

Division 19. – Downtown Design Overlay District.

Sec. 138-546. Intent and Purpose.

1. It is recognized by this Chapter that there are unique areas within existing Zoning Districts of the city that require special consideration to provide certain design, placement, or other regulations in addition to those imposed by the current zoning designation.

Accordingly, this Article provides for a Design Overlay District that is intended to permit the proper regulation of Zoning Districts by adding special considerations in addition to those of the base Zoning Districts that fall within the boundaries of the Downtown Development Authority. In all cases, applicants for building permits in an Overlay District shall meet both the requirements of the base Zoning District and the additional provisions, requirements and restrictions of the Overlay District. Where there is conflict between other provisions of this Chapter, those specifically applied in the Overlay District shall control.

The Downtown Design Overlay District is established to enhance the quality and compatibility of development, to establish consistent architectural and design guidelines, and to encourage the most appropriate use of land as detailed in the Downtown Berkley Design Guidelines. The District is deemed necessary to enhance the aesthetic and visual character of lands adjacent to the two main commercial corridors in Downtown Berkley.

Sec. 138-547. Delineation of District.

1. The Downtown Design Overlay District shall include and consist of the area designated and described as the Downtown District in Chapter 42 Downtown Development of the Code of Ordinances, as may be amended from time to time. The District's boundaries shall be shown on the Official Zoning Map of the City of Berkley

Sec. 138-548. Design Review Advisory Board.

1. The Design Review Advisory Board is established to foster excellence in the design of Berkley's built environment. It shall advise applicants on how a project can meet the spirit and intent of the Downtown Design Guidelines.
2. It shall act as an advisory Board to the Berkley Planning Commission
3. The Design Review Advisory Board shall consist of five (5) members nominated by the mayor and approved by the City Council. In making appointments of members to the Design Review Advisory Board, the City Council shall appoint persons who, insofar as possible, have an interest in the design of the built environment and its relationship to the downtown and the broader community. To the extent practicable in order to support a comprehensive design review one (1) member of the Design Review Advisory Board shall be a landscape architect, one (1) shall be an historic preservation architect, one (1) shall be an urban planner or a real estate developer, one (1) shall be a Berkley resident at-large, and one (1) shall be a building construction contractor.
4. Members of the Design Review Advisory Board shall serve for 3-year terms. The terms of office of the first Board members appointed hereunder shall be fixed by the City Council so that the terms of one (1) member will be for one (1) year, two (2) members will be for two (2) years, and two (2) will be for three (3) years. After the initial board is formed, all members thereafter will be appointed for three (3) years.
5. The Design Review Advisory Board will meet monthly.
6. Powers and Duties. The Design Review Advisory Board shall have the following powers and duties:
 - a. To review the design of new construction projects in the Downtown Design Overlay District.
 - b. To provide comments and guidance to property owners, developers and architects on the proposed project as specified by the Downtown Design Guidelines.
 - c. To report annually to City Council regarding the effectiveness of the design review process.
 - d. To have such additional responsibilities as delegated by City Council by resolution.
 - e. To make a recommendation to the Planning Commission on whether the proposed project design meets the intent and/or standard of the Downtown Design Guidelines

Sec. 138-549. Overlay District Elements. In order to achieve the Standards set forth in the Downtown Berkeley Design Guidelines the Design Review Advisory Board may include in its review the following elements as addressed in the adopted Downtown Design Guidelines:

1. SITE DESIGN

- A. Building Placement and Setback Character
- B. Building Orientation
- C. Connectivity
- D. Outdoor Amenity Space
- E. Parking Lots
- F. Parking Structures
- G. Landscape & Streetscape Design
- H. Service Areas, Utilities & Mechanical Equipment
- I. Stormwater Management
- J. Neighborhood Transitions

2. NEW BUILDING DESIGN

- A. Architectural Character
- B. Building Mass & Scale
- C. Overall Facade Character
- D. Ground Floor Design
- E. Iconic Design Features
- F. Building Elements
- G. Building Materials
- H. Exterior Lighting
- I. Energy Efficiency, Collection and Conservation
- J. Environmental Performance in Building Elements

3. RENOVATING A PROPERTY

- A. Renovating an Existing Building Front
- B. Adding onto an Existing Building
- C. Alternative Strategies for Locating a Rooftop Addition
- D. Alternative Strategies for Improving an Existing Setback
- E. Alternative Development Strategies for Underutilized Side Lots
- F. Historic Resources

4. CHARACTER AREAS

Character Area 1: Gateway West

Character Area 2: Downtown Core

Character Area 3: Gateway South

5. SIGNS

A. General Sign Design Guidelines

B. Sign Types

6. Application by Character Area

Sec. 138-550. Development Exempt from the Downtown Design Guidelines. The following activities or uses shall be exempt from the Downtown Design Overlay requirements and development review, although they may be reviewed under separate administrative procedures where noted in this section or in other sections of the Code of Ordinances.

