

Agenda Report



Date: January 12, 2016
To: Jeffrey W. Collier, City Manager
From: Conal McNamara, Director of Community Development
Subject: Reestablishment of the Design Review Board

RECOMMENDATION

It is recommended the City Council adopt Ordinance No. 3044 and authorize staff to open the recruitment for qualified candidates that may serve on the Design Review Board.

BACKGROUND

At the City Council meeting of November 10, 2015, the proposed amendment to Title 2 of the Municipal Code to reestablish the Design Review Board was brought forward to the City Council. However, the proposed amendment necessitated further revisions based on the requirements of the City's Charter. Since these revisions constituted a significant change to the first reading of the draft ordinance, Ordinance No. 3044 was brought back to the City Council to be reintroduced for its first reading at the December 8, 2015, meeting. The City Council subsequently voted 3-2 (Council Member Warner and Mayor Pro Tem Vinatieri dissenting) to approve Ordinance No. 3044.

Open Recruitment for the Design Review Board

If the proposed ordinance to reestablish the Design Review Board is successfully adopted by the Council after the second reading of Ordinance No. 3044, the recruitment will open for qualified candidates to serve on the Design Review Board pursuant to the City Council's Advisory Board Appointment Policy and Procedures. Advertisements for Design Review Board candidates will be included on Channel 3, the City website, posted at City Hall and at the Central Library. Additional outreach efforts will include announcements at the City's regular public meetings. Once a sufficient number of applications are received, it is anticipated the City Council will determine which applicants to interview and then appoint the Design Review Board members to begin serving as early as July 1.

DISCUSSION

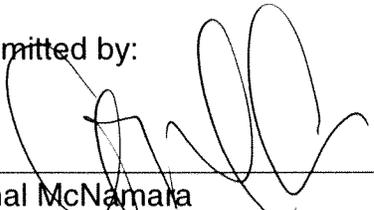
All modifications to the City of Whittier Municipal Code must be adopted by the City Council by ordinance. Moreover, State law requires that a second reading and adoption of all contemplated ordinances must be made by the local legislative authority (City Council). Upon the approval of the second reading of Ordinance No. 3044, the proposed amendment to Title 2 of the Whittier Municipal Code will become effective 30-days thereafter (February 12, 2016).

FISCAL IMPACT

Reestablishing the DRB will result in an increased staff workload. However, the City Council has authorized an additional Planning position in the Fiscal Year 2015-16 Budget to accommodate the additional workload.

The estimated cost to publish the entire ordinance pertaining to the reestablishment of the Design Review Board is approximately \$1,000.

Submitted by:



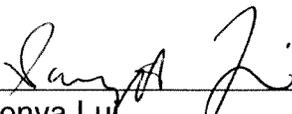
Conal McNamara
Director of Community Development

Reviewed by:



Don Dooley
Planning Services Manager

Prepared by:



Sonya Lu
Principal Planner

Attachments: A – Ordinance No. 3044 for Reestablishment of the Design Review Board
B – City of Whittier Advisory Board Appointment Policy and Procedures

ORDINANCE NO. 3044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING CHAPTER 2.12 TO TITLE 2 OF THE WHITTIER MUNICIPAL CODE TO REESTABLISH A DESIGN REVIEW BOARD

WHEREAS, the City Council has determined that no environmental review is required for the proposed ordinance to add Chapter 2.12 to Title 2 of the Whittier Municipal Code because the adoption of this ordinance will not result in a direct physical change to the environment and therefore does not meet the definition of a "project" under Public Resources Code 21065 and Section 15378 of the California Environmental Quality Act (CEQA) Guidelines;

WHEREAS, the City Council expressed interest in reestablishing the Design Review Board (DRB) at their August 12, 2014, meeting; and

WHEREAS, the City Council believes that reestablishing the Design Review Board is in the City's interest to help to ensure high quality development design throughout the City and to protect the aesthetics of the community.

