

Chapter 17.58**DESIGN REVIEW¹****Sections:**

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17.58.010 Purpose and Applicability.

A. Purpose. This chapter establishes objectives, standards, and procedures for conducting design review. The intent of these regulations is to promote and maintain the City's special character as a residential village with a compact development pattern that respects and has been strongly influenced by the natural setting and is typified by a visually rich and creative mix of architectural styles. Design review is intended to encourage originality, flexibility, and diversity in design and preserve and enhance the community's existing forest character while preventing unnecessary delays in project approval. More specifically, the design review process is intended to:

1. Promote design that maintains the City's intimate and human scale and complements, rather than overrides, natural constraints;
2. Ensure that the design of new homes, residential additions, and exterior alterations preserves the traditional characteristics of scale, good site design, and sensitivity to neighboring properties;
3. Encourage the construction of residences that are diverse and innovative in design yet compatible with the City's forest setting as well as the site design and materials used in surrounding structures;
4. Promote residential design that respects the privacy, solar, access, and private views of neighboring properties;
5. Maintain a tradition of architectural diversity that enhances the character of the commercial district and adds a lively sense of history to Carmel's village ambiance by promoting commercial building design that respect these traditions; and

6. Encourage originality and invention so long as the results encompass the unifying values of human scale and the use of natural materials and their role in preserving village character and avoid out-of-scale or bizarre building forms or incompatible design.

B. Applicability. Design review is required for (1) specified physical improvements as established throughout this title, (2) new site development as defined in Chapter 17.70 CMC, and any substantial alterations, rebuilding, rehabilitation, new construction, exterior alterations, additions, signs, exterior lighting and landscaping associated with such construction, alterations or additions set forth in this title. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.58.020 General Requirements and Responsibilities.

A. Submittal Standards. The Department of Community Planning and Building (the Department) shall establish uniform submittal requirements to enable a full understanding of each project, facilitate review and provide consistency in information for decision-making. Applications for projects subject to design review shall include such information as may be required by the Director. Such information may include, but is not limited to, site plans, floor plans, building sections, exterior elevations, photographs of the subject or abutting properties, perspective or axonometric drawings and/or a model, description of building materials, material and/color samples, exterior lighting, fence plans, sign, drainage plans, landscaping and irrigation plans. Applications requiring design review shall be subject to a fee schedule as established by resolution of the City Council.

B. Coordination of Review Bodies. For any proposed major alteration affecting an historic resource in the commercial and R-4 districts, the Director shall schedule a review of the project plans by the Historic Resources Board for a determination of consistency with the Secretary of Interior's standards. If the site assessment shows that trees will be affected by the project, the Director shall forward the plans to the City Forester for processing.

Any reviews by the Forest and Beach Commission and/or Historic Resources Board that are required for a project shall occur prior to consideration of the project by the Director, Design Review

1. Prior legislation: Code 1975 § 1322, Ords. 159 C.S., 296 C.S., 328 C.S., 83-25, 85-18, 86-3, 90-8, 92-20, 98-13, 2001-03, 2001-09, 2002-10 and 2003-01.

Board or the Planning Commission. The procedures established in Chapter 17.32 CMC, Historic Preservation, shall be followed if the project would affect a historic resource or if it is unknown whether the property contains a historic resource.

C. Public Notice Requirements. For any project that requires preparation of preliminary site assessment pursuant to this section but does not require a public hearing and is not subject to the Coastal Zone notification, the Director shall post notice on the site and at City Hall at least 10 days before a decision.

D. Design Review Responsibilities. The Planning Commission shall conduct design review for all projects that require a use permit, variance, subdivision, lot line adjustment or other land use permit and for all projects subject to environmental review. Design review for all other projects shall be conducted by the Design Review Board or the Director pursuant to the specific requirements of this chapter. The Director may require the Design Review Board or Planning Commission to review for any application that raises new policy issues or presents unusual circumstances not addressed by adopted policies, guidelines, or review criteria.

