

DESIGN REVIEW BOARD

Composition: 5 Members

Term: Two Years

Membership Requirements: The board shall consist of one (1) member of the Concord Planning Commission, appointed by the Planning Commission; three (3) design professionals, e.g., architects, landscape architects, urban designers, building designers, at least one (1) of whom shall be a professional licensed architect, appointed by the City Council; and one (1) public member, who shall be a resident of Concord, with experience or training in design concepts, appointed by the City Council.

Example of Duties: Review the design of each improvement for which a building permit, certificate, or other approval is required and any matter referred to the Board by the Planning Commission, Zoning Administrator, or Planning Manager, except as provided in Section 10894A of the Concord Municipal Code.

Meeting Times and Places: 2nd and 4th Thursday of each month at 7:00 p.m. in the Permit Center Conference Room, 1950 Parkside Drive.

Conflict of Interest Requirements: The City's Conflict of Interest Code requires Design Review Board members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 10 days of assuming office and on an annual basis.

Compensation: Design Review Board members receive \$50 per regular or special meetings for a maximum of six meetings per month. (Resolution No. 85-9)

CONCORD MUNICIPAL CODE, ARTICLE X, CHAPTER 8 (9) (Pertaining to Design Review Board) Design Review Board and Procedures

Section 10890. Adoption of Design Review. There is hereby adopted a procedure for the review of the design for all buildings, structures, and improvements requiring a building permit in the City of Concord, except as provided in Section 10894 A.
(Ords. 926, 1171)

Section 10891. Findings. The City Council hereby finds that poor or inappropriate exterior design of improvements to real property adversely affects the health, safety, and welfare of the residents of the City of Concord by having one (1) or more of the following effects:
(Ords. 926, 1171)

A. The desirability of other properties within the vicinity for the uses for which they are zoned is adversely affected;
(Ords. 926, 1171)

B. The benefits of occupancy of other property in the vicinity are impaired;
(Ords. 926, 1171)

C. Property values within the vicinity do not retain their stability;
(Ords. 926, 1171)

D. The most appropriate development of other properties within the vicinity is impaired;
(Ords. 926, 1171)

E. The maintenance or improvement, or both, of surrounding properties is discouraged with the result that these properties degenerate and there is an accompanying deterioration of conditions which affect the health, safety, comfort, and general welfare of the inhabitants of the area and the inhabitants of the City at large;
(Ords. 926, 1171)

F. The proper relationship between the taxable value of real property in the vicinity and the cost of municipal services to these properties are destroyed;
(Ords. 926, 1171)

G. The unsightliness which exists causes a decrease in the value of surrounding properties.
(Ords. 926, 1171)

Section 10892. Declaration of Purpose. The purpose of this chapter is to recognize the interdependence of land values and aesthetics and to provide a method by which the following goals can be achieved:
(Ords. 926, 1171)

A. Promotion of sound land use development;
(Ords. 926, 1171)

B. Assist in establishing high standards for the development of buildings, landscaping, and other improvements in the City of Concord.
(Ords. 926, 1171, 85-55)

Section 10893. Creation of Design Review Board.

A. **Number of Members.** There is hereby created a Design Review Board, hereinafter referred to as "Board", which shall consist of no more than five (5) members.
(Ords. 926, 1171, 87-38, 92-19)

1. **Composition of Board.** At all times, the Board shall consist of at least one (1) of the following members:
(Ords. 87-38, 92-19, 96-1)

a. One (1) member of the Concord Planning Commission, appointed by the Planning Commission;
(Ords. 926, 1171, 87-38, 92-19, 96-1)

b. Three (3) design professional, e.g., architects, landscape architects, urban designers, building designers, at least one (1) of whom shall be a professional licensed architect, appointed by the City Council;
(Ords. 926, 1171, 87-16, 87-38, 92-19, 96-1)

c. One (1) public member, who shall be a resident of Concord, with experience or training in design concepts, appointed by the City Council.
(Ords. 926, 1171, 87-38, 92-19, 96-1)

B. **Term of Office.** The term of office for the Board members shall be two (2) years, unless sooner terminated by reason of death, resignation, disqualification, or other cause.
(Ords. 926, 1171)

C. **Time of Regular Meetings.** The Board shall meet not less than once a month at the F. A. Stewart Civic Center, 1950 Parkside Drive, Concord, at a time and date to be designated by the Board.
(Ords. 926, 990, 1171, 93-7)

D. **Appointment of Officers.** The Board shall appoint a Chair and Vice-Chairman. The Chair and Vice-Chair serve for a term of one (1) year or until the successor of each is appointed and takes office.
(Ords. 926, 1171, 93-7)

E. **Secretary.** The Chief of Planning shall appoint a person to serve as Secretary of the Board.
(Ords. 926, 1171, 93-7)

F. **Adoption of Rules.** The Board shall adopt rules for the transaction of its business.
(Ords. 926, 1171)

G. **Board Records.** The Board shall keep a public record of its resolutions, transactions, findings, and determinations.
(Ords. 926, 1171)

H. **Quorum.** A quorum consists of three (3) members of the five (5) positions on the Board.
(Ords. 1171, 87-38, 92-19, 93-7)

I. **Duties of Officers.**

1. **Chair.** The Chair shall preside at all meetings of the Board and shall perform the duties necessary or incidental to the office.
(Ords. 926, 1171, 93-7)

2. **Vice-Chair.** The Vice-Chair is Chair in the absence of the Chair or in case of the inability of the Chair to participate in the proceedings.
(Ords. 926, 1171, 93-7)

3. **Secretary.** The Secretary shall record official actions by the Board. The Secretary shall maintain records and shall perform such other duties as assigned.
(Ords. 926, 1171, 93-7)

J. **Compensation.** The basis and amount of compensation to be paid to members of the Design Review Board shall be established by resolution of the City Council.
(Ords. 990, 1171, 93-7)

K. **Subcommittees.** The Board may establish subcommittees as needed to fulfill its duties.
(Ord. 93-7)

L. **Attendance.** Failure to attend three (3) consecutive meetings will result in dismissal from the Board, unless the member has been otherwise excused by the Chair.
(Ord. 93-7)

Section 10894. Improvements Subject to Design Review.

A. The Board shall review the design of each improvement for which a building permit, certificate, or other approval is required and any matter referred to the Board by the Planning Commission, Zoning Administrator, or Chief of Planning, EXCEPT:
(Ords. 926, 1171, 93-7)

1. Detached single family residences, appurtenances, accessory improvements, and additions or repairs to them, unless:
(Ords. 926, 1171, 90-22)

a. The Planning Commission or Zoning Administrator requires Design Review Board approval as a condition of approval of a parcel map or tentative subdivision map pursuant to Section 10745 of this Code; or
(Ords. 90-22, 93-7)

b. The Planning Commission or Zoning Administrator, in approving a parcel map, tentative map, use permit, Zoning Administrator's permit or variance, finds that review and approval by the Design Review Board is necessary to assure that the new development is sensitive to, and compatible with, existing neighborhoods; or
(Ords. 90-22, 93-7)

c. Design Review Board approval is required pursuant to the Hillside Development Ordinance or is a condition of approval of a hillside development plan.
(Ord. 93-7)

2. Additions or repairs to any existing improvement if the exterior thereof is not to be altered.
(Ords. 926, 1171)

3. Additions or repairs to an existing building or other improvement if the total value of additions and repairs to such improvements does not exceed Ten Thousand Dollars (\$10,000.00) in any twelve (12) month period and if the Chief of Planning finds that the design is complementary to the existing building and will not be deleterious to development in the general area.
(Ords. 926, 1171, 93-7)

4. Improvement(s) in any twelve (12) month period having a total value of more than Ten Thousand (\$10,000.00) but less than Two Hundred Thousand Dollars (\$200,000.00) if the Chief of Planning finds the project is of low public visibility and/or low potential for adverse visual impact.
(Ords. 926, 1171, 93-7)

5. Signs or other graphics may be reviewed by a subcommittee of the Board if such subcommittee is authorized by the Design Review Board.
(Ords. 926, 1171, 93-7)

6. Projects for which the Design Review Board has delegated specific review authority to the staff of the Planning Division.
(Ord. 93-7)

7. Any improvement which the Chief of Planning finds is of such a size, location, and/or design that it will be a positive influence on, and/or will be complementary to, development in the general area and finds that the purpose and intent of this chapter will not be nullified by waiving a formal Design Review Board hearing.
(Ord. 93-7)

B. The term "improvement," as used in this chapter, shall be liberally interpreted and shall include the construction, alteration, and repair of all buildings, structures, and facilities permanently affixed to real property and appurtenances thereto. No improvement subject to design review shall hereafter be constructed, located, repaired, altered, or thereafter maintained, except in accordance with a design approved as provided in this chapter.
(Ords. 926, 1171)

Section 10895. Application for Design Review.

A. An application for design review shall be made to the Planning Division, in writing, on a form as may be prescribed by the Chief of Planning. The application shall be accompanied by a filing fee according to the schedule set forth in the Resolution Establishing Fees and Charges for Various Municipal Services. The application shall also include all information necessary for compliance with City and State requirements for environmental review (unless an environmental action for the project has already been taken) and plans, information, and displays as may be required by the Chief of Planning necessary to fully evaluate the proposed development. (Ords. 926, 1131, 1170, 1171, 85-55, 93-7)

B. All applications for design review shall be reviewed by the Planning Division prior to being scheduled for review by the Design Review Board. Any application which is found not to be complete or is found to be in conflict with this Code, including the purposes of this chapter, as stated in Section 10892, or any permits or variances granted in connection with the development shall not be scheduled for review by the Board until all necessary information or plans have been provided and any such conflicts have been resolved. Staff shall notify the applicant, in writing, of any deficiency or conflict within thirty (30) calendar days of filing of an application. (Ords. 85-55, 93-7)

Section 10896. Evaluation. The Design Review Board shall examine the material submitted with the application by considering the following aspects for conformance with the purpose of this ordinance: (Ords. 926, 1171)

A. General site utilization considerations.
(Ords. 926, 1171)

B. General architectural considerations:
(Ords. 926, 1171)

1. Height, bulk, and area of buildings;
(Ords. 926, 1171)

2. Colors and types of buildings and installations;
(Ords. 926, 1171)

3. Physical and architectural relation with existing and proposed structures in the area and to the site's location within the City;
(Ords. 926, 1171)

4. Site layout, orientation and location of buildings, and relationship with open areas and topography;
(Ords. 926, 1171)

5. Height, materials, colors, and variations in boundary walls, fences, or screen planting;
(Ords. 926, 1171)

6. Location and type of landscaping, including but not limited to setback areas and the project's off-street parking areas; and
(Ords. 926, 1171)

7. Appropriateness of sign design and exterior lighting.
(Ords. 926, 1171)

C. General landscape considerations.
(Ords. 926, 1171)

D. Graphics.
(Ords. 926, 1171)

E. City of Concord Community Design Guidelines.
(Ord. 93-7)

Section 10897. Final Plan. When the Board has approved the information required of Section 10895, the applicant may submit working drawings to the City with an application for a building permit. These drawings shall be referred to the Planning Division to assure their conformance to the plans approved by the Board and any conditions which were a part of that approval.
(Ords. 926, 1171, 93-7)

Section 10898. Appeals.

A. An applicant may appeal any determination that an application is not complete or is in conflict with this Code, including the purposes of this chapter as stated in Section 10892, or any permits or variances granted in connection with the development. Such appeal shall be made to the Design Review Board by filing a written appeal, on a form prescribed by the Chief of Planning, with the Planning Division within ten (10) calendar days of notification of a deficiency or conflict. The appeal form shall be accompanied by the fee as set forth in the Resolution Establishing Fees and Charges for Various Municipal Services. Notice of hearing by the Board on any such appeal shall be given pursuant to Section 10819 A of this Code. Action on the appeal by the Board may be appealed to the Planning Commission pursuant to Section 2902 of this Code.
(Ords. 926, 1171, 85-55, 93-7)

B. Any interested party may appeal a decision of the Design Review Board to the Planning Commission pursuant to Section 2901 of this Code.
(Ords. 85-55, 93-7)

Section 10899. Prohibitions. No building permit, license, certificate, or other approval or entitlement shall be issued or given by the City or any department or employee thereof with respect to any improvement subject to design review until the design of the improvement has been approved as provided in this chapter. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to design review hereunder, unless and until the representative of the Planning Division has certified that the improvement has been completed in accordance with the design approved pursuant to this chapter.
(Ords. 926, 1171, 93-7)

Section 10899.1. Nuisance. Any improvement constructed, located, repaired, altered, or maintained contrary to the provisions hereof is hereby declared to be unlawful and a public nuisance.
(Ords. 926, 1171)

Section 10899.2. Other Duties of the Board. The Board shall review the design of all improvements to be constructed to the extent permitted by law, or by the agencies involved, by school districts, and other governmental agencies or districts. Such review shall be conducted with reference to the criteria and factors set forth in Section 10896 hereof; and following such review, the Committee shall submit a written report of its recommendations and comments to the body proposing to construct the improvement.
(Ords. 926, 1171)

Section 10899.3. Other Ordinances Not Affected. Nothing in this chapter shall be construed to exempt any applicant from compliance with any requirement of any other ordinance of this City or amend any such other ordinance.
(Ords. 926, 1171)

Section 10899.4. Severability. If a section, subsection, sentence, clause, phrase, or portion of this chapter is invalid, the invalidity does not affect the validity of the remaining portion of it, continues in effect irrespective of the fact that a section, subsection, sentence, clause, phrase, or portion is declared invalid.
(Ords. 926, 1171)

Section 10899.5. Approval of Building Permit Plans. Whenever any building or structure within the City is erected, constructed, altered, improved, repaired, or demolished pursuant to a permit issued by the Building Division of the Public Works Department and the work called for either creates a new structure or building, or alters or expands the exterior configuration of an existing structure, the plans and specifications required for said building permit must be approved as to Design Review Board conditions, as well as to planning and zoning requirements by the Planning Division. If any permit is issued based on plans or other submittals by the applicant or his/her representative which are contrary to the Design Review Board's approval, the applicant shall be responsible for correcting any work done under such permit in order to bring it into conformance with said Board's approval.

(Ords. 1131, 1171, 93-7)

Section 10899.6. Checking Conditions Imposed on Plans. Whenever any proposed use or property has been approved and the approving agency has imposed conditions which must be reflected by a modification in plans and specifications, said plans and specifications must be resubmitted to the Planning Division for approval.

(Ords. 1131, 1171, 93-7)

Section 10899.7. Fee. Whenever any plans are checked by the Planning Division pursuant to Sections 10899.5 and 10899.6 above, a filing fee shall be charged according to the schedule as set forth in the Resolution Establishing Fees and Charges for Various Municipal Services.

(Ords. 1131, 1170, 1171, 93-7)