WHEREAS, on December 8, 2015 and January 12, 2016, the City Council conducted duly noticed public hearings and considered the staff analysis, public testimony and all information presented to the Council concerning the proposed amendment to Title 2 of the Whittier Municipal Code for reestablishing the Design Review Board.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES HEREBY ORDAIN THE FOLLOWING:

SECTION 1. The Table of Contents for Title 2 (Administration and Personnel) of the Whittier Municipal Code is hereby repealed and replaced in its entirety with the following text:

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04 City Council

2.05 Boards and Commissions

2.06 Cultural Arts Commission

2.08 Board of Library Trustees and Library Department

2.12 Design Review Board

2.16 Park and Recreation Commission

- 2.20 Parking and Transportation Commission**
- 2.24 Personnel Board**
- 2.28 Planning Commission**
- 2.32 Redevelopment Agency**
- 2.36 Social Services Commission**
- 2.40 Additional Departments**
- 2.44 Emergency Organization**
- 2.48 Employees' Compensation Benefits and Fund**
- 2.50 Historic Resources Commission Campaign**
- 2.54 Finance Disclosure Requirements**
- 2.56 Arguments on City Measures**
- 2.60 City Council Review of Decisions of City Boards and Commissions**

SECTION 2. Chapter 2.12 (Design Review Board) is hereby added to Title 2 (Administration and Personnel) of the Whittier Municipal Code as follows:

Chapter 2.12

DESIGN REVIEW BOARD

Sections:

- 2.12.010 Created.**
- 2.12.020 Membership.**
- 2.12.040 Initial appointment.**
- 2.12.050 Powers and duties.**
- 2.12.060 Organization.**
- 2.12.070 Staff person.**
- 2.12.080 Compensation.**
- 2.12.090 City obligation.**
- 2.12.110 Appeals from design review board decisions--Commission authority.**
- 2.12.120 Appeals from planning commission decisions--City council authority.**

2.12.010. Created.

A. There is created and established for the city a design review board (hereinafter "board").

B. The board's general purpose will be to perform the functions required of it pursuant to the city's zoning regulations, and by order of the city council.

2.12.020 Membership.

A. The board shall consist of five members who shall be appointed by, and shall serve at the pleasure of, a majority of the city council and shall represent the following categories of membership:

1. All appointees shall be qualified electors of the city; and,

2. At least two appointees shall be licensed architectural and/or landscape design professions or hold professional expertise in a related field to serve effectively on the board.

2.12.040 Initial appointment.

A. Notwithstanding the provisions of this chapter to the contrary, members of the design review board who are representing the qualified electors shall initially be appointed and serve the following terms:

1. Office No. 1, for a term expiring July 1, 2016;
2. Office No. 2, for a term expiring July 1, 2017;
3. Office No. 3, for a term expiring July 1, 2018,
4. Offices No. 4 and 5, each for a term expiring July 1, 2019.

2.12.050 Powers and duties.

The board shall have the following duties:

- A. To meet regularly;
- B. To establish its rules and designate future meeting dates and places. The time and place of all meetings shall be furnished to the city council along with notices of any changes that may from time to time be agreed to by the board; and,
- C. To advise City approval authorities on matters related to design guidelines within the City.

2.12.060 Organization.

The board shall elect its own chair and vice chair at the first meeting which shall be convened as soon as practicable after the appointments have been made and shall reorganize on an annual basis, effective July 1st of each year.

2.12.070 Staff person.

There shall be a paid staff person appointed by the city manager whose duties shall be to carry out the activities pertaining to the board. The appointee shall serve as the secretary to the board and shall record accurate minutes of the meetings held by the board, furnishing copies of all such minutes to the city council.

2.12.080 Compensation.

No compensation shall be paid to board members.

2.12.090 City obligation.

The board shall not have authority to obligate, by contract or otherwise, the city in any manner.

SECTION 3. Any development application submitted to the City of Whittier that has been deemed complete for processing prior to the first meeting of the Design Review Board shall not be subject to the review of the Design Review Board.

SECTION 4. The City Council hereby ordains, adopts and incorporates the provisions outlined above for Chapter 2.12 which is to be added to Title 2 of the Whittier Municipal Code.

SECTION 5. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 7. The Mayor shall sign and the City Clerk-Treasurer shall attest to the passage of this Ordinance. The City Clerk-Treasurer shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this _____ day of _____ 2016.