E. Design Review Standards. When conducting design review the Department, Design Review Board, or the Planning Commission shall use the design guidelines adopted by the City Council as the basis for review. The decision-making entity responsible for design review shall consider the conformance of the application to the standards set forth in and promulgated under this title, and may either approve, deny or modify an application for design review. However, no modification may be made that is not consistent with any other requirement of this title. Specific zoning standards and criteria are established in each zoning district, overlay district, specific plan area, special district, or community plan area. These shall be coordinated with the guidelines in reviewing projects.

F. Prerequisite for Permit Issuance. Permits for projects and for signs that are subject to design review shall not be issued without design review approval pursuant to the requirements of this title. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.58.030 Commercial Design Review.

The City has established two tracks for design review of projects proposing new construction, alterations, rebuilds, additions, demolitions, and other exterior design changes in the central commercial (CC), service commercial (SC) and resi-

dential and limited commercial (RC) districts and the multifamily residential (R-4) district. Approval of any design review application for a commercial project under this section shall require the decision-making authority to find that the proposed project represents an improvement over existing conditions. All projects approved shall comply with minimum zoning standards established by this title. However, compliance with minimum standards does not constitute a sufficient basis for project approval. Projects also shall be evaluated for compliance with the design guidelines.

A. Commercial District Track One Design Review. The Director may approve track one applications for design changes in all commercial zoning districts and the R-4 district based on a determination that such projects comply with the Zoning Ordinance and all applicable commercial design guidelines and public way design guidelines.

1. Applicability. The following projects may be approved with commercial design review track one design review in the CC, SC, RC, and R-4 districts:

- a. Public way improvements;
- b. Storefront remodels/alterations;
- c. Landscaping;
- d. Exterior lighting;
- e. Roofing materials and rooftop equipment;
- f. Signs; and
- g. Exterior flags.

2. Procedures. Within 30 days of the receipt of a complete application for a commercial administrative permit, the Director shall review the proposed project for compliance with the standards and regulations of the CMC, the Coastal Implementation Plan, General Plan policies, commercial design guidelines, public way improvement design guidelines, and other applicable adopted design criteria. The Director may approve the application if all zoning standards are met and the project is consistent with all design guidelines. The Director shall refer for action by the Design Review Board any application for a project that does not comply with applicable adopted design guidelines and design criteria. Any proposed storefront remodels/alteration to a structure located within the downtown conservation district shall be reviewed by the Historic Preservation Board. The Director shall deny any application for a commercial track one permit that does not comply with the CMC, the

Coastal Implementation Plan or the General Plan/Coastal Land Use Plan.

3. Limits. Track one review for projects involving historic structures or dwellings shall be limited to minor alterations pursuant to CMC 17.32.150.

B. Commercial District Track Two Design Review. This is a discretionary process for reviewing substantial design changes in commercial zoning districts and the R-4 district. The Planning Commission shall conduct design review under this section for any project that requires a use permit, variance, or other land use permit. The Design Review Board shall conduct design review of all other projects subject to design review under this section.

1. Applicability. The requirements of this section apply to all commercial and multifamily residential projects that do not qualify for commercial district track one design review. This process also applies to all referrals from administrative commercial design review, all projects that require an initial study, negative declaration or EIR and to any project that requires a use permit, variance, subdivision or other land use permit including, but not limited to, the following:

- a. Construction of new buildings;
- b. Additions to existing buildings;
- c. New parking facilities; and
- d. Installation of antennas.

2. Procedures. Within 30 days of the receipt of a complete application proposing substantial design changes in any commercial zoning district or the R-4 district, the Director shall review the project for compliance with the standards and regulations of the CMC, General Plan policies, the Coastal Implementation Plan, and the commercial design guidelines. Applications subject to design review pursuant to this section shall not require a public hearing unless the project involves a historic structure or dwelling, requires a use permit, variance, subdivision, lot line adjustment, appealable coastal development permit, or other land use permit that requires a hearing in accord with the provisions of this title or State law. All track two projects shall be subject to the CDP requirements of the LCP and a track two design review approval shall constitute a coastal development permit for any project subject to review under this section. Projects involving historic resources shall require a determination of consistency pursuant to CMC 17.32.140. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.58.040 Residential Design Review.

