



Agenda Item No. 14.

Staff Report

Date: March 9, 2017

To: Mayor Hoertkorn and Council Members

From: Heidi Scoble, Planning Manager

Subject: Advisory Design Review Group Policies and Procedures Regarding Purpose, Applicability, Composition, Process, Duties, and Responsibilities.

Recommendation

Town Council approval of Resolution 1990 approving policies and procedures regarding the purpose, applicability, composition, process, duties of the Advisory Design Review (ADR) Group and amending the Town's existing ADR review process that is established through Town Council Resolution 1694.

Background and discussion

The 2007-2025 General Plan identified that ADR should be established to assist applicants, staff, and the Town Council with the land use permit (e.g., Design Review, Variances, Hillside Lot Permits, etc.) process. The vision of the ADR is to help maintain and apply consistent guidelines for architectural and landscape design. Accordingly, General Plan Action Item 3.a discusses the establishment of the ADR. Specifically, General Plan Action Item 3.a states the following:

3.A Establish Advisory Design Review (ADR). Develop a process for incorporating design review of development proposals utilizing an advisory group of local volunteer design professionals to provide technical assistance to staff. Advisory Design Review (ADR) will act as an advisory body to Planning Department staff. It will provide professional review of design-related issues, including site planning, building massing, setbacks, light/air, privacy, etc. ADR will also consider material selection, for both architectural and landscape design. The intent of ADR is to provide applicants with helpful advice early in the review process. ADR will offer an early opportunity for neighbor input and feedback, and professional design suggestions and solutions, in an informal setting conducive to dialogue and collaborative problem solving. ADR can produce better quality design and a smoother, less stressful, more-efficient, design review process.

Per Resolution 1644 adopted on March 13, 2008 and Resolution 1694 (superseded Resolution 1644) adopted on February 11, 2010, ADR was established as an advisory and voluntary design review process that provides professional review of design related issues, including site planning, building massing, setbacks, light/air, privacy, as well as materials selection in architectural and landscape design.

The ADR Group was established to include “at least five Ross residents, four with professional design backgrounds in architecture, landscape design or other comparable fields, one non-design professional resident, and up to two alternate residents with professional design background and two alternate residents without professional design backgrounds.”

On February 12, 2015, the Town Council appointed Josepha Buckingham (architect/design professional), Stephen Sutro (architect/design professional), and Norman Hardie (non-design professional), and re-appointed Dan Winey (architect/design professional), Eric Soifer (architect/design professional), Mark Kruttschnitt (non-design professional), Chris Neumann (non-design professional), and Peter Nelson (non-design professional) with terms to expire June 2017. ADR members Mark Fritts (architect/design professional) and Jim Kemp (architect/design professional) received Town Council approval to remain standing members with terms scheduled to expire in February 2018. In total, the ADR Group is currently comprised of 9 members, of which six members are architects/design professionals and three members are non-design professionals. ADR Group member Hardie resigned in 2016.

The establishment and current organization of the ADR Group was well intended, however there is currently a disconnect as to the originally intended purpose of the ADR Group and the expectation of the ADR Group members and the Town Council. For example, the General Plan envisions the ADR Group as being a rotating pool of volunteer designers to provide informal technical input early in the design review process to provide technical assistance to staff. Additionally, per Resolution 1694, the ADR Group review process is “voluntary” and an applicant “may submit as much information as they desire for the meeting, including sketches and site plans, but no specific material is required.” However, the ADR Group is then charged with having to provide “design feedback” relative to the “town’s design review guidelines, zoning, general plan and the tenants of good design...” even though the applicants are not required to provide full architectural details. Furthermore, there is an expectation that the applicant provide the ADR Group with all of the information that would allow the ADR Group to provide sufficient feedback that would help the applicant in finalizing the project prior to Town Council action. As one can read, there are inherent conflicts with the purpose of the ADR as described in Resolution 1694. Furthermore, there is an expectation for the ADR Group to provide a recommendation that would then be carried over to the Town Council review and that there appears to be a Town Council expectation that projects should be reviewed by the ADR Group prior to Town Council action on a project, even though the current process is “voluntary”.

