

**CITY OF RANCHO CORDOVA**

**ORDINANCE NO. 14-2003**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA  
REPLACING TITLE 1, CHAPTER 10, ARTICLE 7 OF THE CITY OF RANCHO  
CORDOVA ZONING CODE AND ESTABLISHING A DESIGN REVIEW PROCESS**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN  
AS FOLLOWS:

SECTION 1: Purpose and Authority

The purpose of this Ordinance is to amend the City of Rancho Cordova Zoning Code to establish a Design Review process.

SECTION 2: Findings

CEQA

Finding: The amendment to the Rancho Cordova Zoning Code establishing a design review process is exempt from the California Environmental Quality Act under CEQA Guideline Section 15061.

Evidence: The proposed amendment to establish a Design Review entitlement process will not have the potential to degrade the quality of the environment. The process of Design Review does not negatively impact the environment because its purpose is to enhance the aesthetic quality of the environment. The proposed process does not change the allowed use or development standards of a property governed by the underlying zoning district regulations.

Zoning Amendment

Finding: The proposed zoning amendment is consistent with the General Plan and the Rancho Cordova Community Plan. (Section 65860 of the Government Code)

Evidence: The amendments to the Zoning Code relate to the establishment of a Design Review process. This ordinance is consistent with the General Plan goals, objectives, policies, and implementation measures for Land Use Element Urban Growth Management Strategies regarding pedestrian circulation, community and neighborhood identity, and visual quality. Additionally, the Rancho Cordova Community Plan addresses the importance of design review as a means to improve the aesthetic quality of the community. Specifically, the Design Review Ordinance implements goals and objectives for community identity and urban design and neighborhood character. This ordinance will allow the City to review the design of new developments within the City to ensure the highest quality of design and compatibility with existing development.

Therefore, the proposed amendment is consistent with the General Plan and the Community Plan.

Finding: The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence: Establishment of a Design Review process is with a legal exercise of the City's police power. (e.g., *Novi vs. City of Pacifica*, 169 CAL. APP. 3<sup>rd</sup> 678[1985]). The amendments to the Zoning Code relate to the establishment of a Design Review process to allow design flexibility and quality of design for residential, commercial, office, and industrial development.

### SECTION 3: Action

Section 3 includes the recommended changes to the Zoning Code. The text changes are identified as follows; the language that is added to the Zoning Code is underlined and the language to be removed is in ~~strikethrough~~.

The City Council hereby replaces Title 1, Chapter 10, Article 7 as follows:

#### ~~ARTICLE 7: DEVELOPMENT PLAN REVIEW~~

##### ~~110-80. General~~

~~Where a development plan review is required by provisions of this Code or by the action of the Board, or Planning Commission, the Zoning Administrator, Director, or Board of Zoning Appeals, the procedures in this Article shall apply. The review shall not be used to change existing Code regulations or conditions of approval by granting authorities, nor may the reviewing authority impose conditions of approval unrelated to elements reviewed pursuant to this Article.~~

##### ~~110-81. Department Regulations~~

~~The Director of Planning and Community Development is authorized to issue regulations to implement the requirement of this Article. Copies of the regulations shall be made available to the public for a reasonable charge. Copies shall be available at the Planning Department Office and the Office of the Secretary of the Planning Commission.~~

##### ~~110-82. Development Regulations~~

~~A development plan shall be drawn to scale and indicate with full dimensioning the following:~~

- ~~(a) Lot dimensions~~
- ~~(b) The location, height, size, elevations of all structures on the lot~~
- ~~(c) Yards, courts or other open spaces between structures~~
- ~~(d) Location, height, and construction materials of all fences and walls~~

- ~~(e) Off-street parking and internal circulation pattern~~
- ~~(f) Vehicular ingress and egress and circulation~~
- ~~(g) Pedestrian ingress, egress and circulation~~
- ~~(h) The location, size, height and construction materials of all on-site and off-site signs~~
- ~~(i) The location of pedestrian and vehicular entrances to all buildings~~
- ~~(j) Location of loading spaces, outside storage of merchandise or materials~~
- ~~(k) Location, screening, security, emergency facilities, and containment proposed for all hazardous materials storage, both above and below ground~~
- ~~(l) Lighting, location, general nature, shielding devices~~
- ~~(m) Landscaping plans~~
- ~~(n) Grading plans~~
- ~~(o) Location of all existing tree cover by size and type of tree~~
- ~~(p) Domestic fire protections and irrigation water sources~~
- ~~(q) Sewage disposal methods~~
- ~~(r) Existing and proposed uses~~
- ~~(s) Location of proposed loading areas and docks~~
- ~~(t) Location of all trip reduction facilities as required by Section 330-140, et seq.~~