The City has established two different residential design review tracks for projects in the single-family residential (R-1) district.

A. Residential District Track One Design Review. Track one is a staff-level discretionary review for projects that do not require a coastal development permit and are exempt from public hearing requirements. Staff shall review projects for compliance with all applicable zoning regulations and standards and for compliance with the residential design guidelines.

1. Applicability. Applications eligible for track one review are limited to the following projects, subject to the restrictions in subsection (A)(2) of this section:

- a. Exterior alterations and additions that do not increase existing floor area by more than 10 percent;
- b. Changes in exterior materials of structures;
- c. Changes in site coverage and/or landscaping;
- d. Changes in windows, doors, chimneys and skylights;
- e. Fences and walls; and
- f. Minor alterations to historic resources per CMC 17.32.150.

2. Restrictions. Track one review shall be limited to projects that:

- a. Do not require significant cuts to the roots or limbs of any trees classified by the City Forester as "significant" or "moderately significant";
- b. Do not require the demolition or substantial alteration of any dwelling unit;
- c. Do not require an initial study, negative declaration or EIR;
- d. Are sited and designed to protect public views to and along the ocean and scenic coastal areas.

3. Procedures. Within 30 days of the receipt of a complete application for design review, the Director shall review design concept plans for compliance with the standards and regulations of this code, General Plan policies, residential design review guidelines, and other applicable adopted design criteria and may approve proposed projects that comply with all of the applicable requirements of this code and the residential design guidelines.

a. The Director shall deny any proposed project that does not comply with the Zoning Ordinance/Coastal Implementation Plan or the General

Plan/Coastal Land Use Plan. The Planning Director shall also require track two design review for all projects that are not visually compatible with the character of the surrounding area or those that do not minimize grading and landform alteration.

b. Projects that comply with zoning regulations but do not comply with the design objectives or residential design guidelines will be referred to the Design Review Board for resolution or shall be redirected into track two.

c. Public notice of the Director's decision on a track one project shall be posted at City Hall and on-site for 10 calendar days. Any individual or entity aggrieved by the Director's decision to approve or deny a track one residential district administrative permit may file a written appeal with the Planning Commission Secretary within 10 days of the date that the notice of decision is posted.

B. Residential Track Two Design Study. Track two is a discretionary review process for projects that require a public hearing. Projects that require a demolition permit, use permit, variance, or other land use permit or environmental review shall be reviewed by the Planning Commission. The Design Review Board shall take action on all other projects that require track two review. All track two projects are subject to the coastal development permit requirements of the certified LCP, and a track two design study approval shall constitute a coastal development permit. All track two projects shall require public notice and a hearing pursuant to CMC 17.52.110, Notice of Public Hearing.

1. Applicability. Residential district track two design review is for the construction of new dwellings, rebuilds, substantial alterations and other projects that comply with applicable zoning standards and design review guidelines but do not qualify for track one processing.

2. Procedures. Design review for track two projects is a three-phase process requiring: (1) preliminary site assessment, (2) design concept review, and (3) final details review. The application shall not be deemed complete until the preliminary site assessment has occurred and the City has received a complete application for design concept review. When a use permit, variance, or other land use permit is required, the application shall not be deemed complete until design concept review is completed and the City has received a complete application for final details review and for the applicable land use permit. The procedure for track two projects includes the following:

Step One: Preliminary Site Assessment.

a. Applicability. A preliminary site assessment shall be conducted prior to the submission of design concept plans for the following:

i. All new construction, demolition, and grading over 25 cubic yards;

ii. Residential additions that increase building coverage by more than 200 square feet or 10 percent; and

iii. Any project that will require grading within six feet of any tree classified by the City Forester as "significant" or "moderately significant"; and

iv. Any project involving tree removal or requiring significant cuts to the roots or limbs of any tree classified by the City Forester as "significant" or "moderately significant."