On January 24, 2017 and February 28, 2017, staff presented to the ADR recommendations to more clearly defined purpose, applicability, composition, process, and duties of the ADR Group.

After extensive discussion over two meetings, the ADR Group unanimously supported staff's recommendations and provided additional direction to staff as follows:

1. Require the installation of story poles, cross section drawings, preliminary landscape plans, and preliminary grading and drainage details as part of the Conceptual Advisory Design Review phase.
2. Remove the proposed time restrictions regarding the applicant's presentations and public comments.
3. Amend the current neighborhood acknowledgement forms to make the verbiage less potentially contentious among neighbors.

As such, staff is recommending Town Council consideration of the proposed ADR Group policies and procedures so that the ADR Group becomes more formalized with clear procedures and submittal requirements to facilitate an efficient and transparent review process as follows:

1. A five (5) person Advisory Design Review Group that would consider and make formal recommendations to the Planning Manager and Town Council on applications and matters affecting the design of buildings, structures, landscaping, and other site improvements consistent with the purpose of Chapter 18.41, Design Review, of the Ross Municipal Code in order to provide excellence of design in keeping with the Town's "small town" feel, in addition to its natural and built environs. The Advisory Design Group will also ensure all applications will be consistent with the Town's General Plan, Zoning Ordinance findings, and Design Review criteria and standards per Section 18.41.100 of the Ross Municipal Code.
2. Mandatory ADR Group Review would be required for all Demolition Permits, Design Review, Hillside Lot Permit, Nonconformity Permit, Exceptions to Basements and Attics, and Variances that require Town Council action.
3. Still provides a process for Conceptual Design Review.
4. The applicant will be required to provide a complete submittal package consistent with the Town's submittal checklist prior to be scheduled for an ADR Group meeting.
5. The ADR Group Review would follow the Town's current processing requirements consistent with the California Permit Streamlining Act.

Attached is a complete description of staff's recommendation for the purpose, applicability, composition, process, duties and responsibilities of the ADR Group.

Fiscal, resource and timeline impacts

No financial impact from accepting this report.

Alternative actions

Council could revise the proposed revisions to the ADR policies and procedures or not approve any changes to the current ADR policies.

Environmental review (if applicable)

N/A

Attachments

1. Proposed ADR Group Policies and Procedures
2. Resolution 1990
3. Resolution 1694

ATTACHMENT 1

Proposed Advisory Design Review Group Policies and Procedures Regarding Purpose, Applicability, Composition, Process, Duties, and Responsibilities

Purpose:	<p>In an effort to further the tradition of architectural and environmental stewardship, the purpose of the Advisory Design Review Group is to provide professional review of design-related issues, including site planning, building massing, setbacks, light/air, etc., as well as material selection in architectural and landscape design in the discretionary review process. The overarching goal of the Advisory Design Review process is to provide an opportunity for neighbor input/feedback, provide professional design suggestions and solutions prior to Town Council review in order to produce better quality design and a more efficient discretionary review (e.g., Design Review, Nonconformity Permit, etc.) process and to provide the Town Council with a formal recommendation on the merits of the project relative to the General Plan and Zoning Ordinance.</p>
Applicability:	<p>Advisory Design Review is a process that is required for all applicants seeking discretionary land use permits from the Town Council, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions to Attics and Basements, a Hillside Lot Permit, and/or a Variance.</p> <p>Prospective applicants may also seek Conceptual Advisory Design Review to elicit preliminary design related feedback early in the process and prior to formal submittal of any discretionary land use permits.</p>
Role/Duties:	<p>The Advisory Design Review Group shall consider and make formal recommendations to the Planning Manager and Town Council on applications and matters affecting the design of buildings, structures, landscaping, and other site improvements consistent with the purpose of Chapter 18.41, Design Review, of the Ross Municipal Code in order to provide excellence of design in keeping with the Town's "small town" feel, in addition to its natural and built environs. The Advisory Design Group will also ensure all applications will be consistent with the Town's General Plan, Zoning Ordinance findings, and Design Review criteria and standards per Section 18.41.100 of the Ross Municipal Code.</p>
Composition:	<p>The preferred composition of the Advisory Design Review Group shall be four architects, design professionals, or building designers, and one resident-at large; however, other residents from the Town may be appointed, if necessary to complete the five-member board.</p>

