

ORDINANCE NO. 2022-01

ORDINANCE OF THE CITY OF NEVADA CITY AMENDING TITLE 17 OF THE CITY OF NEVADA CITY MUNICIPAL CODE ADDING CHAPTER 17.82 – OBJECTIVE DESIGN STANDARDS FOR STREAMLINED AND MINISTERIAL RESIDENTIAL DEVELOPMENTS

WHEREAS, on January 1, 2018, Senate Bill 35, intended to help address California’s housing shortage, went into effect, requiring a streamlined and ministerial review process for multifamily housing projects with specific qualifications; and

WHEREAS, on September 16, 2021 Governor Gavin Newsom approved Senate Bill 9 (SB 9, Chapter 162) relating to the housing development containing two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing and ministerially approve an urban lot split; and

WHEREAS, SB 9 and SB35, allows local agencies to impose objective zoning, subdivision, and design review standards; and

WHEREAS, there is a continued effort by the State of California to require jurisdictions to utilize a ministerial and streamlined process for specified of housing projects; this ministerial and streamlined process requires objective standards to address a variety of design concerns typically resolved during a discretionary design review process; and

WHEREAS, on January 20th, 2022, the Planning Commission held a duly noticed public hearing on the Zoning Code text amendment, and at which time, recommended approval of the proposed text amendment to the City Council of the City of Nevada City; and

WHEREAS, on February 9th, 2022 the City Council held a duly noticed public hearing on the Zoning Code text amendment at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, The proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that the amendments do not have the potential to cause a significant effect on the environment and are not subject to CEQA review. The amendments proposed will preserve and enhance aesthetic resources and each of the proposed amendments is necessary to conform the Code to State law, and any conceivable impact of the proposed amendments would be speculative in the absence of specific development proposals; and

WHEREAS, after this public hearing, the Council believes that amending the Nevada City Zoning Code, as follows, is required for public convenience, necessity and general welfare:

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY DOES ORDAIN AS FOLLOWS:

Section 1. The Council of the City of Nevada City finds, based on evidence and records presented, that amending Title 17 (Zoning) of the Nevada City Municipal Code, as follows, is required to result in more clear, effective and inclusive residential design objectives. Section 17.82.010 through section 17.82.030 are hereby added to read as follows:

“CHAPTER 17.82 OBJECTIVE DESIGN STANDARDS FOR STREAMLINED AND MINISTERIAL RESIDENTIAL DEVELOPMENTS

17.82.010 Objective Design Standards – Purpose and Definitions

- A. This Chapter establishes objective residential design standards that are primarily sourced from the City’s Design Guidelines. Typically, new residential development is required to go through the City’s discretionary Architectural Review process, which includes review for compliance with the City’s Design Guidelines. The Design Guidelines are subjective in nature and demonstrate preferences while allowing discretion and flexibility, and as such, cannot be enforced through a streamlined ministerial process. Objective Design Standards for Streamlined and Ministerial Residential Developments aim to incorporate the intent of the Nevada City Design Guidelines to the greatest extent possible, while complying with the intent of State legislation to facilitate and expedite the construction of housing in Nevada City
- B. Consistent with existing State Law, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark.
- C. Floor Area Ratio (FAR)) is the measurement of a building’s floor area in relation to the size of the lot/parcel that the building(s) is/are located on. FAR is expressed as a decimal number, and is derived by dividing the total area of the building by the total area of the parcel (building area ÷ lot area).
- D. Residential developments that are subject to this Chapter must be consistent with each of the standards below. If any of the standards are undesirable to the applicant, the applicant may opt to go before the Architectural Review Committee for consideration of an alternative proposal for the standard(s) specified by the applicant.
- E. Massing breaks shall mean dividing a large form into linked smaller forms by incorporating recessing and projecting elements to avoid flat monotonous facades

17.82.020 Applicability.

- A. The provisions of this Chapter apply to all single-family and multi-family residential projects which upon applicant request and demonstration of eligibility, qualify for streamlined and ministerial processing.

