

**DESIGN REVIEW USE PERMIT
APPLICATION PROCESS**

APPLICABILITY

Before any structure may be erected, structurally altered, or in any way remodeled or improved so as to change the outward appearance of the building within the Design Control Combining Zone (See City of Ferndale Land Use Zoning Map), a Design Review Use Permit shall be obtained.

Design Review is not required for

- Projects that will not change the external appearance of the structure.
- Structures not within Design Control Combining (-D) Zone.
- Emergency, minor, or routine repair that maintains the status quo or original design of the structure as defined in Sections 3.29 and 3.48 of the Ferndale Zoning Ordinance:

§3.29 Emergency Repairs: Repairs made to any structure, whether used for residential, commercial or other uses, in the immediate period following damage by earthquake, fire, wind, hail, or collision, provided that such repairs will bring the structure to its original design. Such repairs include: re-roofing, repairing fire damage, painting, re-painting, paint scraping, and replacing windows, drainpipes, railings, and small structural ornamentation.

§3.48 Minor Repair & Routine Maintenance: Such repair and maintenance which may include re-roofing; painting; re-painting, re-surfacing; paint scraping; replacement of windows; drainpipes, railings, and small structural ornamentation; and replacement of individual boards in a wooden porch with fresh identical lumber, if the status quo or original design is maintained.

Applicant should contact City Staff to confirm whether proposed project or repair meets requirements for a Design Review Use Permit.

**QUICK CHECK LIST FOR
SUBMITTAL**

- Standard Application Form
- Plans and/or drawings
 - Photographic representation of site, structure, materials, etc
 - Verification that house number is visible from street
 - North arrow, scale
 - Entire parcel boundary with dimensions
 - Adjacent public and private streets and driveways
 - All existing and proposed buildings and site features (including significant trees and topographic features)
 - Elevations of proposed structure, design change, or addition to include type, dimensions and colors of materials
- Any changes to the project may trigger reassessment by the Design Review Committee
- Fee Deposit
- Staff Initials
- Applicant Initials

PURPOSE

Section 6.05 of the Zoning Ordinance states that “the Design Control Combining or -D Zone is intended to be combined with any principal zone in which the appearance and design of buildings and structures form a substantial contribution to the desirability of the zone for the uses permitted therein, and in which it is desired to protect the overall Victorian appearance of the zone by regulating the design of proposed buildings and structures in the zone. The following regulations shall apply in any zone with which a Design Control Combining or –D Zone is combined.”

Each application for such Design Review Use Permit shall be accompanied by drawings, plans and such written matter as may be necessary to show the front, side and rear elevations and the colors and materials to be used, and to show any other information that may be required by the Design Review Committee or Planning Commission in order that it may adequately evaluate the proposed structure or design.

Design Review Use Permit applications will be reviewed by the Design Review Committee (three members of the community and two members of the Planning Commission) who may approve applications without full Planning Commission approval. If a majority of the members present approve, the City Clerk shall issue a Design Review Use Permit. Any construction or structural alteration shall be in accordance with such approved proposal. If a majority of the members present deny, the applicant can change the design, or can ask that the application go to the Planning Commission at a fee as set by the Fees and Fines Schedule. If the Planning Commission denies the proposal, the applicant has the option of appealing the decision to the City Council, at a fee as set by the Fees and Fines Schedule.

HISTORIC DISTRICT CONSIDERATIONS

Any applications triggering Design Review for buildings within the Historical District or listed on the Historical Register must go through the CEQA process per California Code of Regulations, Article 5, §15064.5 “Determining the Significance of Impacts to Archeological and Historical Resources.” This may require a fee and/or deposit for the preparation of the required environmental review documents.

If the structure qualifies as a historic resource, and the proposed modifications comply with the Secretary of the Interior’s Standards (summary attached), the application will go to the Design Review Committee without a fee and is likely eligible for a categorical exemption under CEQA.

If the application does not comply with the Secretary of the Interior’s Standards, then a fee deposit will be required before the application goes to the Planner for environmental review.

At any point in the following Design Review Use Permit process, the applicant may change their application to conform to the Secretary of the Interior’s Standards for Rehabilitating Historic Properties (summary attached).

PROCESS

1. Pre-application Review (optional)

This is an optional step recommended by staff. This step can include a review of preliminary plans and/or a meeting with city staff. Staff may provide feedback in verbal and/or written form. Any feedback provided at this time is preliminary only, and subject to further refinement or change in the formal review process.

2. Application Completeness Check

- a. Applicant files application form and other information required and pays all required fees and deposits if any. Within 30 days of submission at City Hall, City Staff reviews application materials to determine whether the application includes all information required and is considered complete. City Staff may refer application materials to the City Engineer, or other staff, to obtain opinions regarding application completeness.
- b. If the application is deemed to be incomplete, City Staff will notify the applicant within the 30-day review period.
- c. Following notification of the applicant, incomplete applications are held without processing until such time as all deficiencies are corrected.