Appointment:	The Town Council shall conduct interviews and appoint the ADR Group member. A majority vote of the Council is required for the selection of an ADR Group member.
Council Liaison:	The Town Council shall appoint a council member to act as the liaison to the ADR Group.
Town Staffing:	The Planning Manager, or designee of the Planning Manager shall attend the ADR group meetings and take minutes.
Term:	All Advisory Design Review Group members will serve a three-year term limit.
Meeting Attendance:	In the event an ADR Group members fails to attend either three consecutive meetings in a year, such member shall be deemed to have resigned from the ADR Group, unless such absences have been excused by action of the Town Council upon written application from that member.
Meeting Schedule:	Meet once a month
Quorum:	A simple majority of the voting members of the board shall constitute a quorum.
Submittal Requirements:	<p>Per the required Design Review requirements of the submittal checklist (includes the installation of story poles 10-days prior to the meeting and mandatory neighborhood outreach).</p> <p>For Conceptual Advisory Design Review, the minimum submittal requirements, shall include a site plan, building elevations, floor plans, cross sections, and building materials, in addition to preliminary landscaping, grading, drainage plans, and the installation of story poles.</p>
Application Processing:	Once an application is submitted for a discretionary permit, within the first 30-days of the project submittal, the Town staff will review the application for completeness consistent with the Submittal checklist. Once the application is deemed complete, staff will schedule the project on the next available ADR Group agenda.
Public Notice:	Notice sent to property owners within 300 feet of the project site a minimum of 10-days prior to the meeting.
Meeting Disclosures:	The Advisory Design Review Group members shall not participate in reviewing a project when they have a conflict of interest. A conflict of interest in any financial or personal relationship with an applicant that would prevent an Advisory Design Review Group member from offering an unbiased opinion.

Meeting Expectations:

Chair of the Advisory Design Review Group to run meeting.

The Chair is selected annually by the members of the Advisory Design Review Group at the beginning of the year.

At the beginning of each public review item, staff will provide a brief oral report. The project applicant would then provide a brief 10 minute presentation explaining the project. The Chair of the Advisory Design Review Group would be able to allow additional time for good cause shown. After the staff and applicant presentation and/or Advisory Design Review Group questions are complete, the Chair will open the meeting for members of the public to provide testimony. After the public testimony, the Advisory Design Review Group would discuss the merits of the project and provide a formal recommendation to the Town Council regarding the on the merits of the project consistent with the requisite findings associated with the land use permits being requested, in addition to consistency with the Design Review criteria and standards of Section 18.41.100 of the Ross Municipal Code.

A majority vote of the Advisory Design Review Group is necessary to provide a recommendation to the Town Council. The vote count of the recommendation would also be forwarded to the Town Council.

Email Protocol:

To avoid possible violations of the Open Public Meetings Act (AKA Brown Act), staff advises the ADR Group do not generate group discussion emails regarding projects or participate in any back-and-forth exchange of information, viewpoints, positions or other dialogue via email or conference call among a quorum of their membership about the business of their organization. Additionally, email exchanges about project among less than a quorum which are then relayed by a participant to other members, who together would constitute a quorum, should also be avoided.

ADR Group members may receive one-way communications from members of the public and staff, including email on agenda matters. Do not reply using the "Reply all" button, as that may give rise to "serial meeting". If responding to an email from a member of the public, copy the Planning Manager and/or the staff member assigned to the project.

ADR Group members shall not use the group email as a platform to air grievances regarding projects and/or process. If an ADR Group member has a topic of concern, that concern may be addressed at a regularly scheduled meeting and a majority of the ADR Group will determine whether the topic of concern should be addressed at a future publicly agendized meeting.

Members may also be required to produce emails or documents that relate to the activities or operations of the organization in response to a public disclosure request. Staff recommends the ADR Group Members establish a separate, clearly named file within their personal email account to which they file all materials relating to the ADR Group.