17.82.030 Objective Residential Design Standards.

A. Neighborhood Compatibility.

1. Residential projects of at least two dwelling units on a single lot, including Accessory Dwelling Units, located within or abutting properties zoned R1 (single-family residential) or RR (Rural Residential) shall orient dwelling unit entrances to face the street except that if topographic or other site constraints prevent such orientation, the entrance shall be screened from neighboring properties with landscaping and/or fencing.
2. Duplexes, triplexes, and fourplexes within or abutting properties zoned R1 (single-family residential) or RR (Rural Residential) shall include individual front doors and interior stairs (when stairs are needed).
3. Except Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) constructed pursuant to Chapter 17.72, all dwelling units constructed on a single lot within the R1 or RR zoning designations shall be detached. Where site conditions do not allow for detached units, only one entry door shall be oriented to face the front of the lot. Entry doors for subsequent dwelling units shall face the side or rear of the lot.
4. Floor Area Ratio: Any single-family lot within the R1 and/or RR zoning designations may be developed with an ADU, JADU consistent with provisions of 17.72, and two primary dwelling units consistent with provisions of 17.74, so long as the total building floor area, including proposed and existing buildings and accessory buildings, but excluding buildings exempt from building permit requirements, does not exceed a floor area ratio (FAR) of 0.5. Development plans must indicate the floor areas of all buildings, existing and proposed, on a lot.
5. For any unit developed within a converted garage, the garage door shall remain in place and look functional, or the garage door shall be removed. If the door is removed, the project shall include architectural features (including siding, doors, windows, trim and accent details), and landscaping (such as a landscape strip to disconnect the driveway from the building wall) so it is not apparent that the structure was originally a garage.
6. Any ADU taking advantage of reduced setbacks pursuant to Section 17.72.027, or dwelling unit taking advantage of reduced setbacks pursuant to 17.74.C.1 or C.2 shall not have doors or windows within such setback unless required to meet health and safety requirements

B. Building Design.

1. Elevation Themes:
 - a. Residential units on a single lot shall have the same roof material and

color.

- b. Multi-family projects in excess of five dwelling units which elect to construct both affordable units and market rate units within the same development, shall construct the affordable units and market rate units with the same exterior materials and details such that the units are not distinguishable.
- c. Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

C. Roof Styles

1. The primary roof structure for residential units shall be designed with overhangs and gable ends. Secondary roof pitches, such as those over porches, may have a shed-style roof design.
2. The primary roof pitch shall be a minimum 6:12 and maximum 12:12 pitch and secondary roof pitches, such as those over porches, shall be a minimum of 4:12 pitch and a maximum not to exceed the primary roof pitch. Exception to this requirement may be made where the property has an existing dwelling unit and the proposed dwelling unit will match the roof-pitch of the existing.
3. Roof material shall be composite shingle, standing-seam metal, or bonderized corrugated metal

D. Siding Material and Profiles

1. New construction siding material outside the historic district shall be true brick, wood, or fiber cement and shall be installed in the following styles:
 - a. Horizontal oriented siding shall be paintable. It may be lapped or tongue-and-groove with a maximum exposure of 8 inches in one of the following profiles: Dutch lap, V-groove, traditional lap, beaded, beveled, Dolly Varden, or Teardrop
 - b. Vertical board-and-batten siding shall be paintable, un-grooved plywood or composite panels with applied vertical battens between 12 and 16 inches on center.
 - a. Shingle-style siding shall be paintable.
2. A single residential building may be designed with up to two of the above siding styles if the differentiated siding is separated by trim details and delineated by architectural function such as gable ends, stem walls, porches, floor levels, pop-outs, chases.
3. In addition to the maximum of two siding styles allowed per residential building, chimney chases, stem walls, and foundations shall be faced

with true stone or true brick.

E. Window style

1. Window casings shall be wood or paintable composite material with 3.5 to 6 inch trim, terminating in a horizontal sill detail that has a minimum $\frac{3}{4}$ inch thickness, and with an optional apron trim below sill which shall not exceed the width of the window casing material. Exception to this requirement may be made where the property has an existing dwelling unit and the proposed dwelling unit will match the window casings of the existing unit.
2. Window material shall be wood, metal, or vinyl clad with 1.5 to 2 inch rails and stiles. Where muntins are used, they shall be a maximum of $\frac{7}{8}$ inch wide.
3. If vertical corner boards are incorporated into the building design, they shall have an assembled width per side of 3.5 to 4.5 inches. Exception to this requirement may be made where the property has an existing dwelling unit and the proposed dwelling unit will match the corner boards of the existing.
4. Railings shall be painted or stained wood, paintable composite material, or painted/powder-coated wrought iron or tubular steel. Where tubular steel is used, they shall incorporate a wood or composite top cap.
5. New residential units shall incorporate double-hung, single-hung, and/or fixed window styles with a minimum of 1:1.5 width to height proportion for windows facing front or side yards. Light configurations shall be either a single light, true divided light, or simulated true divided light (whereby grids are fused to the glass).
6. If garages are constructed or remodeled and if windows are incorporated into the garage door, the windows shall be oriented horizontally along the top of the garage door and shall not be located within the bottom third of the garage door. Windows shall be square or rectangular in shape.
7. Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of three inches.
8. A minimum of $\frac{5}{8}$ inch thickness is required for panel siding. Battens are required to be incorporated into the design for a board and batt appearance.

