

## **White Paper: Review Process/Design Review**

August 23, 2011

### **Policy Direction**

2030 General Plan Policy LU 2.7.2: “Design Review. The City shall require design review that focuses on achieving appropriate form and function for new and redevelopment projects to promote creativity, innovation, and design quality.”

General Plan Implementation Measures, Table 4-1, Measure 13: “The City shall review and update the Sacramento Code, Zoning Ordinance, and applicable guidelines, consistent with the policies and diagrams of the General Plan.”

General Plan Implementation Measures, Table 4-2, Measure 17: “The City shall prepare and adopt citywide Design Guidelines or Comprehensive Design Guidelines that identify the City’s expectations for planning, designing, and reviewing development proposals.”

### **Purpose**

The purpose of improving the development review process and design review is to increase predictability of planning outcomes for the public and permit applicants by simplifying the number of planning approvals typically required for new development, particularly for green development that is consistent with the general plan and climate action plan.

### **Background**

Current Zoning Code provisions require most new development projects to undergo a public hearing process prior to receiving planning approval. While State law mandates public hearings for some project types, such as subdivision maps and rezonings, many other projects are subject to City rules that trigger plan reviews by the Planning Commission or Zoning Administrator, design review by the Design Commission, or both. Plan review tends to focus on site plan considerations such as the arrangement of parking, buildings, circulation, and landscaping, while design review tends to emphasize architectural review of buildings.

### **The Problem**

Certain zones require approval of a special permit for all or most uses in those zones. Normally, special permits are used to regulate conditional uses that may not be appropriate on every site in a given zone (such as schools or churches), or which have distinctive impacts which require a case-by-case review (such as bars and liquor stores). However, in these zones, the special permit is used to regulate all or most development, even routine land uses such as office, retail stores, and housing.

Furthermore, suburban-style development standards dictate height limits, setbacks, parking requirements and site plan standards that infill development often cannot meet. This results in many infill projects requiring variances in addition to design review or plan review. To further complicate matters, sometimes special permits are used in ways that function as variances rather than conditional use permits. This was apparently done in order to bypass the strict findings required of the variance process, so that flexibility in development standards could be given to desirable projects.

This patchwork approach to development review results in most new projects in the City being subject to discretionary review in one way or another, but it can be daunting to predict which types of approvals might be necessary for a given project. Issues with review include:

- The types of approvals for the same kind of project can vary from one area to another;
- Expert staff sometimes cannot determine which approvals are required without extensive research and consultation with senior managers;
- The review process is inconsistent: design review projects get extensive architectural review but only cursory site plan review, while plan review and special permit projects have extensive site plan review but less-than-adequate architectural review; and
- The current situation is unfair to older, declining communities: while most “new growth” areas are blanketed with Planned Unit Developments that ensure all projects get reviewed, and the Central City and a few older neighborhoods like Oak Park and Del Paso Heights are design review districts, most of the in-between areas (such as the south area) may not receive consistent review at all.

### **Recommended Solution**

A uniform, citywide site plan and design review process is needed that includes an ability to allow flexibility in development standards. This new procedure would replace the current plan review, design review and certain special permits (such as the “major project” special permit for development over 75,000 square feet in the CBD; the special permit for exceeding 40,000 square feet in the C-2 zone or 20,000 square feet in the C-1 zone; and the special permit for all development in the R-1A zone).

Mirroring the recent changes to the design review process, the new site plan and design review would have staff-level non-hearing decisions for projects that are fully consistent with development standards and guidelines, staff-level hearings for projects that deviate from standards or guidelines and commission-level hearings for significant projects or projects posing major policy concerns.

### **Challenges to Achieving the Solution**

- Some areas not subject to design review, plan review or certain special permits may not want site plan and design review

### **Discussion Questions**

1. Are the current design review level triggers for staff, director, and commission review an appropriate model for the new site plan and design review?
2. What kind of development standards flexibility should be built into site plan and design review? Setbacks, lot coverage, landscaping/paving/lighting/trash enclosures? Height? Limited to 50% of requirement?
3. Should all single-family homes be subject to discretionary review, or should most non-tract homes (outside the Central City) have only ministerial checklist review?
4. How much discretion for deviations from development standards should be given to the Planning Director/Design Manger?