

9.07.020

Applicability

- A. **When required.** Site Plan and Design Review shall be required for all of the following construction or development activities:
1. All structures erected to accommodate any of the land use activities listed in Part 3 (Specific to Zones), except for those specified in Subsection B (Exemptions), below.
 2. Before the issuance of a Building or Grading Permit for any construction activities identified in Table 9.3 (Review Authority for Site Plan and Design Review), below.
- B. **Exemptions.** The following are exempt from the requirement for a Site Plan and Design Review:
1. A development for which a Site Plan and Design Review has been previously granted under the conditions of a Conditional Use Permit, Variance, or Zoning Use Permit, issued in compliance with this Development Code;
 2. Any fence, wall, or other dividing structure in a residential zone district erected in compliance with this Development Code;
 3. ~~Non-Transect zone.~~Single Family Residential. A new single-family residence, or an addition to an existing single-family residence located in a ~~non-Transect residential~~ zone;
 4. ~~Transect zone.~~Small Multifamily Residential. A new ~~single~~multi-family ~~residence~~residential project, or ~~an~~ addition to an existing ~~single family residence located in a Transect zone, provided a Zoning Clearance has been obtained; and~~multifamily residential project, of two units or less;
 5. Accessory structures in compliance with Section 4.02.030;
 6. ADUs. Accessory Dwelling Units in compliance with Chapter 11.30;
 7. SB9 Units. Units in compliance with Chapter 11.50.
- C. **Referral to Director.** The Building Official shall refer to the Director all applications for Building or Grading Permits subject to the requirements of this Chapter.
- D. **Compliance with Chapter required.** Building or Grading Permits or Certificates of Occupancy shall not be issued until the requirements of this Chapter have been met.

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Table 9.3 Review Authority For Site Plan and Design Review			
Type of Construction Activity	Role of Review Authority ¹		
	Administrative Design Review (Minor Review) ²	Commission (Major Review)	Council (Major Review)
Construction of New Nonresidential Development. Construction of any structure erected to accommodate any of the land use activities as specified in the Applicability Section above (9.07.020)		Decision	Appeal
Additions to Existing Nonresidential Structures – Minor. <ol style="list-style-type: none"> 1. Additions to existing nonresidential structures where the addition matches the existing architecture, colors, and materials, up to 50 percent of existing floor area or 50,000 square feet, whichever is less. 2. Additions of less than 15 percent of existing floor area to existing nonresidential structures where the addition does not match the existing architecture, colors or materials. 	Decision	Appeal	Appeal
Additions to Existing Nonresidential Structures – Major. <ol style="list-style-type: none"> 1. Additions to existing nonresidential structures greater than or equal to 50 percent of the existing floor area, or 50,000 square feet, whichever is greater. 2. Additions to existing nonresidential structures greater than 15 percent of the existing floor area, where the addition does not match the existing architecture, colors, or materials. 3. Additions to existing nonresidential structures greater than 15 percent of the existing floor area, where the addition noticeably affects the view from a major street. 		Decision	Appeal
Planned Developments. All Planned Developments with a Site Plan and Design Review component in compliance with Chapter 3.04.		Recommends	Decision

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<p>Condominium, Duplex, or Multifamily Residential Development. Any new – Level I Initial construction, exterior addition to, or modification to, or alteration of any existing structure which is used in whole or in part as a condominium, duplex, or a single-family or multifamily residence residential project containing two, three, 39 or four fewer units. (4 parcels or less).</p>	Decision	Appeal	Appeal
<p>Condominium and Multifamily Developments. Residential Development – Level II Initial construction, exterior additions to, alterations of, or modification to an existing structure which is used in whole of: 1) Any single-family or in part as a condominium or a multifamily residence residential project containing five between 40 and 149 units outside of a Specific Plan or Neighborhood Plan (149 parcels or less); or 2) Any single-family or multifamily residential project containing 40 or more units within a Specific Plan or Neighborhood Plan (149 parcels or less).</p>		Decision	Appeal
<p>Major Residential and Non-Residential Subdivisions. Any map that creates five or more parcels. Residential Development – Level III Initial construction or modification of any single-family or multifamily residential project containing 150 or more units outside of a Specific Plan or Neighborhood Plan.</p>		Recommends	Decision
<p>Minor Subdivisions. Subdivision – Level I (Parcel Map) Any Map that creates four or fewer parcels.</p>	<u>Decision</u>	<u>Appeal Decision</u> †	Appeal
<p>Parcel Map Waivers. Subdivision – Level II (Tentative Map – Minor) Any Map that creates between 5 and 149 parcels.</p>	<u>Decision</u>	<u>Decision Appeal</u> ‡	Appeal

