



City Council Report

Date: October 8, 2009
To: Mayor and Council
Through: Kari Kent, Deputy City Manager
From: John Wesley, Planning Director
Christine Zielonka, Development and Sustainability Director
Subjects: Discussion and Feedback on the Proposed Consolidation of Planning Related Boards and Committees, including:
1. Proposed consolidation of the Downtown Development Committee and Planning and Zoning Board functions
2. Proposed modification of the responsibilities, authorities and duties of the Design Review Board.

Purpose and Recommendation

Over the past few months the Planning Division staff has held several discussions with the various planning related citizen advisory boards to discuss and receive feedback on the proposed changes to the Downtown Development Committee (DDC) and Planning and Zoning Board (P & Z), and the Design Review Board (DRB).

As originally discussed with the Council on June 4, 2009 (see attached), the goal of the board consolidations and revisions to their scope of work was to upgrade the overall development quality of projects throughout the City, and to streamline the development review process.

The purpose of this report is to provide a summary of the discussions that were held with the various boards and to receive direction from the City Council as to final action on the proposed changes. A summary of the comments received on the two proposals for board modifications are presented below.

Based on the comments received from the Boards, staff believes we can address the concerns raised with regards to elimination of the DDC. There were several concerns raised with the proposed modifications to the DRB which will be more difficult to resolve should the Council continue to direct that modification. Possible options relative to both of these Board modifications are presented at the end of this report for Council's consideration and direction.

Discussion

In July staff meet with each of the affected Boards and presented the proposals to them for their consideration and comment. Following is a summary of the discussion from each of those meetings organized by topic.

1. COMBINING THE FUNCTIONS OF THE DDC INTO THE SCOPE OF RESPONSIBILITIES OF THE P & Z BOARD, ELIMINATE THE DDC.

The first proposal suggested that the functions of the Downtown Development Committee be integrated into the scope of responsibilities of the Planning and Zoning Board. This will eliminate the redundancies of DDC and P & Z functions and will provide a more comprehensive approach to addressing land use issues across the City.

Summary of Comments from P & Z

- There was general agreement that integrating planning functions across the City, including the downtown area and historic preservation would be beneficial.
- There was concern that the special needs of the downtown area would not be adequately addressed if the DDC were eliminated.
- There was concern about prompt consideration of downtown specific issues including outdoor seating, vendors, unique signage.
- It was clarified that for applications that must currently go through DDC, and then to the Zoning Administrator (ZA), the new process would eliminate the DDC and cases would only be heard by the ZA.

Summary of Comments from DDC

- There was general concern that the focus and special attention on downtown issues that is currently provided by the DDC would be diluted if these issues were incorporated into the P & Z process.
- There was a very general discussion about the benefits of a village planning concept where unique areas of the City, including downtown, would be emphasized. The general direction was to evaluate the Village Planning concept in the future.
- There was a concern that the downtown vision, as established by the DMA, should not be lost in the larger City-wide issues that would be addressed by P&Z.
- There was acknowledgement of the value of streamlining processes and operations to achieve the highest level of performance.
- There was a strong desire to continue the ability for an applicant to make one application for all review processes and have them handled by one board. This streamlined process has made the application and review process simpler for the applicants.

Summary of Comments from DRB

- There were no significant comments regarding elimination of the DDC and P&Z assuming responsibility for downtown zoning functions.
- There was a very general comment about how a Village Planning Committee might work in this area.

2. MODIFICATION OF THE SCOPE OF WORK FOR THE DESIGN REVIEW BOARD (DRB)

The second proposal includes modifying the Design Review Board to develop more comprehensive design guidelines, to identify character areas (e.g. Falcon Field, Citrus Subarea, West Main) and unique design goals, to function as an appeals board, and to monitor conformance with development quality objectives. Design review of individual projects would be administered by staff, with the assistance of a consulting architect. The DRB would be the appeals board for design review cases that are not resolved at the staff, the Planning Director or consulting architect level. It is anticipated that there would be three consulting architects that would be rotated to review cases. The DRB would be required to meet four times per year and as needed to hear appeals.

The proposed process includes accepting DR applications every week, rather than the current once per month. Staff and the consulting architect would review the applications to determine which cases would require the involvement of the architect. An alternative would be that all DR cases would be reviewed by the consulting architect. The current public notice requirements would remain but staff would be responsible for sending out the notices to adjacent property owners.