~~110.83. Waiver~~

~~The Director may waive any of the requirements enumerated in Section 110-82 if in his opinion the information is not needed to present a development plan for review.~~

~~110.84. Review Procedures~~

~~Unless otherwise specified by a granting authority or other Code provision, the review of development plans shall conform to these procedures:~~

- ~~(a) Reviewer — Director, Planning and Community Development Department.~~
- ~~(b) Time for Review — Review shall be completed within fifteen calendar days after the plans are accepted by the Department as complete.~~
- ~~(c) Findings — The Director, or other approving agency shall find that the final development plan complies with the provisions of this Code and any action of a granting authority which required the presentation and approval of a development plan.~~
- ~~(d) Signature Approval — The Director or other appropriate person shall sign and date the final development plan indicating the approval thereof.~~
- ~~(e) Files — The Director shall provide for retention of the approved development plan. Copies of the plan shall be distributed to other departments and offices per department regulations.~~
- ~~(f) Appeal of Decision of Reviewer — Appeals of decisions of the Director or other reviewing agency shall be taken as provided in Title 1, Chapter 15, Article 3, of this Code.~~

~~110-84.1 — Development Plan Review — Multiple Family Projects.~~

- ~~(a) — For a multifamily project with 80 or fewer dwelling units which is consistent with the underlying zoning and which complies with applicable development standards, the sole review requirement is Development Plan Review by the Planning Director (or designee) and the sole appeal from the decision of the Planning Director is the Board of Zoning Appeals (BZA).~~
- ~~(b) — For multifamily projects with more than 80 dwelling units which is consistent with the underlying zoning and which complies with applicable development standards, Development Plan Review shall be by the Project Planning Commission, and that review shall be strictly limited to review of compliance with the development standards set forth in this Code. (Multifamily projects with more than 150 dwelling units in the LC or SC zones are subject to the grant of a conditional use permit by the Project Planning Commission.)~~
- ~~(c) — Exception: For any property encumbered by a zoning agreement which requires review by a hearing body other than that specified in subsections (a) and (b), Development Plan Review by that hearing body shall be strictly limited to review of compliance with the development standards set forth in this Code unless additional provisions are expressly set forth in the conditions of approval of the zoning agreement. (Amended 6/96)~~

~~110-85. — Revisions~~

~~A revision to an approved development plan shall be accomplished in the same manner as the initial approval thereof.~~

~~110-86. — Lapse of Approval~~

~~Unless otherwise specified as a condition of approval of the development plan, the approval thereof shall lapse three years following the date the plan was approved. For good cause, the Director may extend the term of approval for one additional year.\~~

**ARTICLE 7: DESIGN REVIEW**

**110-80. Purpose and Intent Of Design Review**

The purpose of the design review process is to promote orderly and harmonious growth within the city. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code. This Article also includes “Guiding Principals” and “Design Concepts” to be used by the designated Approving Authority in reviewing proposed projects for design consistency the City’s standards.

### **110-81. Design Review Applicability**

Except as otherwise exempt pursuant to Section 110-82 Design Review is required for the following:

- a) Single-family residential subdivision maps;
- b) Master home plans for single-family residential subdivisions;
- c) Multi-family residential development;
- d) Commercial development;
- e) Office development;
- f) Industrial development; and
- g) Public/quasi-public developments (e.g. public safety facilities, library, city facilities).

### **110-82. Design Review Exemptions**

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- a) A single-family custom home on a lot that is consistent with existing zoning;
- b) An addition to a single-family residential home that is consistent with existing zoning;
- c) Parcel Map for a single family residence;
- d) Additions to non-residential structures less than 1,000 square feet in size;
- e) Accessory structures consistent with provisions of Zoning Code Title III, Chapter 5 Article 6 (Accessory Structures);
- f) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- g) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- h) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment); and
- i) Second Dwelling Units according to California Government Code Sections 65583.1, 65852.2 and 65915.