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<u>Subdivision – Level III (Tentative Map – Major) Any Map that creates 150 or more parcels.</u>		<u>Recommends</u>	<u>Decision</u>
New landscape/ hardscape plans. New landscape/hardscape plans for the initial landscaping of all public and private development projects including public landscape projects along major roads as designated by the General Plan, along arroyos, and on City-owned property.		Decision	Appeal
Sign Permits. Proposals for any sign associated with an approved project or signs under an approved master sign program in compliance with Chapter 4.06.	Decision	Appeal	Appeal
Master Sign Programs. Master sign programs in compliance with Chapter 4.06.		Decision	Appeal
Minor Changes. Minor changes that do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with Section 9.12.080 (Changes to an Approved Project).			
<u>Mixed-Use and Multifamily Objective Design Standards. Shall apply to all new mixed-use and multifamily residential projects that contain more than ten (10) residential units, unless otherwise prohibited by state law.</u>			
Note:			
¹ “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9.15 (Appeals).			
² The review authority may defer action and refer the request to the next higher review authority for the final decision.			

9.07.040 Application Filing, Processing, and Review**A. Application filing.**

1. An application for a Site Plan and Design Review shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
2. The application shall include the information and materials specified in the Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Planning Fee Schedule.
3. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.07.050 (Findings and Decision), below.

B. Review with other land use applications. If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), the applicant shall file the information required by Subsection A. (Application filing), above, together for concurrent review with the application for discretionary approval.**C. Application review.** Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter; applicable development standards and regulations of this Development Code; and the City's Design Standards and Guidelines.

1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable review authority in order to conduct a thorough review of the proposed project.
2. Upon receipt of a complete application the applicable review authority shall review the design, location, site plan configuration, and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable design guidelines/policies.
3. During the course of the review process, the review authority may require the submittal of additional information or revised plans.
 - a. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Department within 180 days after the date of the notice or within the period of time designated by the review authority.
 - b. Failure to submit the required information within the 180-day period or within the period of time designated by the review authority may be cause for denial.
4. After the Site Plan and Design Review application has been deemed complete in compliance with Section 9.01.070 (Initial Review of Application), the review authority shall either approve or deny the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and

general welfare and ensure compliance with this Chapter and various regulations of the City.

- D. **On-site inspection.** An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions specified in this Chapter.
- E. **Public hearing, environmental review, and appeal provisions.**
1. Administrative Design Review. A public hearing shall not be required for an Administrative Design Review on a Site Plan and Design Review application.
 2. Concurrent Application. A public hearing shall be required for the Director's, Commission's, or Council's decision on a Site Plan and Design Review application, only if being processed concurrently with another discretionary approval (e.g., Conditional Use Permit, Variance, etc.) requiring a public hearing. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).
 3. Environmental Review. A public hearing shall be required for any Site Plan Design Review application that requires a California Environmental Quality Act Negative Declaration or Environmental Impact Report pursuant to California Public Resources Code Division 13, Articles 6 and 7.
 - a. Administrative Design Review. The Commission, and Council as applicable, shall be the review authority for any Administrative Design Review that requires a California Environmental Quality Act Negative Declaration or Environmental Impact Report.
 4. Appeals. The review authority's decision may be appealed, in compliance with Chapter 9.15 (Appeals).
- F. **Public Noticing.**
1. For a Level 1/Level II/Level III – Residential Development project not requiring a public hearing, the project applicant shall post a notice of application to the project site as follows:
 - a. Notice shall be posted onsite within fifteen (15) business days of application submittal date and remain onsite until the City makes a determination on the project, or the application is withdrawn;
 - b. Notice language shall include the words "Notice of Development Application", the project application number(s), and a brief project description including the size, type, and number of buildings proposed;
 - c. On sites less than one (1) acre, a 4-square-foot notice sign not to exceed 6 feet in height is required;
 - d. On sites one (1) acre or larger, a 32-square-foot notice sign not to exceed 8 feet in height is required;
 - e. Notice sign shall be placed on the project site within 25 feet from the primary street frontage and shall comply with Livermore Development Code Figure 4.13 pertaining to vehicle site lines;
 - f. Bottom edge of notice sign should be staked at a height between 3 feet and 4 feet above grade;

3.g. Notice sign shall be properly maintained, and should not be attached to telephone poles, fences, or trees.

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Table 10.1 Subdivision Review Authorities					
Type of Decision	Applicable Division or Section	Role of Review Authority ¹			
		Director	City Engineer	Commission	Council ²
Amendments to Approved Tentative and Tentative Parcel Maps and Conditions	10.02.120	Decision		Decision/ Appeal	Appeal
Amendments to Recorded Maps	10.03.070		Decision	Appeal	Decision/ Appeal
Certificates of Compliance	10.04.020	Decision		Appeal	Appeal
Condominiums (with Final Maps)					
Non-Residential Condominiums	10.07	Recommend		Recommend	Decision
Residential Condominiums	10.08	Recommend		Recommend	Decision
Condominium Conversions					
Non-Residential Condominium Conversions	10.09	Recommend		Recommend	Decision
Residential Condominium Conversions	10.10	Recommend		Recommend	Decision
Extensions of Time – Tentative and Tentative Parcel Maps	10.02.110	Decision		Decision/ Appeal	Appeal
Final Maps	10.03				Decision
Improvement Agreements	10.05.070		Decision		Appeal
Lot Line Adjustments	10.04.030		Decision	Appeal	Appeal
Parcel Mergers	10.04.040		Decision	Appeal	Appeal
Reversion to Acreage Maps	10.04.050		Decision	Appeal	Appeal
Subdivision Improvement Plans	10.05.040		Decision	Appeal	Appeal
Subdivision – Level I (Parcel Map)	10.02.050 & Table 9.3	Decision		Appeal	Appeal
Subdivision – Level II (Tentative Maps, Vesting Tentative Maps – Minor)	10.02.050 & Table 9.3	Recommend		Decision Recommend	Appeal Decision
Subdivision – Level III (Tentative Parcel Maps – Major)	10.02.050 & Table 9.3	Recommend		Recommend Decision	Decision Appeal

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Wavier of Parcel Maps	10.03.020		Decision	Appeal	Appeal
		¹ “Recommend” means that the Review Authority makes a recommendation to a higher decision making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9.15 (Appeals).			
		² Decisions of the Council may not be appealed.			

10.02.050 Tentative Map Public Hearing and Action
A. Public hearings – when required.

1. Public Hearing. A public hearing shall be required for all Subdivision – Level II and Subdivision – Level III projects, as identified in Table 9.3 Review Authority For Site Plan and Design Review.
- ~~1. Appeals. Any Subdivision – Level I that is appealed to the Planning Commission and/or City Council hearings:~~
 - ~~a. The Commission and Council shall hold a public hearing on the tentative map for a major subdivision for which a final or parcel map will be filed.~~
 - ~~b. The Commission shall hold require a public hearing on a tentative map for a minor subdivision for which a parcel map will be filed, pursuant to LDC Chapter 9.15.~~
2. ~~If a decision regarding a minor subdivision is appealed from the Commission to the Council, the Council shall hold a public hearing.~~
3. Environmental Review. A public hearing shall be required for any subdivision application that requires a California Environmental Quality Act Negative Declaration or Environmental Impact Report.

B. Public hearings – notice. Unless otherwise specified in this Development Code, notice of a public hearing shall be given as specified in this Section (Sections 66451.3(a), 65090, 65091).

1. When. Notice shall be given at least 10 days before the hearing.
2. Contents.
 - a. The notice shall include the date, time, and place of the hearing, the identity of the hearing officer or body, a general explanation of the matter to be considered, and a general description by text or diagram of the location of the property.
 - b. The notice shall also include the following: “If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission or Council at, or before, the public hearing” (Sections 65094, 65009(b)(2)).
3. Manner.
 - a. Notice shall be given in the manner required by Government Code Sections 65090 and 65091 which is summarized as follows:
 - 1) Publication once in a newspaper of general circulation;
 - 2) Mailing or delivery to the property owner and project applicant;
 - 3) Mailing or delivery to each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the proposed project; and
 - 4) Mailing or delivery to all owners of real property located within 300 feet of the exterior boundaries of the subject property. If the number of owners exceeds 1,000, the City may instead publish notice of at least one-eighth page in a newspaper of general circulation.

- b. In addition, the City may give notice in any other manner it deems necessary or desirable.
 - c. If the proposed project is a conversion of residential real property to a condominium, community apartment, or stock cooperative, notice shall be given to each tenant of the property (Sections 66451.3, 66452.5(e)).
 4. Continued hearings. A public hearing may be continued from time to time and, if continued to a specific date, time and place, no new notice is required (Section 65095).
 5. Appeal or request for modification. If a decision under this Development Code is appealed or if a subdivider requests a change in a condition of approval either before or after a final or parcel map is filed, notice of the appeal or request shall be given in compliance with Chapter 9.17 (Public Hearings).
 6. Staff reports. A report of recommendation on a tentative map by the Director shall be in writing and provided to the subdivider and to each tenant in the case of a proposed condominium, community apartment project, or stock cooperative, at least three days before any hearing or action (Section 66452.3).
 7. Costs. The subdivider is responsible for the costs incurred in giving proper notice (Sections 66451.3(c), 66452.3).
 8. Substantial compliance.
 - a. Substantial compliance with these notice requirements is sufficient.
 - b. A technical failure to comply shall not affect the validity of any action taken in compliance with the procedures specified in this Section (Section 65093).
- C. Review by other agencies.**
 1. Agency located within three miles.
 - a. A local agency with service boundaries located within three miles of a proposed subdivision may make recommendations to the City regarding a tentative map if it does so within 15 days after the notice and map are mailed by the City.
 - b. A local agency which desires to make recommendations shall file with the City a written request and map indicating the territory in which it wishes to make recommendations (Sections 66453, 66455.1).
 2. State Department of Transportation. The State Department of Transportation may make recommendations regarding a tentative map if the proposed subdivision is located within one mile of a State highway routing and if the recommendations are submitted to the City within 15 days after the notice and map are mailed by the City (Sections 66413.7, 66455).
 3. School districts. Within five days after the application for a tentative map is accepted as complete, the Director shall send a notice of the filing to the governing board of any affected school district.
 - a. The notice shall contain information about the location, number of units, density, and other relevant information.
 - b. Within 15 working days after the notice was mailed, the board may submit to the City a report and recommendation regarding the proposed subdivision and its impact on the school district.

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- c. Failure of the school district to respond within the 15-working-day period is considered a recommendation for approval (Section 66455.7).
 - d. If the proposal shows an area for a public school site, the City shall notify the State Department of Education.
 - e. The notice shall include the identification of an existing or proposed runway within a distance specified by Education Code Section 17215 (Section 66455.9).
4. Water supplier. Within five days after a tentative map application is accepted as complete, the Director shall send a copy of the application to the City's Water Resources Department (Section 66455.3)