ATTACHMENT 2

TOWN OF ROSS

RESOLUTION NO. 1990

A RESOLUTION OF THE ROSS TOWN COUNCIL ESTABLISHING AMENDED ADVISORY DESIGN REVIEW POLICIES AND PROCEDURES REGARDING PURPOSE, APPLICABILITY, COMPOSITION, PROCESS, DUTIES, AND RESPONSIBILITIES (AND SUPERSEDING RESOLUTION NO. 1694)

WHEREAS, Program 3.A of the Ross General Plan 2007-2025 calls for the Town to develop a process for incorporating design review of development proposals utilizing an advisory group of local volunteer design professionals to provide technical assistance to staff; and

WHEREAS, the General Plan envisions an Advisory Design Review process that provides professional review of design-related issues, including site planning, building massing, setbacks, light/air, privacy, etc., as well as material selection in architectural and landscape design; and

WHEREAS, the General Plan states that the objective of Advisory Design Review is to provide helpful advice early in the review process and to offer early opportunity for neighbor input and feedback, and professional design suggestions and solutions in an informal setting conducive to dialogue and collaborative problem-solving; and

WHEREAS, the General Plan states that the overarching goal of an advisory design review process is to produce better quality design and a smoother, less stressful, more-efficient design review process; and

WHEREAS, the Ross Town Council previously held three public hearings on July 12, 2007, September 11, 2007, and November 8, 2007, to consider the establishment of a design review process and Town staff published reports of each of these discussions in the Town's newsletter *The Morning After*; and

WHEREAS, the Ross Town Council finds that enhanced Advisory Design Review policies and procedures will provide more consistency and continuity in the discretionary land use permit review process resulting in projects that are better designed and more appropriate to their contextual setting and therefore seeks to adopt an amended resolution to supersede adopted Resolution 1694; and

WHEREAS, the Ross Town Council finds that the more formalized Advisory Design Review process will provide a forum for all stakeholders to provide input and thoughts and could help to reduce potential neighbor conflicts and result in proposals that are respectful of neighbors' concerns;

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Ross does hereby adopts revised policies and procedures for the Town's Advisory Design Review Group subject Exhibit "A".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 9th day of March 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"

ADR Group Purpose, Applicability, Composition, Process, Duties, and Responsibilities

Purpose:	<p>In an effort to further the tradition of architectural and environmental stewardship, the purpose of the Advisory Design Review Group is to provide professional review of design-related issues, including site planning, building massing, setbacks, light/air, etc., as well as material selection in architectural and landscape design in the discretionary review process. The overarching goal of the Advisory Design Review process is to provide an opportunity for neighbor input/feedback, provide professional design suggestions and solutions prior to Town Council review in order to produce better quality design and a more efficient discretionary review (e.g., Design Review, Nonconformity Permit, etc.) process and to provide the Town Council will a formal recommendation on the merits of the project relative to the General Plan and Zoning Ordinance.</p>
Applicability:	<p>Advisory Design Review is a process is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions to Attics and Basements, a Hillside Lot Permit, and/or a Variance. Prospective applicants may also seek Conceptual Advisory Design Review to elicit preliminary design related feedback early in the process and prior to formal submittal of any discretionary land use permits.</p>
Duties:	<p>The Advisory Design Review Group shall consider and make formal recommendations to the Planning Manager and Town Council on applications and matters affecting the design of buildings, structures, landscaping, and other site improvements consistent with the purpose of Chapter 18.41, Design Review, of the Ross Municipal Code in order to provide excellence of design in keeping with the Town's "small town" feel, in addition to its natural and built environs. The Advisory Design Group will also ensure all applications will be consistent with the Town's General Plan, Zoning Ordinance findings, and Design Review criteria and standards per Section 18.41.100 of the Ross Municipal Code.</p>
Composition:	<p>The preferred composition of the Advisory Design Review Group shall be four architects, design professionals, or building designers, and one resident-at large; however, other residents from the Town may be appointed, if necessary to complete the five-member board.</p>