b. Submittal Requirements. The applicant shall submit two copies of a topographic survey prepared by a licensed surveyor or a civil engineer prior to submittal of design plans for design review. The survey shall document property boundaries, topographic contours, the location of all trees over two inches DBH, the outline of all existing structures on the property, the location of any easements, existing access, the edge of pavement for all adjoining streets and all existing areas of site coverage. The survey shall be reviewed with the applicant and/or representative in the field by the City Forester and by the Director. Where topography, soil conditions, street configuration or other factors might require unusual drainage solutions, the City Forester or the Director may call in the Public Works Director for additional review and advice. In addition, the applicant shall deposit with the City an amount adequate to pay for a historic evaluation of any structure, dwelling, or property involved that is at least 50 years or greater in age and for which a determination of eligibility/ineligibility for the Carmel Inventory has not yet been made or is out of date.

c. City Forester Review. During the site visit the Forester shall review all trees on-site, in the adjacent right-of-way, and those which significantly overhang the site from adjacent properties. The Forester shall annotate the survey regarding the following:

i. The species, approximate drip line and state of health of each tree;

ii. Each tree shall be classified as to its significance to the urbanized forest based on its species, health and condition, size, form, character, age and location. Classifications used shall be sig-

nificant, moderately significant and not significant; and

iii. For trees classified as significant or moderately significant the Forester also shall note important limbs that are low enough to encroach into potential building areas and areas where excavation or fill should be avoided to protect roots. Trees classified as significant shall be rated and documented using a standardized tree appraisal form.

d. Director Review. During the site visit, the City Planner shall annotate the survey regarding the following:

i. Design characteristics of the public right-of-way including landscaping, excess paving, and access opportunities or constraints;

ii. Design patterns and context of the immediate neighborhood including number of stories, exterior materials, setbacks, and open space/landscaping features;

iii. The potential for historic resources to be present on the site;

iv. Potential view and privacy issues on neighboring lots;

v. The potential for using setback exceptions, garden levels, basements, and other features of the Zoning Ordinance; and

vi. Unusual grade conditions or prior excavations that may require an approximation of natural grade in planning the building or calculating heights.

e. Survey Copies. Upon completion of both site visits and transfer of annotations to both copies of the survey, one copy shall be returned to the applicant for use in designing the project. The other copy will be retained by the City for use in reviewing the project. In preparing design concept plans the information on the preliminary site assessment map shall be used to avoid impacts on significant trees and minimize impacts on moderately significant trees. Design concepts shall respond to site constraints and opportunities in a manner consistent with the zoning standards, General Plan, and the adopted design guidelines.

f. Historic Resource Review. Planning staff or a qualified professional shall conduct an initial assessment of historic significance consistent with CMC 17.32.060(B). If there are no historic resources eligible for the Carmel Inventory located on the site, the procedures in CMC 17.32.060(D) shall be followed. If resources are found on the site that appear to meet the criteria for inclusion in the inventory of historic resources, an

intensive survey of the property shall be conducted consistent with CMC 17.32.060(C).

Step Two: Design Concept Review.

a. Submittal Requirements. The applicant shall prepare design concept plans including "stick" drawings showing building placement, building form, heights, setbacks, access, approximate placement of windows, decks and balconies, proposed tree removals, rough grading, site coverage and floor area.

b. Design Review Board or Planning Commission Review. Within 30 days of receiving a complete application, the Director shall schedule the project for a hearing and review of the design concept plans by the Design Review Board or Planning Commission. Public notice shall be provided in compliance with the requirements of CMC 17.52.110, Notice of Public Hearing:

i. The Design Review Board or Planning Commission shall review the proposed site design, basic massing, and other elements of the design concept for compliance with the City's design concept guidelines and the findings required in CMC 17.64.080, Design Study Approval. At the conclusion of this review the DRB or PC shall either (1) accept the design concept as submitted, (2) provisionally accept the design concept and provide direction to the applicant on plan revisions necessary to achieve compliance with the design guidelines and/or zoning standards, or (3) continue design concept for preparation of a new design concept if it is substantially out of compliance with the zoning standards or the design guidelines. Applicants unwilling to make the revisions directed by the DRB/PC in a provisionally accepted concept design or continued design concept may request denial of the project so that an appeal may be filed. A denial shall not be complete until findings are adopted.

ii. Projects involving a historic resource shall require a determination of consistency pursuant to CMC 17.32.140. All project approvals shall be consistent with the Secretary of Interior's Standards for Rehabilitation except as provided in CMC 17.30.010. Following action by the Historic Preservation Board, the project shall be scheduled for design concept and final details review by the Planning Commission or the Design Review Board consistent with this chapter.

Step Three: Final Details Review.

a. Final Action. The Board or Commission shall take final action on the application after the applicant submits the final design plans for

review consistent with the City's "Residential Design Guidelines: Final Details Review" and the findings required in CMC 17.64.080, Design Study Approval. For projects involving additions or alterations to historic resources or limited changes to nonhistoric structures, the Director may authorize concept review and final details review to occur at the same meeting.

3. Appeal. Any individual or entity aggrieved by the Board or Commission's decision to approve or deny a residential track two design study approval may file a written appeal pursuant to the requirements of Chapter 17.54 CMC, Appeals. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.58.050 Conditions of Approval.

In approving any application for design review, the decision-making authority may impose any conditions deemed necessary to:

A. Ensure conformance with the policies of the General Plan and the Local Coastal Program;

B. Comply with all applicable provisions of this code;

C. Implement applicable adopted design review guidelines;

D. Require mitigation for unavoidable impacts resulting from the development.

The decision-making authority may not impose any condition or require any modification that is not consistent with any other requirement of the municipal code. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.58.060 Findings Required.

A. Authority. The Director, the Design Review Board, Historic Preservation Board, or the Planning Commission as applicable to the project, shall have the authority to approve, approve with modifications and/or conditions, or deny an application for design review based on written findings stating the reasons for the action. Findings shall be based on information in the record.

B. Findings for Design Review Approval. Before approving an application for design review in any district, the Director, the Design Review Board, Historic Preservation Board, or the Planning Commission shall find that the final design plans:

1. Conform to the applicable policies of the General Plan and the Local Coastal Program;

2. Comply with all applicable provisions of this code; and

3. Are consistent with applicable adopted design review guidelines.

C. Additional Findings for Design Study Approval. In addition to any other findings required by this code (see CMC 17.64.080, Design Study Approval), the Design Review Board or Planning Commission shall make all of the following findings before granting design review approval in the R-1 district:

1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits, variances or exceptions consistent with the Zoning Ordinance.

2. The project contributes to neighborhood character including the type of forest resources present, the character of the street, the response to local topography and the treatment of open space resources such as setbacks and landscaping.

3. The project is compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.

4. The project maintains the City's principles of modesty and simplicity and preserves the City's tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.

5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements and in the detailing of doors, windows, roofs and walkways.

6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.

7. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites.

8. All demolitions, remodels, and substantial alterations are consistent with the following findings:

a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's design objectives.

b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City's design guidelines related to mass and scale.

c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.

d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back a minimum of six feet from significant trees.

D. Findings Required for Approval of Deviations from Design Guidelines. In addition to any other findings required by this code, before approving any project in the single-family residential (R-1) district that deviates from the City's applicable adopted design guidelines, the Director, Design Review Board, Historic Preservation Board, or the Planning Commission shall adopt specific findings based on information in the record to show how the proposed deviation from the design guidelines achieves all of the applicable design objectives of CMC 17.58.010, Purpose and Applicability, as well as, or better than, would be achieved by adherence to the adopted design guidelines. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.58.070 Enforcement.

No building or grading permit shall be issued until the applicant submits a final site plan and building permit plans showing any changes required as a condition of design review approval. Staff shall review all building permit applications for projects subject to design review for compliance with approved design review plans and any conditions of approval. The Director may refer building permit plans to the Design Review Board or the Planning Commission for a determination of compliance with conditions of approval. After determining that the site plan and building plans comply with all conditions of approval, the Director shall forward copies of the approved plans to the Building Official. All future development shall comply with the approved building permit plans

unless modifications or changes are approved pursuant to the requirements of this code.

Failure to comply with the conditions of approval may result in enforcement proceedings and penalties levied against the applicant and his/her assigns pursuant to Chapter 17.66 CMC. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).