find an application "complete" under the Permit Streamlining Act.

### **Recommendation 3-B: Codify the "Float Up" Process**

Involving the Planning Commission in design review could be accomplished through codification of the "float-up" process the City now uses as part of the review process for projects subject to a development agreement (DA). In codifying this procedure, the extent to which the ARB has the authority to impose design review conditions on issues beyond architectural detail, such as massing, site design, floor area, and density should be clarified. There is a perception among staff and ARB members that these fundamental urban design issues are often decided by the PC without design review input, and stakeholder interviews in Santa Monica suggest an interest in exploring how the ARB might better inform design review at a larger scale.

Specific issues to be addressed in establishing a process for involving the Planning Commission in design review include the following:

- Which applications should be eligible for the "float-up" process? Should it be available for projects subject to a quasi-judicial approval (e.g., Use Permit, variance, etc.) or only those that will be governed by a DA? Should there be a size threshold or other criterion?
- Should the float-up process for DA projects be mandatory or voluntary for applicants?
- What should be the potential outcomes of the joint preliminary review process? Should the City be able to prevent an application from advancing to the next step in the review process based on a determination by the ARB and Commission? Or should the purpose be limited to providing applicants with early feedback?

## **5 Next Steps**

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The recommendations in this paper lay out a series of ideas and choices for the Planning Commission to discuss in a public meeting, during which Commissioners and the public can ask questions about how design review can be enhanced to bring about the kind of development the Santa Monica community wants. The meeting will also provide the opportunity for Commissioners and the public to identify unanswered questions or additional issues that need to be considered. Feedback received on the recommendations will provide direction for a design review framework to be included in one of a series of modules of preliminary regulations that will inform the overall Zoning Ordinance update. The design review framework will be included in “Module 5: Administration, Permits, Organization, & Format” and will inform the citywide design guidelines update. This and other Modules will be prepared for Planning Commission review in upcoming months.

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## Appendix A: Santa Monica Design Review Thresholds

### DESIGN REVIEW APPLICATIONS ELIGIBLE FOR STAFF REVIEW\*

<b>Building Design, Colors, and Materials</b>
Additions designed to match existing design and proportions and less than 500 sq.ft.
Rooftop screening in keeping with existing structure
Mechanical equipment requiring a building permit but screened from public view
Matching existing colors and materials and not visible from public right-of-way
Replacement of existing materials with those of comparable quality, texture and craftsmanship for structures not subject to Landmarks review
Change of surface materials consistent with design not more than 25% of the facade
New window frames of high quality and consistent with existing design
New door frames of high quality and consistent with existing design
New windows of high quality and consistent with existing design New doors of high quality and consistent with existing design
New awnings without signage of high quality and consistent with existing design and any existing awnings, and are opaque canvas and not backlit
Freestanding walls consistent with existing architecture and do not obscure significant features from view
Addition to freestanding walls consistent with existing architecture and do not obscure significant features from view
<b>Landscaping</b>
Less than 150 sq.ft. landscaping area that conforms to xeriscape standards
Single family homes not in R1 conforming to xeriscape standards
<b>Signage</b>
Sign plans conforming to an approved (ARB or PC) sign program
Sign plans to change sign face only and not sign frame, location or illumination
Channel letter signage with no visible raceway, a cap height not over 18", centered over the entrance symmetrically, consistent with building design and other signage on the building
Painted signs less than 25 sq.ft. with letters no more than 18" in height, consistent with building design and other signage on the building
Minor modifications of colors, fonts, lighting, and size to existing sign programs
Window signage not exceeding 20% of window total, less than 12" letters, does not obstruct pedestrian-level views and consistent with design and other signage
Awning signage not backlit, less than 25 sq.ft. with cap letters no over 10

\* All other applications are reviewed by the Architectural Review Board or the Landmarks Commission

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## Appendix B: Palo Alto Design Review Thresholds

### PALO ALTO DESIGN REVIEW THRESHOLDS

<i>Project Type/Location</i>	<i>Review Process (Minor*/Major)</i>
<b>New Construction (All Types)</b>	
Structures up to 5,000 sq. ft. that are exempt from CEQA review.	Minor
Structures 5,000 sq. ft or greater	Major
Projects not exempt from CEQA review	
Projects that require one or more variances or use permits and will have a significant effect upon the aesthetic character of area or city (Director's discretion)	
Multi-family residential projects with 3 or more units.	
Construction of 3 or more adjacent single-family homes or duplexes.	
Properties on which two or more residential units are developed or modified, except when one of those units is a "second dwelling unit," as described in Section 18.10.140(d)	
Low-Density Residential whenever three or more adjacent residential units are intended to be developed concurrently	<i>Residential Estate District (RE), Two Family Residential District (R-2), Two Unit Multiple-Family Residential District (RMD)</i>
Any project using transferred development rights, as described in Chapter 18.87	
Design Enhancement Exceptions, which permit minor exceptions to zoning regulations when doing so will: <ul style="list-style-type: none"> <li>Enhance the design of a proposed project without altering the function or use of the site, or its impact on surrounding properties</li> <li>Enable the preservation of the architectural style of existing improvements on the site</li> </ul>	Minor or Major (depending on conditions above)
<b>Signs</b>	
Signs that meet all applicable guidelines and conform to any previously approved master sign program	Minor
Master sign programs	Major
Signs that do not meet all applicable design guidelines adopted by the city council or do not conform to a previously approved master sign program	
Signs requiring a sign exception pursuant to Chapter 16.20	
<b>Previously Approved Plans/Projects (Minor Changes*)</b>	
Plans that have previously received architectural review approval	Minor
Planned community district development plans	
Plans that have previously received site and design approval	
Projects requiring council approval pursuant to a contractual agreement, resolution, motion, action or uncodified ordinance	
Existing structures requiring council site and design approval or approval pursuant to a contractual agreement, resolution, motion, action, or uncodified ordinance	
Any changes to previously approved plans requiring architectural review as a minor project as part of the conditions of a permit or approval	

**PALO ALTO DESIGN REVIEW THRESHOLDS**

<i>Project Type/Location</i>	<i>Review Process (Minor*/Major)</i>
Other	
Landscape plans, fences, exterior remodeling, and design of parking areas, when not part of a major project	Minor
Any project relating to the installation of cabinets containing communications service equipment or facilities, pursuant to any service subject to...chapters XX-XX	Minor
Any minor project that the director determines will significantly alter the character or appearance of a building or site	Major

\* As used in this subsection, the term "minor" means a change that is of little visual significance, does not materially alter the appearance of previously approved improvements, is not proposed for the use of the land in question, and does not alter the character of the structure involved. If the cumulative effect of multiple minor changes would result in a major change, a new application for architectural review approval of a major project, site and design approval, planned community district approval, or other applicable approval is required.

## **Appendix C: Palo Alto Design Review Required Findings**

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Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that:

- a. The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan;
- b. The design is compatible with the immediate environment of the site;
- c. The design is appropriate to the function of the project;
- d. In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;
- e. The design promotes harmonious transitions in scale and character in areas between different designated land uses;
- f. The design is compatible with approved improvements both on and off the site;
- g. The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
- h. The amount and arrangement of open space are appropriate to the design and the function of the structures;
- i. Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;
- j. Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;
- k. Natural features are appropriately preserved and integrated with the project;
- l. The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;
- m. The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
- n. Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance;
- o. The design is energy efficient and incorporates renewable energy design elements including, but not limited to:
  - i. Exterior energy design elements;
  - ii. Internal lighting service and climatic control systems; and
  - iii. Building siting and landscape elements;
- p. The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).

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## Appendix D: Pasadena Design Review Thresholds

**TABLE 1: THRESHOLDS FOR DESIGN REVIEW AND DEMOLITION REVIEW IN THE CENTRAL DISTRICT**

<i>Project Type and Location</i>		<i>Review Authority</i>
<b>New Construction</b>		
Structures up to 5,000 sq. ft.* or residential projects with nine or fewer dwelling units		Planning Director
Structures 5,000 sq. ft.* or more or residential projects with 10 or more dwelling units		Design Commission
<b>Existing Structures: Major Rehabilitation and Substantial Alterations</b>		
Structures up to 10,000 sq. ft.*	<i>Arroyo Corridor, Civic Center, Lake Avenue, Old Pasadena, Playhouse District, and Urban Housing.</i>	Planning Director
Structures 10,000 sq. ft.* or more.		Design Commission
<b>Existing Structures: Minor Rehabilitation and Minor Alterations</b>		
All structures.	<i>Civic Center, Lake Avenue, Old Pasadena, and Playhouse District.</i>	Planning Director
Historic resources	<i>Arroyo Corridor and Urban Housing.</i>	Planning Director
All other structures		No Review
<b>New Storefronts and Alterations to Existing Storefronts</b>		
All structures		Planning Director
<b>Signs</b>		
New signs and awnings, replacement of existing building identity signs in existing locations (copy/logo change only)		Planning Director
New building identity wall signs		Design Commission
<b>Demolition Reviews; Relief from Replacement Building Permit</b>		
Structures ineligible for historic designation		Planning Director
Historic resources		Design Commission
<b>Public Projects</b>		
New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 sq. ft.* Minor projects, as defined in Section 17.80.020.H, affecting historic resources		Planning Director
New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 sq. ft.* or more Major projects, as defined in Section 17.80.020.H, affecting historic resources		Design Commission (with advisory review by Historic Preservation Commission for projects affecting historic resources)

\*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 2: THRESHOLDS FOR DESIGN REVIEW OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**

<i>Project Type and Location</i>		<i>Review Authority</i>
<b>New Construction</b>		
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	<i>Major Corridors</i>	Planning Director
Structures over 25,000 sq. ft.* (with or without street frontage).		Design Commission
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	<i>Specific Plans: East Colorado, East Pasadena, Fair Oaks-Orange Grove and So. Fair Oaks.</i>	Planning Director
Structures over 25,000 sq. ft.* (with or without street frontage).		Design Commission
Structures up to and including 25,000 sq. ft.*	<i>West Gateway Specific Plan</i>	Planning Director
Structures over 25,000 sq. ft.* (with or without street frontage).		Design Commission
Additions up to and including 500 sq. ft. except on street-facing elevations	<i>North Lake Specific Plan</i>	Planning Director
All other projects		Design Commission
Nine or fewer dwelling units.	<i>City of Gardens Standards and Senior Housing in PS District.</i>	Planning Director
Ten or more dwelling units.		Design Commission
All projects in a designated landmark or historic district outside of the Central District.		Historic Preservation Commission
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	<i>Elsewhere — Citywide</i>	Planning Director
Structures over 25,000 sq. ft.* (with or without street frontage).		Design Commission
<b>Existing Structures: Major Rehabilitation and Substantial Alterations</b>		
Structures up to and including 25,000 sq. ft.* (with street frontage).	<i>Major Corridors</i>	Planning Director
Structures over 25,000 sq. ft.*		Design Commission
Structures up to and including 500 sq. ft.	<i>North Lake Specific Plan</i>	Planning Director
All other projects		Design Commission
<b>Existing Structures: Minor Rehabilitation and Minor Alterations</b>		
Qualifying historic structures, designated or eligible for designation.	<i>West Gateway Specific Plan</i>	Planning Director
All other structures.		No Review
<b>Signs</b>		
New signs and awnings (for all projects requiring Design Review only)		Planning Director or Design Commission
<b>Service Stations and Vehicle-washing Facilities</b>		
Minor rehabilitation and minor alterations		No Review
Major rehabilitation of an existing facility		Planning Director
New construction of a new facility		Design Commission

**TABLE 2: THRESHOLDS FOR DESIGN REVIEW OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**

<i>Project Type and Location</i>	<i>Review Authority</i>
<b>Public Projects</b>	
New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 sq. ft.* Minor projects, as defined in Section 17.80.020.H, affecting historic resources.	Planning Director
New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 sq. ft.* or more. Major projects, as defined in Section 17.80.020.H, affecting historic resources.	Design Commission (with advisory review by Historic Preservation Commission for projects affecting historic resources)

\*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 3: HISTORIC PRESERVATION CATEGORIES OF REVIEW**

<i>Category of Review</i>	<i>Type of Historic Resources in Category</i>	<i>Review Body</i>
Category 1 Review	All designated historic resources and districts (local, state and national).	Demolitions and major projects outside of the Central District reviewed by HPC. Minor projects reviewed by staff. Projects in the Central District require design review under a different procedure.
Category 2 Review	All historic resources eligible for a historic designation (through survey, evaluation by staff, etc.).	Demolitions reviewed by HPC. Major projects affecting eligible individual properties reviewed by staff. Minor projects not reviewed.

**TABLE 4: HISTORIC PRESERVATION, REVIEW AUTHORITY POWERS AND DUTIES**

Review Authority	Powers and Duties
Planning Director	<ul style="list-style-type: none"> <li>• Approve/disapprove applications for Certificates of Appropriateness for minor projects affecting designated historic resources and approve/delay major projects (except demolition) affecting historic resources eligible for designation; approve/disapprove applications for relief from the replacement Building Permit requirement of insignificant buildings. Conduct preliminary reviews of applications for designation of a historic monument, landmark, landmark tree or historic sign. Determine if a property is contributing or non-contributing to a historic or landmark district or to a district eligible for designation.</li> <li>• For public projects, review minor projects affecting historic resources.</li> </ul>
Historic Preservation Commission	<ul style="list-style-type: none"> <li>• Review applications for designations of monuments, landmarks, historic signs and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.</li> <li>• Review applications for designations of landmarks districts and either forward a recommendation of approval to the Commission and Council or deny the applications.</li> <li>• Outside of the CD zoning district, approve/disapprove applications for Certificates of Appropriateness for major projects affecting designated historic resources and demolition projects affecting historic resources eligible for designation.</li> <li>• For public projects, forward recommendations to the Design Commission/Council on proposals for major projects affecting historic resources.</li> <li>• Review appeals of decisions of the Director.</li> <li>• Approve/disapprove applications for relief from the replacement Building Permit requirement for historic resources, outside the CD zoning district.</li> <li>• Act as decision-making body on applications for an economic hardship variance outside the CD zoning district. Approve requests to exceed allowable height for accessory structures in compliance with Section 17.50.250.</li> <li>• Review appeals of penalties for demolition without required approvals.</li> <li>• Provide advisory comments to the Design commission for projects requiring both an application for a Certificate of Appropriateness and an application for design review.</li> </ul>
Design Commission	<ul style="list-style-type: none"> <li>• In the CD zoning district, approve/disapprove Design Review applications for major projects affecting historic resources and approve/disapprove relief from the replacement Building Permit requirement for historic resources.</li> <li>• Act as decision-making body on applications for an economic hardship variance in the CD zoning district.</li> <li>• As specified in Table 6-2 and 6-3, review public projects affecting historic resources (after consulting with and receiving advice from the Historic Preservation Commission).</li> </ul>
Planning Commission	Recommend to Council approval/disapproval of landmark district zoning map overlays.
Council	<ul style="list-style-type: none"> <li>• Approve/disapprove designations of landmarks, historic monuments, historic signs, landmark trees and landmark districts.</li> <li>• Call for review/appeals of decision of the Director, Historic Preservation Commission, and Design Commission.</li> </ul>

## Appendix E: Ventura Design Review Thresholds

VENTURA DESIGN REVIEW THRESHOLDS		
Project Type and Location		Review Authority
New Construction: Non-Residential		
New non-residential structures less than 2,000 square feet in gross floor area		Community Development Director
New non-residential structures greater than 2,000 square feet in gross floor area.		Design Review Committee
New Construction: Residential		
Small Multi-Family Use Types or Residential Condominiums of four units or fewer		Community Development Director
Large Multi-Family or Residential Condominium use types consisting of five or more units		Design Review Committee
Single-family residences in subdivisions consisting of five or more lots		
Specific Planning Areas		
Facade changes to nonresidential structures	All districts not listed below	Community Development Director
Construction of new residential and non-residential structures, additions to residential and non-residential structures (except four or fewer single-family units and small multi-family residential structures), and facade changes.	Downtown Specific Plan Area, Midtown as delineated in the "Midtown by Design" Plan, The Avenue Community as delineated on the Land Use Plan of the Comprehensive Plan, Saticoy Village Specific Plan Area, Auto Center Specific Plan Area, Harbor Area Specific Plan Area.	Design Review Committee
Existing Structures: Alterations		
Additions to non-residential structures that are less than 25 percent of the existing square footage of the structure.		Community Development Director
Additions to nonresidential structures that are larger than 25 percent of the existing square footage of the structure.		Design Review Committee
Signs		
Signs, other than pole signs, and signs that are consistent with an approved sign program for multi-tenant sites		Community Development Director
Sign programs for multi-tenant projects and all pole signs		Design Review Committee
Sign variances		
Other		
Awnings, with or without signs.		Community Development Director
Fences and walls not associated with a project requiring major design review		
Lighting improvements, including ground and building mounted fixtures		
Screening enclosures for equipment, storage, trash, and similar items		
Outdoor dining enclosures for an existing restaurant that are of a nonstructural nature, including wall and roof coverings, colors, materials, trellises, railings, paving, landscaping, and similar improvements, including the mass and scale of such improvements		
Revisions to previously approved plans in compliance with section 24.570.090 (Minor changes in lieu of amendment)		
Projects that require approval of a discretionary land use permit from the planning commission		Design Review Committee
Historic Assets		
New residential duplexes or single-family dwellings comprising projects of four units or fewer in Historic District (HD) Overlay Zones or exterior additions or for alterations to designated landmarks or points of interest		Historic Preservation Committee

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