### **110-83. Approving Authority**

The initial designated Approving Authority for Design Review in Rancho Cordova shall be the City Council. The City Council shall review and approve, conditionally approve, or deny Design Review applications using the guiding principals and design concepts,

application review process, and findings identified herein. At any point in the future, the City Council may delegate the Approving Authority for Design Review to the Planning Commission, Design Review Commission/Committee, and/or the Planning Director. Subsequent delegation of Approving Authority shall be adopted by Ordinance, identifying the City's designated Approving Authority, along with any special regulations for review and action on Design Review applications.

Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Maps, Conditional Use Permit, Variance), except as otherwise exempted pursuant to Section 110-82 of this Title.

#### **110-84. Guiding Principals and Design Concepts**

This Article provides a set of "Guiding Principals" and "Design Concepts" setting forth various aesthetic and functional provisions to guide residential, commercial, office, industrial and public/quasi public development in the city. The "Guiding Principals" are listed below. Over time, the City may, by ordinance amending this section, refine or expand these principals and concepts to reflect the changing desires of the community. It is anticipated that the principals and concepts herein will be incorporated into and supplemented by more detailed development standards and/or design guidelines as the City matures.

- To encourage high quality land/site planning, architecture and landscape design;
- To encourage development in keeping with the desired character of the City and/or specific design attributes identified in area plans adopted by the City;
- To ensure physical, visual, and functional compatibility between uses; and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

The designated Approving Authority under this Article shall have the authority to apply the "Guiding Principals" flexibly to account for circumstances relating to the site, provided the required findings in Section 110-87 are made and using the following Design Concepts:

**110.84(a) Residential Subdivisions.** The following Design Concepts generally apply to the subdivision of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

1. A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.
2. Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.
3. Organization of new housing into identifiable neighborhoods.
4. Housing diversity with a variety of housing types, sizes, and densities.
5. Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.
6. Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and parks.
7. Maintenance of significant natural features (e.g., terrain, drainage, vegetation).
8. Conservation of resources and minimization of urban runoff.
9. Coordination of the provision of schools, libraries, parks, and public safety facilities, including the shared use of facilities.
10. Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.
11. Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

**110-84 (b) Residential Master Home Plans.** The following Design Concepts apply to the review of Master Home Plans within a subdivision. The City encourages:

1. Home designs that incorporate authentic architectural styles. Particular attention shall be paid to the design of all front and side elevations facing the street or open space areas. All other elevations interior to the lot shall include, at a minimum, the articulation of all windows and doors (e.g., three-dimensional trim);

2. Diversity of homes within the subdivision by size and mass, elevation, garage orientation, and setbacks to avoid repetition of floor plans and elevations on adjacent homes within each subdivision and/or unit within a master planned area. The intent is to create sufficient variation among home plans to ensure visual interest along residential streets throughout each neighborhood.
3. Variety in mass and scale of homes that is visually appealing from the street; and
4. Landscape that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street.
5. Encourage home designs with a wide range of pricing levels to accommodate all income levels within the City.

**110-84 (c) Residential Multi Family.** The following Design Concepts apply to the review of residential multi-family development. The City encourages:

1. Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
2. Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.
3. Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.
4. High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.
5. The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.
6. Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.
7. Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

**110-84 (d) Non-Residential Site Planning.** The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

1. Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.
2. A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.
3. Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.
4. A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.
5. Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.
6. Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.
7. Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

**110-84 (e) Non-Residential Architecture.** The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

1. High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.
2. Building designs that maintain human scale and interest.
3. Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.
4. Design of buildings or structures that is sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

5. Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.
6. Incorporate quality site design, including landscaping, signage and other elements of site design.

**110.85. Scope of Design Review**

To implement the principals and concepts in Section 110.84, the scope of Design Review is listed below by land use type. Applications for Design Review shall include adequate information to evaluate the project. Specific application submittal requirements shall be listed on the application form distributed by the Planning Department.

- a) Neighborhood Design- Subdivision Maps:
  - Relationship of land uses and density
  - Lot configuration and orientation
  - Street design/relationship to existing street network
  - Orientation to open space and significant natural features
  - Bikeways, trails and pedestrian facilities and connectivity with other development
- b) Residential- Single Family Master Home Plans and Multi-family Developments:
  - Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
  - Site plan- unit placement, garage location
  - Landscaping and lighting for Multi-Family developments
  - Streetscape design
  - Fences and walls
  - Solar access and shading
- c) Non-residential Development
  - Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
  - Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
  - Access- vehicular and pedestrian
  - Pedestrian amenities
  - Landscaping and lighting
  - Edge treatment between uses and different zones
  - Loading and services (trash and recycling)
  - Mechanical screening
  - Signs

**110-86. Design Review Process**

- a) Application Submittal. Design Review applications shall be submitted to the Planning Department on a City application form, together with all fees.