Summary of Comments from P & Z

- There were questions as to how eliminating DRB would improve the quality of development throughout the City.
- Board members discussed the importance of design guidelines and the vote of the residents that had previously established design guidelines.
- A suggestion was made, and discussed, that P& Z could be more involved in design review. There did not seem to be a consensus on this issue.
- A strong suggestion was endorsed that planning staff should reduce the number of applications that are required for a project: one comprehensive application for all of the required actions would be preferable.
- There was discussion about the perceived reduction in public involvement if design review was not conducted in a public meeting. On the other hand, there was also an acknowledgement that there is normally very minimal public involvement in the design review portion of a case; most of the involvement comes at the rezoning stage.
- There was strong concern expressed that a consulting architect, or architects, would imprint their own style preferences on a project and the review and evaluation process would be diminished without having a more diverse group (DRB or P & Z) providing assessments of the quality of the design.
- There was concern that the proposed process change would not result in increased quality but would result in "safe projects" that meet the character guidelines (established by DRB but enforced by staff and the consulting architect) but would lack creativity.
- There was also concern that the proposed process would make it more difficult to insure the review time for cases that require both design review and P & Z consideration. The established dates for consideration by the Mesa boards is a great benefit to developers and it was thought that the revised process might result in less certainty as to review times and when a decision will be made.
- There was concern about potential conflicts of interest between contract architects and projects.
- The cost of consulting architects was questioned in light of the fact that the City currently has volunteers on the DRB; why spend money on a consultant when volunteers have been doing a good job and the process seems to be working well.
- The view was expressed that having a public DRB meeting results in a higher quality development that is in the best interests of the citizens of Mesa.
- It was pointed out that the DRB was initially established because the citizens wanted a higher quality of development.
- There was concern that either staff, or a consulting architect, would not be able to have the same level of candid dialog about the quality of a development as currently exists when the DRB reviews and comments on a case.
- The view was expressed that when the work load increases it will be very difficult for contract planners to respond (in contrast to contract plan reviewers who could more easily meet this need).

Summary of Comments from DRB

- There were questions raised, but not specific discussion or recommendation, on how village planning committees might work. Staff suggested this might be best considered as part of the Major General Plan update scheduled for 2012. A comment was made that the village planning process results in a very long, drawn out process in Phoenix.
- The benefit of public involvement at the design review level was questioned. The comment was made that the public was generally more interested in land use issues.

- The value of the work sessions to provide candid evaluations and helpful suggestions was strongly endorsed. The interaction between professionals for the applicant and those on the Board is considered to be helpful and non-threatening. It was noted the current process (the work sessions) was implemented within the last few years, and had made a significant difference in how the DRB communicated with project architects and applicants. This updated work session process was compared to the previous process of several years ago when the Board meetings were not productive for the applicants.
- The Board agreed they would like to work on character area design guidelines but there was a strong feeling that only meeting quarterly would decrease the effectiveness of the Board. Unless the Board continues to meet on at least a monthly basis to develop design guidelines and standards there would be no continuity of thought and it would be very difficult to develop such guidelines.
- There was also a similar concern long term for the ability of the Board to carry out its review function if it just met quarterly. Over time, with board member replacements, they would lose continuity of the design process and standards and their ability to work with staff to provide feedback by only meeting quarterly.
- There was a discussion of the amount of staff time required for both work sessions and DRB meetings and a general acknowledgement that eliminating these regular meetings would increase staff efficiency.
- A suggestion was made that design review cases could just go to work sessions but not for regular DRB consideration. Following a work session it would be up to staff to continue to work with the applicant based on input from the work session.
- A suggestion was made to eliminate the public notice as part of the design review process.
- There was a general lack of clarity about exactly how the design guidelines would work as review documents.

Summary of Comments from DDC

There was very minimal discussion about the DRB proposal at DDC. They were more concerned with the DDC process and proposals.

Summary of Staff Response to Board Questions and Issues

DDC

The main concerns expressed with regards to the elimination of the DDC revolved around the need for special attention to this area of the community and the need to continue to provide a more streamlined development review process for this area. Staff believes we can address these two concerns in the following ways:

- Planning Division staff and the Planning and Zoning Board will be involved in the preparation of the new Main Street Plan. This planning process will help both the staff and P&Z Board become familiar with the downtown area and the issues being faced in this area.
- Two Planning Division staff members are being assigned to handle all cases in the downtown area so they can become more familiar with this area and development relationships with the property owners and business in the area.
- Staff continually reviews the application review process and will make modifications to incorporate the best aspects of the processes used by the DDC to make as straight forward and seamless process as possible for the applicants.
- Since the Planning Division assumed responsibility for downtown cases this past January, there has been a very collaborative approach to development, redevelopment and

building renovation projects in the downtown area. Team meetings with the applicants have become routine and include Planning, Economic Development, Development Services, the Fire Dept. and other departments as needed. This has provided a very high level of service to applicants and is working well. The Planning Division is committed to maintaining this level of service as downtown projects are presented to and considered by the P & Z Board.

- Development of a form-based code (FBC) for the downtown area can provide more specific and predictable direction for downtown projects. Because the FBC is specifically designed for the downtown area, and incorporates downtown-oriented policies, review of individual projects will already have taken into account downtown issues simply by complying with the FBC's downtown calibrated requirements. A Request for Proposals (RFP) to develop a FBC and an accompanying plan has been issued and responses are currently under review. This project is part of the process to develop a Central Main Street Plan.