1. Single-Family Residences on Individual Lots. All single-family structures located on single-family detached residentially zoned lots are exempt from this ordinance but shall comply with the provisions set forth in other sections of the Code of Ordinances. Compliance with these provisions shall be verified through the building permit process. Any single-family residential structure that is altered for commercial use shall comply with the provisions set forth in this ordinance.

Sec. 138-551. Design Review Process. All new construction and alterations to an existing building and expansions greater than 500 gross sq. ft. or 10% of the gross square footage of the building, whichever is less, will be reviewed by the Berkley Design Review Advisory Board.

1. As part of the site planning process, administrative design review by City staff is required to confirm that submitted documents conform to the requirements of this article.
2. Pre-application meeting. The applicant shall meet with Community Development Director and Downtown Development Authority (DDA) Director prior to an application to the Design Review Advisory Board to review the Downtown Design Guidelines and design review requirements set forth in this section.
3. Application. The applicant shall submit to the Community Development Director an application for Design Review and pay the required fee. Preliminary project design plans and additional required information shall be submitted with the

application as detailed in section Sec. 138-681.

4. Reviews. Up to two reviews by the Design Review Advisory Board may be required for each application.
5. Timing. The Design Review application for new construction will be reviewed at the next available monthly meeting of the Design Review Advisory Board.
6. The Downtown Berkley Design Guidelines. The plan must address applicable elements as referenced in the Downtown Berkley Design Guidelines that have been adopted by the Berkley City Council.
7. Design Review Advisory Board Meeting and Report. The applicant shall present the project to the Design Review Advisory Board. The Design Review Advisory Board and the applicant shall have an opportunity to discuss the design of the project and its consistency with the Downtown Design Guidelines. Following the discussion, the Design Review Advisory Board may ask for the applicant to return with revisions. The Design Review Advisory Board shall also make a report of its discussion, including a recommendation to the City of Berkley Planning Commission for approval or denial based on whether the application is substantially in compliance with the adopted Berkley Downtown Design Guidelines. This report shall be distributed to the Planning Commission and City Council as part of the site plan review and approval process.

Sec. 138-552. Administrative Design Review. Expansions of no greater than 500 gross sq. ft. or 10% of the gross square footage of the building, whichever is less, will be reviewed administratively by the City of Berkley Community Development Director and the Berkley Downtown Development Authority (DDA) Director.

1. The plan must address applicable elements as referenced in the Downtown Berkley Design Guidelines that have been adopted by the Berkley City Council.
2. The following steps shall be undertaken as part of the design review process for existing buildings:
 - a. As part of the planning process, administrative design review by City staff is required to confirm that submitted documents conform to the requirements of this article and the applicable elements of the Downtown Design Guidelines.
 - b. Design Review meeting. The applicant shall meet with Community

Development Director and the DDA Director to review the Downtown Design Guidelines and design review requirements set forth in this section.

The Existing Building Design Review application will be reviewed within 10 business days by the Community Development Director and the DDA Director. If the Community Development Director and DDA Director do not agree, then the application is denied. If the property owner is not satisfied with the administrative review, the property owner may seek a review from the Planning Commission.

Sec. 138-678. - Administrative review.

A. Administrative review for site plan review shall be conducted by the building department in cases where:

- (1) The façade alterations do not change the surface material of any one facade more than 50%; or
- (2) The number or size of the windows are increasing in size.

During administrative review, the building official and Community Development Director shall act as the planning commission in determining compliance with the standards for approval. If the building official and Community Development Director do not agree, then the application is denied. If the property owner is not satisfied with the administrative review, the property owner may take the application to the planning commission for site plan review.

B. Administrative review for site plan review within the Design Overlay District shall be conducted according to Sec. 138-552.

(Ord. No. O-10-08, § 1, 12-15-2008)

Sec. 138-681. - Approval process.

A. Site plan review outside of the Design Overlay District

1. *Sketch plan (optional).* An item may be submitted to the planning commission for informal discussion. No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.
2. *Site plan approval.*
 - a. An application for site plan approval shall be submitted to the city planning commission on such forms and containing such information that the planning commission shall prescribe.
 - b. The planning commission is hereby authorized to approve, approve with conditions, or deny all site plans submitted under this chapter.
 - c. Approval may be issued by the planning commission, subject to the applicant receiving board of appeals variances, as required by the zoning chapter.
 - d. Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the planning commission and shall state the grounds for the action taken upon each site plan submitted for its approval.

B. Site plan review as part of the Design Overlay District

1. Site plan review within the Design Overlay District shall be conducted according to Sec. 138-551 and Sec. 138-552.

(Ord. No. O-10-08, § 1, 12-15-2008)

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