



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/7/2010
Agenda Placement: 10B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: John McDowell, Deputy Director - 299-1354
SUBJECT: Design Review Study Session

RECOMMENDATION

DESIGN REVIEW STUDY SESSION

Request: Information item and possible action concerning Commission's request that Staff present options for establishing a limited design review evaluation process to apply to projects requiring Commission review.

Staff Recommendation: Information item. Commission may provide direction.

Staff Contact: John McDowell, 299-1354 or john.mcdowell@countyofnapa.org or Hillary Gitelman, 253-4805 or hillary.gitelman@countyofnapa.org

EXECUTIVE SUMMARY

In August 2009, the Commission directed Staff to investigate design review processes and practices in other communities, and to return to the Commission with options for establishing some form of limited design review process. Attached to this report is a comparison table of design review practices in other nearby jurisdictions, primarily those within close proximity to Napa County. Some agencies perform essentially no design review, while others have very thorough processes. Overall, most jurisdictions conduct some form of design review with Planning Staff acting as the primary negotiators on the design that is ultimately brought forward to designated decision makers.

Contained in the main body of this report are six options Staff has prepared as a means to frame up a range of possible directions the Commission may be interested in exploring further. Option one consists of the status quo wherein no changes would occur to current practices. Option two is a "traditional" intensive design review function wherein all development is subject to a very thorough process involving additional formal hearing before a design

review committee. Options 3 through 6 describe alternatives that lie between the first two options.

The discussion is not a public hearing, but staff recommends that any members of the public wishing to speak on this item be heard. At the conclusion of the discussion, the Commission may, but is not obligated to, provide further direction to staff regarding next steps. The Board of Supervisors will be responsible for acting on any recommendation developed by the Commission.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The term "design review" means different things to different communities. Staff suggests that an integral part of the Commission's considerations for developing a design review process should center around how the Commission wishes to define the term. Attached is a table comparing the design review practices of several other nearby counties and cities. For one rural County, design review consisted solely of staff reviewing the project for compliance with standards. Their design review committee was made up of a staff planner, a staff engineer, the Fire Marshall, and several other staff. It is the same function that most communities, including Napa County, call project review, which is the nuts and bolts staff work necessary to determine basic compliance with the codes. Other communities appeared to consider design review as an all encompassing semi-subjective review relating to every aspect of project design and function delving into architecture, landscaping, civil improvements, intensity of use, environmental compatibility and including some review of interior improvements. Lastly, some jurisdictions saw the design review function primarily as an architectural quality-control process, with a separate board of experts reviewing applications prior to their review by the Planning Commission.

Below are examples of design review processes intended solely to provide reference on the range of options available for implementing a design review program. The first option describes no change from current practices. The second option frames up a highly involved comprehensive design review process. The third option gives an example of a minimalistic process in which private professionals render opinions on the design prior to Commission decisions. Within that continuum, options 4, 5, and 6 suggest three other ideas for a limited approach. This list of options is certainly not comprehensive and is provided as a means to facilitate Commission discussion and direction on the topic.

Option 1 - No Change - This option consists of no changes to current policies and practices.

Description: Most general building permits in Napa County are ministerial, and are not subject to design review. However, several project types do receive discretionary review that involve some design evaluation. Most notable are building permits subject to the Viewshed Ordinance, which are mostly processed at a Staff or Zoning Administrator level. Also, the Planning Commission typically reviews and discusses project designs, even asking

for changes or imposing conditions (about paint colors for example) when evaluating use permit proposals. In agricultural areas, the Commission is guided by General Plan Policy AG/LU-10, which states: "New wineries and other agricultural processing facilities as well as expansions of existing wineries and facilities in agricultural areas should be designed to convey their permanence and attractiveness." In the Airport Industrial Area, the Commission is guided by goals and policies in the AIA Specific Plan requiring design evaluation.

Impact to Applicants: No change

Fiscal Impact: No change

Option 2 - Traditional Comprehensive Design Review - This option would involve creation of a formal Design Review Committee and development of Design Guidelines applicable to all development (or development within specified areas).

Description: There are three main components to this option. First would be the creation of some formal design review decision-making body made up of appointed private citizens, either with or without professional background, that would make both final design review decisions and forward recommendations to the Commission and/or Board of Supervisors on projects of larger scope. Second, some form of comprehensive design guidelines would need to be developed and referenced in the zoning ordinance. The guidelines would provide the basis from which the design review committee would make its decisions, and could be focused on the whole County or on a specific area (e.g. the valley floor). Strong design guidelines protect the agency from legal challenge should a party disagree with the design review committee's decision. The last component would involve some element of the Staff conducting early design review evaluation and subsequent negotiation with the applicant concerning the project's conformance with design guidelines. Typically, projects processed in agencies with extensive design review procedures go through some redesign before Staff can support the proposal.

Impact to Applicants: Likely additional time added to processing resulting from negotiations on project design. Increased costs paying for professionals representing the applicant, and in paying for Staff time and other County costs associated with additional process and hearings. Increased risk to challenge from parties opposed to the project.

Fiscal Impact: County would incur costs from conducting design review committee hearings including clerking, noticing, compensation of committee members. To some degree those costs could be passed on to applicants.

Option 3 - Architecture Peer Review - This option would involve creation of a design review committee comprised of Board-appointed qualified professionals who would provide subjective opinions on the quality of design.

Description: At some point prior to a project being brought forward to the Commission, but after the project design has been set, plans would be presented to a committee of local professionals, likely architects or persons with similar professional expertise, and these professional would render an opinion or opinions on the quality of design. These opinions would be forwarded to the Commission for consideration, but would not be binding. Staff would not evaluate or negotiate design with applicants, but would be responsible for conveying the design opinion (s) rendered by the committee. Committee business would likely be conducted as a formal hearing, since their evaluation of the proposal is subject to full disclosure. This would necessitate calling, noticing, and convening meetings in much the same fashion as Commission hearings. Staff time spent on facilitating these meetings could be minimized by having applicants be responsible for all presentation materials and information provided, but Staff would still need to be integrally involved to ensure that such materials and all communications are accomplished in accordance with the Brown Act.

Impact to Applicants: Likely additional time added to processing in order to convene committee meetings. Increased costs paying for professional representing the applicant at committee meetings and preparing any materials for the committee. Increased costs paying for staff time and other County costs associated with convening committee meetings.

Fiscal Impact: County would incur costs from conducting design review committee hearings including clerking, noticing, compensation of committee members. So some degree those costs could be passed on to applicants.

Option 4 - Design Guidelines and Commissioner Training - This option would involve developing design guidelines and providing training to Commissioners so they could interpret and apply the guidelines.

Option 5 - Staff Expert - This option would involving hiring or contracting with an expert, such as a licensed architect, to develop design criteria and function as the architecture peer reviewer providing a recommendation on Commission-level projects.

Option 6 - Alter Commission Membership - This option would involve adding two design professionals to the Commission forming a seven member body. Similar to the Airport Land Use Commission, the two design professionals would be chosen by the whole of Board of Supervisors.

Staff is seeking Commission direction on one or more options to evaluate further, since the specifics of each will greatly impact implementation, costs, and the potential delay experienced by project applicants. If the Commission's desire is to evaluate an option or options that are relatively low cost, and would not increase application processing times, Option 1 and Options 4-6 would appear to meet those criteria. All options (except Option 1) would require concurrence and approval from the Board of Supervisors since they would involve adoption and implementation of new guidelines and procedures.

SUPPORTING DOCUMENTS

A . Design Review Comparison Table

Napa County Planning Commission: Approve

Reviewed By: John McDowell