Appointment:	The Town Council shall conduct interviews and appoint the ADR Group member. A majority vote of the Council is required for the selection of an ADR Group member.
Council Liaison:	The Town Council shall appoint a council member to act as the liaison to the ADR Group.
Town Staffing:	The Planning Manager, or designee of the Planning Manager shall attend the ADR group meetings and take minutes.
Term:	All Advisory Design Review Group members will serve a three-year term limit.
Meeting Attendance:	In the event an ADR Group members fails to attend either three consecutive meetings in a year, such member shall be deemed to have resigned from the ADR Group, unless such absences have been excused by action of the Town Council upon written application from that member.
Meeting Schedule:	Meet once a month
Quorum:	A simple majority of the voting members of the board shall constitute a quorum.
Submittal Requirements:	<p>Per the required Design Review requirements of the submittal checklist (includes the installation of story poles 10-days prior to the meeting and mandatory neighborhood outreach).</p> <p>For Conceptual Advisory Design Review, the minimum submittal requirements, shall include a site plan, building elevations, floor plans, cross sections, and building materials, in addition to preliminary landscaping, grading, drainage plans, and the installation of story poles.</p>
Application Processing:	Once an application is submitted for a discretionary permit, within the first 30-days of the project submittal, the Town staff will review the application for completeness consistent with the Submittal checklist. Once the application is deemed complete, staff will schedule the project on the next available ADR Group agenda.
Public Notice:	Notice sent to property owners within 300 feet of the project site a minimum of 10-days prior to the meeting.
Meeting Disclosures:	The Advisory Design Review Group members shall not participate in reviewing a project when they have a conflict of interest. A conflict of interest in any financial or personal relationship with an

applicant that would prevent an Advisory Design Review Group member from offering an unbiased opinion.

Meeting Expectations:

Chair of the Advisory Design Review Group to run meeting.

The Chair is selected annually by the members of the Advisory Design Review Group at the beginning of the year.

At the beginning of each public review item, staff will provide a brief oral report. The project applicant would then provide a brief 10 minute presentation explaining the project. The Chair of the Advisory Design Review Group would be able to allow additional time for good cause shown. After the staff and applicant presentation and/or Advisory Design Review Group questions are complete, the Chair will open the meeting for members of the public to provide testimony. After the public testimony, the Advisory Design Review Group would discuss the merits of the project and provide a formal recommendation to the Town Council regarding the on the merits of the project consistent with the requisite findings associated with the land use permits being requested, in addition to consistency with the Design Review criteria and standards of Section 18.41.100 of the Ross Municipal Code.

A majority vote of the Advisory Design Review Group is necessary to provide a recommendation to the Town Council. The vote count of the recommendation would also be forwarded to the Town Council.

Email Protocol:

To avoid possible violations of the Open Public Meetings Act (AKA Brown Act), staff advises the ADR Group do not generate group discussion emails regarding projects or participate in any back-and-forth exchange of information, viewpoints, positions or other dialogue via email or conference call among a quorum of their membership about the business of their organization. Additionally, email exchanges about project among less than a quorum which are then relayed by a participant to other members, who together would constitute a quorum, should also be avoided.

ADR Group members may receive one-way communications from members of the public and staff, including email on agenda matters. Do not reply using the "Reply all" button, as that may give rise to "serial meeting". If responding to an email from a member of the public, copy the Planning Manager and/or the staff member assigned to the project.

ADR Group members shall not use the group email as a platform to air grievances regarding projects and/or process. If an ADR Group member has a topic of concern, that concern may be addressed at a regularly scheduled meeting and a majority of the ADR Group will determine whether the topic of concern should be addressed at a future publicly agendized meeting.

Members may also be required to produce emails or documents that relate to the activities or operations of the organization in response to a public disclosure request. Staff recommends the ADR Group Members establish a separate, clearly named file within their personal email account to which they file all materials relating to the ADR Group.

ATTACHMENT 3

TOWN OF ROSS

RESOLUTION NO. 1694

A RESOLUTION OF THE ROSS TOWN COUNCIL ESTABLISHING AN ADVISORY DESIGN REVIEW PROCESS AND CREATING AN ADVISORY DESIGN REVIEW GROUP (AND SUPERSEDING RESOLUTION NO. 1644)

WHEREAS, Program 3.A of the Ross General Plan 2007-2025 calls for the Town to develop a process for incorporating design review of development proposals utilizing an advisory group of local volunteer design professionals to provide technical assistance to staff; and

WHEREAS, the general plan envisions an advisory design review process that provides professional review of design-related issues, including site planning, building massing, setbacks, light/air, privacy, etc., as well as material selection in architectural and landscape design; and

WHEREAS, the general plan states that the objective of advisory design review is to provide helpful advice early in the review process and to offer early opportunity for neighbor input and feedback, and professional design suggestions and solutions in an informal setting conducive to dialogue and collaborative problem-solving; and

WHEREAS, the general plan states that the overarching goal of an advisory design review process is to produce better quality design and a smoother, less stressful, more-efficient design review process; and

WHEREAS, the Ross Town Council held three public hearings on July 12, 2007, September 11, 2007, and November 8, 2007, to consider the establishment of a design review process and Town staff published reports of each of these discussions in the Town's newsletter *The Morning After*; and

WHEREAS, the Ross Town Council finds that a voluntary design review process will enable applicants to get early feedback on proposals from a group of design professionals and could result in proposals that are better designed and more appropriate to their contextual setting; and

WHEREAS, the Ross Town Council finds that an informal and collaborative design review process will provide a forum for all stakeholders to provide input and thoughts and could help to reduce potential neighbor conflicts and result in proposals that are respectful of neighbors' concerns;

WHEREAS, the Ross Town Council seeks to maintain continuity on the Advisory Design Review Group and to establish staggered terms for the members and therefore seeks to adopt an amended resolution to supersede adopted Resolution 1644;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Ross does hereby establish an advisory design review process and create an Advisory Design Review Group as follows:

1. The advisory design review process is a voluntary process for applicants seeking design feedback on development proposals.
2. The Ross Town Council will appoint a volunteer advisory design review group composed of at least five Ross residents, four with professional design backgrounds in architecture, landscape design or other comparable fields, one non-design professional resident, and up to two alternate residents with professional design background and two alternate residents without professional design backgrounds.
3. The Ross Town Council shall select the member to initially serve as chairperson for a one-year term. The group shall thereafter select a chairperson for a one-year term.
4. All Advisory Design Review Group members will serve two-year terms. Members may serve multiple terms. For purposes of establishing staggered terms, the Town Council may appoint three members (design professionals or non-design professionals) and two alternates (one design professional and one non-design professional) to serve a one-year term in 2010.
5. Advisory Design Review Group meetings will be held once per month at Ross Town Hall, at a regularly scheduled day and time as established by the Advisory Design Review Group. Special meetings will be held at the discretion of the Advisory Design Review Group.
6. A quorum of three Advisory Design Review Group members is required.
7. Meetings will comply with Brown Act requirements and be open to the public. An agenda shall be prepared and posted in advance of the meeting.
8. Site visits may be incorporated into the beginning of the meeting or occur separately as established by the Advisory Design Review Group.
9. A representative of the Planning Department will attend the meeting and take minutes.
10. No fee will be charged for the advisory design review process.
11. The applicant will submit an application prepared by the Planning Department to request advisory design review. The application will be considered at the next available meeting date.
12. Applicants are encouraged, but not required, to invite neighbors to the Advisory Design Review Group meeting. The Town will not mail notices to surrounding property owners.
13. Applicants may submit as much information as they desire for the meeting, including sketches and site plans, but no specific material is required.
14. The Advisory Design Review Group shall consider the Town's design review guidelines, zoning, general plan and the tenets of good design in advising applicants.
15. The Advisory Design Review Group members shall not participate in reviewing a project when they have a conflict of interest. For purposes of this Resolution, a conflict of interest is any financial or personal relationship with an applicant that would prevent an ADR Group member from offering an unbiased opinion.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 11th day of February 2010 by the following vote:

AYES: Council members Strauss, Cahill, Hunter, Martin, Skall

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Richard Strauss, Mayor

Gary Broad, Town Manager