DRB

The main concerns with regards to the modifications to the DRB revolved around switching from utilizing volunteer citizens to paid consultants to provide the review, and the lack of continuity there would be for consideration of design issues. Board members felt the overall process has improved significantly over the years and that there would be benefit from establishing the higher level of design standards and guidelines. Staff agrees that the process of work sessions that has been in place for the last couple of years has significantly improved the DR process and having the input of several citizens and professionals on a design project helps improve the overall design and keeps things in balance. We also agree that having only quarterly meetings will make it difficult to develop the more detailed design guidelines. If the direction is to move forward with detailed design guidelines staff resources will be an issue that must be addressed.

One option suggested was for the DRB to continue with the work sessions and then let staff finalize the review and make the approval unless there was an issue that staff and the applicant could not come to agreement on. This suggestion might address all of the concerns by keeping the Board involved, but allow for faster completion of the review process by not having to wait for a subsequent Board meeting. This option will be discussed with the DRB at their Oct. 7, 2009 meeting and a summary of that discussion will be presented to Council at the Study Session on Oct. 8.

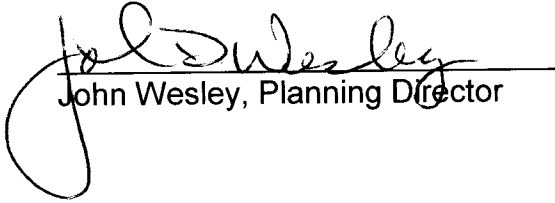
CURRENT OPTIONS FOR CONSIDERATION

1. DDC
 - a. Eliminate the DDC, have P & Z assume downtown responsibilities, or
 - b. Keep the DDC and the current process of reviewing downtown cases separately from the rest of the City.
2. DRB
 - a. Revise the scope of the DRB responsibilities as outlined in #2 above, or
 - b. Maintain the current DRB function, do not retain the services of consulting architects, or
 - c. Eliminate the public meeting portion of DRB case consideration but continue to use

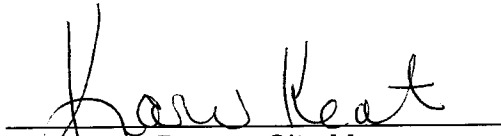
the Work Sessions to review and provide input into design; staff to follow-up and conduct final approval processing (this option will be discussed with the DRB on Oct. 7, 2009).

Conclusion

Staff is looking for direction from the City Council on which options are preferred. Based on the Council direction staff will develop the actual ordinance changes necessary for implementation and take them back through the public review process.


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City Council Report

Date: June 4, 2009
To: City Council
Through: Kari Kent, Deputy City Manager
From: Christine Zielonka, Development and Sustainability Director
John Wesley, Planning Director
Subject: Proposed Modification of Citizen Advisory Boards Associated with the Land Development Process: Downtown Development Committee (DDC), Design Review Board (DRB), Planning and Zoning (P & Z), Development Advisory Board (DAB)

PURPOSE AND RECOMMENDATION

In response to general discussions with the Mayor and City Manager we have been asked to propose options for streamlining the organization and efficiencies of the Downtown Development Committee (DDC), Planning and Zoning Board (P&Z) and the Design Review Board (DRB). Additionally we have been asked to define the responsibilities for a new Development Advisory Board (DAB) and outline a process for the establishment of this board. This memorandum provides staff recommendations on how to proceed with these proposed board changes. The intent of the proposed modifications is to continue to improve the efficiency of our processes while maintaining the opportunity for public involvement in the land development process.

BACKGROUND AND DISCUSSION

Combining DDC and P&Z

There are currently overlapping functions between the DDC and P&Z. The proposal is to eliminate the DDC and have P&Z assume the planning and zoning functions for the downtown area. Planning has assumed responsibility for handling the downtown entitlement cases (previously managed by Economic Development) and has been working collaboratively with Economic Development on downtown projects since January, 2009. Planning has also already assumed responsibility for the historic preservation program that was previously administered by Economic Development and more recently by Neighborhood Services.

Code Changes

The DDC is established in Section 2-20 of the City Code (Boards and Commissions) and in Section 11-18-11(Zoning Ordinance). Section 501(A) of the Mesa City Charter authorizes Council to abolish any board that is not required by law or Charter. Both of these City Code provisions would have to be modified via ordinance to eliminate the DDC. Per City Code Section 2-20-1, modifications eliminating the DDC would be made solely by Council.

It is proposed that the Council eliminate the DDC in conformance with the City Charter provision. A Zoning Ordinance text amendment would then be processed through P&Z and

then Council to make the conforming Code changes. In order to facilitate processing of development applications in the downtown area, the time between the elimination of the DDC and the approval of the zoning ordinance text amendment giving the authority for development applications in the downtown are to the P&Z Board should be kept as short as possible.

Modification of the Design Review Board

The current DRB has seven members, reviews any project over 20,000 sq. ft. and any project on arterial roads. DRB is also the appeals board for the smaller projects that are currently handled by Planning staff. Appeals of the DRB go to the full Council.

The proposal is that design review and approval of all projects would be authorized at the staff level. The name of the DRB would be changed to the Architectural Review Committee (ARC) with the primary function to hear appeals from staff decisions when applicant and staff are unable to agree on design proposals. The only new cases the ARC would consider would be City projects. It is also recommended that the ARC meet on a quarterly basis to provide high level guidance on design goals for the City. This could be done by reviewing best practices, new ideas and technologies as exhibited in recent projects and other methods as appropriate. There would be no work sessions and if there were no appeals or City projects, the committee would meet only four times per year. Appeals would be scheduled on an as needed basis. Although DRB currently has seven members the ultimate goal for the ARC would be to have only five members. This reduction in membership would be achieved by attrition over time. The current DRB members would become the initial members of the ARC.

Code Changes

The DRB is established in Sections 2-9-1 and 11-18-9 of the City Code. Both of these sections will require modification. The change to Title 11 will require review and recommendation by the P&Z Board. As a courtesy, it may be appropriate to also receive the input and feedback of the DRB on this proposed change.

Architectural Review

Because there is no longer a registered architect on the Planning staff a contract architect will be retained on an as-needed basis. This contract architect will provide guidance on design solutions and will be available to meet with applicants as necessary.

Establishment of a Development Advisory Board

There has been discussion about formalizing the Developer's Advisory Forum (DAF), which has been in existence for many years. Therefore, a new Development Advisory Board (DAB) is being proposed to provide comprehensive oversight of the land development processes and to provide input and participation from a diverse appointed body. The duties and powers of the board would be in an advisory capacity only. The proposed scope of work for the DAB would include the following:

- Review and comment on proposed changes to the Zoning Ordinance, Building Codes, and fees and charges associated with the development process. Modifications to these Codes would be considered by the DAB prior to consideration by other Boards (e.g. P&Z). The comments and recommendations of the DAB would be included with the staff report and recommendations provided to other Boards (e.g. P&Z) and to the full Council for final consideration.

- Receive information and provide feedback to City staff on proposed modifications to City development standards as part of the public outreach process.
- Provide review, consideration and direction for new or pilot programs being considered or proposed by staff.
- Identification and recommendations on process or program enhancements that would result in improvements to the development process.
- Other related topics as identified by the Mayor, DAB members or other advisory boards, or City staff.

It is recommended that the Board consist of 7 voting members and that the Board membership include a broad range and balance of interests from both the development community and the public (i.e. residents of Mesa).

Possibilities for voting membership include the following:

- Development Professionals (Architects, Engineers, Attorneys)
- Contractors – both residential and commercial
- Developers or Property Owners – commercial/industrial and residential
- Representatives of a City wide organization of business interests (Chamber of Commerce, East Valley Partnership, Valley Partnership, Convention and Visitors Bureau).
- Citizen/Neighborhood Representative

It is recommended that the Development and Sustainability Director or their designee function as the non-voting member of the Board.

Residency requirements: Direction is requested on requirements for residency of the proposed DAB. Options include:

- The actual member must reside in Mesa
- The firm being represented must have an office in Mesa
- The firm being represented must conduct business in Mesa
- No residency requirements as determined by the Mayor's selection process.

Relationship to the Development Advisory Forum:

Stakeholders in the development community who have been participating on the DAF would be able to provide input through the new DAB. The appointed members could bring agenda items to the board which are identified by non-members. Additionally, DAB meetings could be structured to have a relatively informal discussion with audience members on topics under consideration. The current e-mail list, which includes over 300 stakeholders, would continue to be used to provide information on Mesa programs and issues to the development community.

Timing

It is recommended that all three recommendations including elimination of the DDC, reconfiguration of the DRB to the ARC, and establishment of the DAB be processed at the same time.

The following is the proposed schedule for consideration of the Board modifications:

- Presentation to the Developer's Advisory Forum (DAF) at the June 3rd special meeting,
- Discussion and direction from Council at the June 4th Study Session
- Consideration by P&Z in July
- Introduction and consideration of all ordinance changes in August.

FISCAL IMPACT

There is no direct fiscal impact associated with this proposal. Planning fees associated with affected processes (downtown projects, design review etc.) are not being modified. There are staff resource efficiencies that are anticipated to be realized with the board combinations.

COORDINATED WITH

The proposed board modifications have been reviewed with the Water Resources, Transportation and Engineering departments.

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