- plans, maps, and any other information required by Planning Department to evaluate the Design Review application.
- b) Application Review. Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 days of application submittal, determine whether or not the application is complete. The applicant is encouraged to contact staff prior to submitting the application for a preliminary review of the project. The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the designated Approving Authority on the project with a recommendation for approval, conditional approval or denial of the Design Review application. Planning staff shall be responsible for assimilating the comments and recommendations of related departments and agencies into project modifications or Conditions of Approval, as well as to ensure conformance with applicable provisions of the Municipal Code, and any subsequently adopted standards, guidelines, or area plans.
- c) Environmental Review. The project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). Design Review shall generally not result in the need for CEQA evaluation for a project that is otherwise exempt.
- d) Notice and Hearing/Determination. Public notice and hearings for Design Review applications under consideration by the designated Approving Authority shall be conducted in accordance with Zoning Code Title 1, Chapter 10 Article 1 (Permits Generally). The notice shall identify the subject parcel, describe the request, and identify the date of the meeting. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this title.
- e) Appeals. During the initial period when the City Council is the designated Approving Authority for Design Review, action by the City Council is final and may not be appealed. However, any subsequent delegation of Design Review Approving Authority (by Ordinance) where a Design Review determination is made by a Planning Agency other than the City Council will be subject to appeal. Under those circumstances, appeals shall be conducted in accordance with Zoning Code Title 1, Chapter 15 Article 3 (Appeals).

**110-87. Design Review Determination**

- a) Findings for Design Review Approvals. Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

1. The proposed project is consistent with the objectives of the General Plan and Community Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principals" and "Design Concepts" in section 110-84.
  2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
  3. The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.
  4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.
- b) Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates unique neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.
  - c) Conditions. The designated Approving Authority may require modifications to plans in whole or in part and may condition the Design Review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter.
  - d) Permit Issuance. As the initial designated Approving Authority, City Council actions approving a Design Review application shall become valid on the date of action. Subsequent delegation of Approving Authority for Design Review requires that authorization shall only become valid upon completion of the designated ten-day appeal period.
  - e) Permit Term. Where Design Review is approved in conjunction with a related action, the Design Review approval shall remain valid for a period consistent with related review/approval. Where no other discretionary review/approval is required, the Design Review approval shall be valid for a period of three (3) years from the date of final approval.

**110-89. Development Applications In Process**

Following the effective date of this Article, or any amendment of this Article, regulations of this title are applicable to all pending applications in process, unless prohibited by State law. Applications are no longer pending once the appeal period has expired or the appeal process fully exercised. However, plan check applications for Master Home Plans submitted prior to first reading of this Ordinance on August 18, 2003 shall not require Design Review. Design Review will not be required for approved subdivision maps. Subdivision maps may be finalized in accordance with the tentative maps approved prior to adoption of this article. Design review will be required for all building

permit applications for Master Home Plans and non-residential development (commercial, office, industrial and public/quasi public development) received after the effective date of this ordinance.

#### **110-90. Conflicts With Specific Plans/Special Planning Areas**

Except as otherwise specifically vested, if there are conflicts between the requirements of this title and the requirements in an adopted Specific Plan or Special Planning Area, the more restrictive requirements and guidelines shall generally govern.

#### **Section 4: No Mandatory Duty of Care.**

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care

towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

#### **Section 5: Severability.**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

#### **Section 6: Ordinance Supercedes County Code as Adopted by City**

California Government Code section 57376 provides that no city ordinance enacted within 120 days of the date of incorporation of a city shall be deemed to supersede any county ordinance unless the city ordinance specifically refers to the county ordinance, and states an intention to supersede it. By this section, the City of Rancho Cordova specifically states its intention for this ordinance to supercede the provisions referenced herein of the County Code as adopted by the City.

#### **Section 7: CEQA Compliance**

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance. Any environmental affects associated with adoption and implementation of the Ordinance would be beneficial in nature.

**PASSED, APPROVED AND ADOPTED** this 15th day of September, 2003, by the following vote:

AYES: Cooley, McGarvey, Sander, Budge, Roberts

NOES: NONE

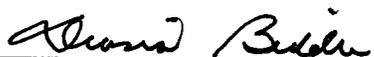
ABSENT: NONE

ABSTENTIONS: NONE

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK