

**AN ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF EUREKA
AMENDING TITLE 15, CHAPTER 155
OF THE EUREKA MUNICIPAL CODE
PERTAINING TO SITE PLAN REVIEW AND ARCHITECTURAL REVIEW**

Be it ordained by the Council of the City of Eureka as follows:

SECTION 1. Title 15, Chapter 155 of the Eureka Municipal Code is hereby amended as follows:

SITE PLAN REVIEW AND ARCHITECTURAL REVIEW

§ 155.180 PURPOSES.

(A) Site plan review. In order to preserve the natural beauty of the city's site, to prevent the indiscriminate clearing of property and the destruction of trees and shrubs, to prevent excessive grading of hillsides and creation of drainage hazards, to ensure that structures are properly related to their sites and to surrounding sites and structures and to traffic circulation in the vicinity, and that parking areas, walkways, and landscaping are arranged to accomplish the objectives of this chapter site plans for certain permitted uses and structures shall be subject to site plan review by the Design Review Committee or the Director of Community Development. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in site planning shall not be suppressed.

(B) Architectural review. In order to prevent the erection of structures or signs that would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity, uses and structures and certain signs in the AR and PD Districts and conditional uses in all districts shall be subject to architectural review by the Design Review Committee. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in architecture, site planning, and landscape and graphic design shall not be suppressed. Review shall include exterior design, materials, textures, and colors but shall not consider elements of the design that do not affect exterior appearance. In reviewing proposals for development in AR Districts that have an established historical character, the Design Review Committee shall recommend disapproval of drawings for a structure or a sign that would be inharmonious with surrounding development, but the Committee shall not require that new structures duplicate an historic architectural style as a condition of approval.

('63 Code, § 10-5.1801) (Ord. 80-C.S., passed 10-16-66)

§ 155.181 DESIGN REVIEW COMMITTEE.

(A) There is hereby created a Design Review Committee which shall review drawings and report to the Planning Commission when prescribed in this subchapter. The Design Review Committee shall consist of five members qualified by reason of training or experience in architecture, land development, city planning, real estate, landscape architecture, or other relevant business or profession, or by reason of sound judgment, to judge the effects of a proposed development on the community, who shall be appointed by the Mayor with confirmation by the Council for a four year term. Terms of the members of the committee will be staggered, with at least one term ending on January 1 of each year. If the membership of the Committee does not include an architect, the Committee shall by unanimous agreement invite an architect, who may or may not be a resident of the city, to serve in an advisory capacity. In the event the Committee is required to review drawings for a project in which one of its members or its advisors has a business or professional interest, it shall seek the advice of a disinterested architect.

(B) The Design Review Committee shall hold two regular meetings each month at a time to be designated by the Committee, except that a meeting may be canceled if no drawings in conformity with the other requirements of this chapter have been submitted for review. Reports of the Committee shall have the concurrence of at least three members. The Director of Community Development shall serve as secretary to the Committee.

('63 Code, § 10-5.1802) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95; Am. Ord. 628-C.S., passed 3-2-99)

§ 155.182 DRAWINGS TO BE APPROVED AND AUTHORIZATION.

(A) No zoning permit for a use or for a structure or enlargement of an existing use or structure that is subject to site plan review as prescribed in this chapter shall be issued until the drawings required by § 155.183(A) of this subchapter have been approved by the Director of Community Development, Design Review Committee, the Planning Commission, or the Council.

(B) The Director of Community Development is empowered to approve drawings for site plan review required by § 155. 183(A) of this subchapter. Structures or the enlargement of an existing use or structure that is subject to site plan review and is also subject to architectural review as prescribed in this chapter, shall be submitted to the Design Review Committee for approval.

(C) No zoning permit for a use or for a structure or sign or exterior alteration, enlargement, or major remodeling of an existing use, structure, or sign that is subject to architectural review as prescribed in this chapter shall be issued until the drawings required by § 155.183(B) of this subchapter have been approved by the Design Review Committee, the Planning Commission, or the Council.

(D) No zoning permit for a use or structure in the CP Planned Shopping Center Commercial District shall be issued until drawings of development plans for the entire CP District as prescribed in this subchapter have been approved in accordance with the procedures prescribed in this subchapter.

('63 Code, § 10-5.1803) (Ord. 80-C.S., passed 10-16-66) Penalty, see § 150.999

§ 155.183 DRAWINGS TO BE SUBMITTED.

(A) Site plan review. The owner of the site or his authorized agent shall submit the following drawings to the Director of Community Development at the time of or prior to applying for a zoning permit:

(1) A site plan, drawn to scale, showing the proposed layout of structures and other improvements, including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences, and walls. The site plan shall indicate the locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles;

(2) A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained on the site, the location and design of landscaped areas, and the varieties of plant materials to be planted therein, and other landscape features;

(3) Drawings showing the height and bulk of proposed structures and schematic floor plans showing sufficient detail to permit computation of yard requirements;

(4) Grading plans where required by Chapter 150 of this title; and,

(5) The Design Review Committee or the Director of Community Development may require additional information if necessary to determine whether the purposes of this subchapter are being carried out or may authorize the omission of any or all of the drawings required by this section if they are not necessary.

(B) Architectural review. In addition to the drawings required by subdivisions (A)(1), (2), and (4) of this section, the owner of the site or his authorized agent shall submit the following drawings to the Director of Community Development at the time of or prior to applying for a zoning permit:

(1) Architectural drawings or sketches, drawn to scale, showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified;

(2) Scale drawings of all signs subject to architectural review showing the size, location, material, colors, and illumination, if any; and,

(3) The Design Review Committee or the Director of Community Development may require additional information if necessary to determine whether the purposes of this subchapter are being carried out or may authorize the omission of any or all of the drawings required by this section if they are not necessary.

('63 Code, § 10-5.1804) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95)

§ 155.184 REFERRAL TO DESIGN REVIEW COMMITTEE.

The Director of Community Development shall check all drawings submitted for site plan review and architectural review. If he finds that the plans meet the requirements of this chapter, subject to site plan review and architectural review, he shall submit the drawings to the Design Review Committee. If the Director of Community Development determines that a zoning permit could not be issued without the granting of a use permit, the granting of a variance, or the enactment of an amendment to this chapter, he shall inform the applicant and shall not submit the drawings to the Design Review Committee.

('63 Code, § 10-5.1805) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95)

§ 155.185 ACTION OF DESIGN REVIEW COMMITTEE.

(A) Within 21 days of the date the drawings meeting, all other requirements of this chapter were submitted for site plan review or architectural review, the Design Review Committee shall approve the drawings or shall submit a written report to the Planning Commission recommending conditional approval, modification, or disapproval. Conditions may include, but shall not be limited to, the conditions prescribed in §§ 155.280 through 155.299 of this chapter.

(B) If the Committee approves the drawings, or if the conditions or modifications recommended by the Committee are acceptable to the applicant, the drawings shall be approved in the form recommended by the Committee and the drawings shall not be submitted to the Commission.

(C) Failure of the Committee to act within 21 days of the date of submission shall be deemed denial of the drawings and the Committee shall prepare a written report to the Planning Commission as prescribed in division (A) of this section unless a time extension is requested by the applicant.

('63 Code, § 10-5.1806) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 493-C.S., passed 4-20-89)

§ 155.186 ACTION OF PLANNING COMMISSION.

(A) Within 10 days following the Design Review Committee's report recommending conditional approval, modifications, or disapproval; or to the next available meeting of the Planning Commission whichever is later, the Commission shall review the Committee's action.

(B) Within 45 days after the Planning Commission's receipt of the Design Review Committee's report recommending conditional approval, modification, or disapproval of the drawings, the Planning Commission shall approve, conditionally approve, or disapprove the drawings or shall request the applicant to revise them, provided that if the conditions or modifications requested by the Committee are acceptable to the applicant, no action by the Commission shall be required.

(C) Revised drawings shall be reviewed as prescribed for drawings first submitted.

(D) Failure of the Commission to act within 45 days after the receipt of the Design

Review Committee's report shall cause the drawings to be automatically referred to the City Council accompanied by a written report unless a time extension is requested by the applicant and granted by the Commission.

('63 Code, § 10-5.1807) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 493-C.S., passed 4-20-89)

§ 155.187 APPEALS TO COUNCIL; ACTION OF COUNCIL.

(A) Appeals to Council.

(1) Within 10 days following the date of a decision by the Planning Commission, the decision may be appealed to the Council by the applicant. The appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein the decision of the Commission is not in accord with the purposes prescribed in § 155.180 of this subchapter.

(2) Within five days of the filing of an appeal, the Secretary shall transmit to the Council the drawings, the report of the Design Review Committee, and the minutes of the Commission meeting at which the drawings were considered.

(3) The City Clerk shall notify the applicant of the time when the appeal will be considered by the Council.

('63 Code, § 10-5.1808)

(B) Action of Council. Within 45 days following an appeal of a decision of the Planning Commission or a failure of the Commission to act pursuant to § 155.186(D) of this subchapter, the Council shall affirm, reverse, or modify the decision provided, if a decision is reversed or modified, the Council shall make a finding that the decision was not in accord with the purpose prescribed in § 155.180 of this subchapter. ('63 Code, § 10-5.1809)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 493-C.S., passed 4-20-89)

SECTION 2. This ordinance becomes effective thirty (30) days after the date of its enactment.

THIS ORDINANCE IS HEREBY PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the twenty-first day of June 2005, by the following vote:

AYES:	COUNCIL MEMBERS:	WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

Bill No. 747-CS/Ordinance No. 691-CS
Amending Title 15, Chapter 155, Eureka Municipal Code
Pertaining to Site Plan and Architectural Review

Jeff Leonard
Mayor Pro Tem

The above ordinance was submitted to me on the _____ day of June 2005 and I hereby approve the same.

Peter La Vallee
Mayor

ATTEST:

Kathleen L. Franco Simmons
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

David W. Tyson
City Manager

David E. Tranberg
City Attorney