F. Massing/Articulation.

1. Multifamily development in excess of five units shall have a minimum of two features such as balconies, dormers, patios and/or, individualized

entries. In addition, accent materials shall be incorporated into each project building.

2. Buildings over two stories tall shall have major massing breaks at least every 100 feet along any street frontage, adjacent to a public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.
3. Buildings shall have minor massing breaks at least every 30 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.

G. Outdoor/Common Space.

1. Multifamily development in excess of five units, shall incorporate a minimum of 40 square feet of private outdoor space directly adjacent to each unit each. For the purposes of this standard, private outdoor space is defined as outdoor space that is usable and accessible only to the building residents and their visitors, but not to the general public.
2. A minimum of 3,000 square feet of Common useable open space is required for all multifamily development projects with at least ten units plus 200 square feet for every additional unit The City may grant up to a 50% reduction of the required open space when a project is located directly adjacent to public park or open space.
3. Outdoor seating shall be provided at common usable open space areas and outside of laundry facilities.
4. Multifamily developments (except Senior restricted multifamily developments) exceeding twenty units shall have two outdoor areas, one for adults and one for a child play area. For the purpose of this standard, adult open space does not include play equipment, but does include tables with seating.
5. Multifamily developments (except Senior restricted multifamily developments) - exceeding 50 units shall have three open space areas, one for adults, one for teenagers, and one for younger children. For the purpose of this standard, adult open space does not include play equipment, but does include tables with seating, and teenage outdoor areas include sports fields, age- appropriate park equipment, or other recreational equipment.
6. Play equipment for children under the age of five shall be included in child play areas. The play area must be visible to as many units as possible to provide casual surveillance and be separated from traffic.

Benches or picnic tables for adults that are accompanying younger children shall be provided.

7. For any project whereby new landscaping is proposed, pursuant to California Code of Regulations Section 492.1, prior to building permit issuance submit to the Planning Department a Landscape Documentation Package consistent with Section 492.3. Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:
 - a. Receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion
 - b. Submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - c. Submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor

H. Site Design.

1. For multifamily projects in excess of five dwelling units, when dwelling units are abutting open space areas, a minimum of one window from each dwelling shall be located to overlook common area.
2. Garages shall be designed to include a minimum of two of the following from the main building(s): siding materials, detailing, roof materials, and colors.
3. Attached carports are not permitted (detached carports are required to be reviewed by the Architectural Review Committee)
4. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk, in order to accommodate one vehicle entering the facility.
5. For multifamily projects in excess of five dwelling units, where bicycle parking is not visible from the street, directional signage shall be included at the main building entrance.
6. Screen all parking areas, covered and uncovered, from public street frontages. Screening may be accomplished through building placement, landscaping, a planted earth berm, planted fencing, topography, or some combination of the above. Landscaping used for screening purposes shall be no less than 15 feet wide (from the back of sidewalk or street curb to the parking lot paving, whichever is greater).

I. Accessory Elements.

1. Perimeter fencing utilized along a public street shall be constructed of decorative iron, pre-painted welded steel, or wood picket material.

2. Retaining walls shall not exceed 10-feet in height
3. Retaining walls in excess of four feet in height and which are visible from a public street, shall be screened with vegetation or else faced with true stone or true brick.
4. Refuse Containers:
 - a. Five units or less may be served by individual garbage containers. When individual garbage cans are used, they shall either fit in the garage or into a special enclosure.
 - b. Multifamily projects in excess of five units or more, shall provide dumpsters for garbage collection within a special enclosure.
 - c. When dumpsters are to be used, designers shall coordinate with the refuse pickup provider to determine the size and number of dumpsters required. Unless otherwise determined by the refuse pickup provider, dumpster capacity shall allow for a minimum of 80 gallons per unit per week.
 - d. Shield all dumpsters within an enclosure a minimum of six feet tall. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates should be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.
 - e. Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.”

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law

PASSED, APPROVED AND ADOPTED this 23rd Day of February 2022 by the following vote:

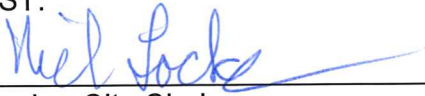
AYES: STRAWSER, FLEMING, FERNÁNDEZ, MINETT, PETERSEN

NOES:

ABSENT:


DUANE STRAWSER, MAYOR

ATTEST:


Niel Locke, City Clerk

APPROVED AS TO FORM


Dean Pucci, City Attorney