3. Environmental Review

- a. Once the application is deemed complete, City Staff will review the project in accordance with the California Environmental Quality Act (CEQA) to determine if the project is statutorily or categorically exempt from CEQA. A fee deposit may be required for initial environmental review. If the project is exempt from CEQA, then no further environmental review is required. The project will be forwarded to the Design Review Committee.
- b. Qualified historic properties (listed or determined eligible for listing) will be reviewed for compliance with the Secretary of Interior’s Standards for Treatment of Historic Properties and are eligible to use the California Historical Building Code (2007). If a project complies with the Secretary of Interior’s Standards, the project may be exempt from CEQA review (Class 31 CEQA exemption). A summary of the Secretary of Interior’s Standards is attached.
- c. If the project is NOT exempt from CEQA, then the required environmental document must be prepared and circulated for agency and

public comment. A fee deposit is required for the preparation of an Initial Study, which will result in either:

- i. A fee deposit for preparation of a Negative Declaration or Mitigated Negative Declaration showing that your project will have less than significant impact on the environment, or
- ii. A large fee deposit for an Environmental Impact Report to be prepared

4. Application Processing

- a. Once environmental review is complete, City Staff will distribute application materials to Design Review Committee for their review at a regularly scheduled meeting. Applicants are encouraged to attend the meeting to answer possible questions.
- b. If a majority of the Committee members present approve, the City Clerk shall issue a Design Review Permit. The next step is to apply for a building permit for construction, if necessary. Any construction or renovation shall be in accordance with such approved proposal.
- c. If a majority of the members present deny, the applicant can change the design, or can ask that the application go to the Planning Commission at a fee as set by the Fees and Fines Schedule.
- d. City Staff notifies applicant of Design Review Committee action and initials/dates application form.

5. Formal Consideration by Planning Commission

- a. City Planner prepares a Project Report to the Planning Commission which includes, at a minimum, the following information:
 - Background information
 - Analysis of Application
 - Environmental Issues
 - Ordinance and Policy Issues
 - Recommendations a comments from other City staff and outside agencies
 - Recommendations for action
 - Environmental determination
 - Approval (may include conditions) or denial
- b. City Clerk or City Planner is responsible for reproduction and inclusion of project report in Planning Commissioners' agenda packets.
- c. Planning Commission considers application in conjunction with the appearance and design of other structures and/or buildings in the zone and suggests any changes or alterations in the proposed structure or building as it may deem necessary.

- d. Upon approval of any proposal, the Planning Commission issues a Design Review Use Permit. Any construction or structural alteration shall be in accordance with such approved proposal.
 - e. Action by the Planning Commission is final, unless appealed to the City Council. Actions become effective following the mandatory 10-day appeal period.
 - f. City Staff makes note of any changes to recommended conditions which may occur at the meeting and provides written notification of Planning Commission action to the applicant.
6. Final Review
- a. Upon project completion, applicant will submit photographs of finished project to City Clerk. Photographs must fully and accurately represent entire scope of project, including visible representation of materials and colors used.
 - b. City Clerk files photographs with application packet and resubmits to Design Review Committee.
 - If Committee determines applicant adhered to approved plans, no further action is taken.
 - If Committee determines applicant deviated from approved plans, the permit shall be revoked and applicant must either apply for a new Design Review permit or fix the work to comply with the approved permit. In addition, the applicant may be fined up to \$500 and/or imprisoned for up to 6 months, as per Zoning Ordinance Section 2.03:

§2.03 Any person whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any *one* of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 per violation or by imprisonment for not more than 6 months or by both such fine and imprisonment.

APPEALS

The decision of the Planning Commission is final unless appealed by the applicant or other affected party to the City Council. Appeals must be made within 10 calendar days of the date of Planning Commission action, as set forth in Zoning Ordinance Article XI.

Administrative decisions, including determinations relative to application completeness, may be appealed to the City Council within 10 days of staff's determination.

APPLICATION REQUIREMENTS

A complete application consists of required forms, plans, and required fees and deposits, as described below.

- Standard Application Form
- Plans

Plans and materials may be required at staff's discretion. Such materials may include drawings, photographs, color swatches, and such written matter as may be necessary to show any information that may be required by the Design Review Committee or Planning Commission in order that it may adequately evaluate the current and proposed structure or design. To enable timely application review, the applicant should include as much information and visual aid in the application packet as necessary to show all aspects of the proposed project, including front, side and rear elevations and the colors and materials to be used, submitted on sheets no larger than 11" x 17". Use separate sheets if necessary.

Required materials may include:

- Photographic representation of site, structure, materials, etc.
 - North arrow, scale.
 - Entire parcel boundary with dimensions.
 - Adjacent public and private streets and driveways.
 - All existing and proposed buildings and site features (including significant trees and topographic features).
 - Elevations of proposed structure, design change, or addition to include type, dimensions and colors of materials.
 - Verification that house number is visible from street.
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- Required Fees and Deposits

Consult City Clerk or City Planner for current fee and deposit requirements.

TIME REQUIRED FOR PROCESSING

Following are processing time limits established by state law:

- Maximum time to determine application completeness: 30 days
- Maximum time to either approve or deny application: 105 days (Negative Declaration)

Note: The preceding time limits are the maximum allowable as specified by state law, unless waived in writing by the applicant. In most instances, applications will be

processed in less time than described above. In all instances, applications will be processed as quickly as possible.

FEES

City of Ferndale processing fees are intended to cover all costs typically incurred by the City in processing of applications. Fees are based on estimates of the City's administrative costs. Fees are minimum and non-refundable. If a project is determined to require more time than covered by the minimum fee, then an estimate of additional time required and estimated actual cost will become the basis for a supplemental application fee. If the supplemental fee exceeds actual costs to the City, the balance will be refunded. Applicant shall pay all costs to City prior to filing of final decision on project application.

ADDITIONAL INFORMATION

For additional information concerning planning application requirements and procedures, contact Ferndale City Hall at 707.786.4224 or cityclerk@ci.ferndale.ca.us

SECRETARY OF INTERIOR’S STANDARDS SUMMARY:

Qualified historic properties (listed or determined eligible for listing) should be reviewed for compliance with the Secretary of Interior’s Standards for Treatment of Historic Properties and are eligible to use the California Historical Building Code (2007). If a project complies with the Secretary of Interior’s Standards and Guidelines for Rehabilitating Historic Properties, the project may be exempt from CEQA review (Class 31 CEQA exemption). Following is the Secretary of Interior’s Standards for Rehabilitation summary:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.