FERNANDO DUTRA, Mayor

ATTEST:

KATHRYN A. MARSHALL
City Clerk-Treasurer



CITY OF WHITTIER ADVISORY BOARD APPOINTMENT POLICY AND PROCEDURES

Policy

1. Appointments to vacancies on City boards and commissions (advisory boards) will be made in accordance with the City Charter, Whittier Municipal Code, and other applicable laws.
2. A separate application is required for each advisory board to which a candidate seeks appointment.
3. Applications will be retained for three (3) years.
4. The City accepts applications for all advisory boards throughout the year.
5. Incumbent advisory board members must complete an application for reappointment or appointment to a different advisory board.
6. Incumbent advisory board members who have served two consecutive four-year terms are unlikely to be reappointed to continue consecutive service on the same advisory board; however, the City Council may reappoint an incumbent who has served a partial term and one full term, whose reappointment would not cause their consecutive years of service to exceed 10 years.¹ The City Council reserves its right, under exigent circumstances, to appoint, for an additional four-year term, a member to a board or commission.

Procedure for Advertising Vacancies

At the first Council meeting in February each year, the City Council will consider reappointment of eligible and interested incumbent advisory board members. Advertising of any remaining scheduled vacancies² will occur during the annual recruitment period of March 1-31 in accordance with state law and City policy as outlined below.

¹ City Council policy direction February 11, 2014.

²A Scheduled Vacancy is a vacancy occurring due to the expiration of a four-year term of office on July 1st.

Advertising for unscheduled vacancies³ will be done in accordance with state law. Additional outreach efforts will be made based on direction to the City Clerk in consultation with the Mayor on a case-by-case basis. The close of the recruitment period will be set based on the time required to complete legally required noticing and to receive applications in response to other outreach efforts undertaken for a particular vacancy.

Advertising Method	State Law or City Policy	Scheduled Vacancy	Unscheduled Vacancy
Post in City Clerk's Office ⁴	State Law	Yes	Yes
Post in Central Library	State Law	Yes	Yes
Post in Branch Library	City Policy	Yes	Mayor's discretion
Post at Senior Center/Community Center	City Policy	Yes	Mayor's discretion
Mayor Announces at Council Meetings	City Policy	Yes	Mayor's discretion
Board Chair(s) Announce at Meetings	City Policy	Yes	Mayor's discretion
Council/Advisory Board Members Solicit Applications	City Policy	Yes	Yes
Publish: <i>Daily News</i>	City Policy	Yes	Mayor's discretion
Newsletters: Chamber of Commerce, Uptown Association	City Policy	Yes	Mayor's discretion
Announcement on Channel 6	City Policy	Yes	Mayor's discretion
Announcement on City Web site	City Policy	Yes	Mayor's discretion

Application Process

1. New applicants will have elector status confirmed before their applications are forwarded to the City Council.
2. During the annual recruitment period and when an unscheduled vacancy occurs, the City Clerk will contact candidates to confirm their continuing availability and interest in the position(s) applied for. If an application will be three years old by the

³An Unscheduled Vacancy is a mid-term vacancy occurring due to resignation, removal from office, or death during a term of office.

⁴ A Notice of Vacancy shall be posted in the City Clerk's Office for at least 10 working days within 20 days after the vacancy occurs, as mandated by law. No permanent appointment can be made before 10 working days have transpired.

time it is submitted to the City Council, a new application will be required of the applicant.

3. For scheduled vacancies where an incumbent is not reappointed, applications from incumbent, new, and continuing qualified candidates will be submitted to the City Council in April. In even-numbered years when regular city elections are held, the applications will be submitted to the City Council at the meeting following election certification.
4. For unscheduled vacancies, applications from incumbent, new, and continuing qualified candidates will be submitted to the City Council following the close of the recruitment period.

Interview Process

1. In February, staff will obtain Council concurrence on two meeting dates for advisory board candidate interviews. Staff will advise applicants of these dates. Applicants unable to attend their scheduled interview forfeit their interview and will not be rescheduled.
2. The City Council will determine which applicants, if any, will be interviewed upon receipt of the April report of advisory board applicants.
3. Staff will notify the candidates selected for interviews by telephone, and by mail if time permits.
4. Interviews will be held in a conference room at a noticed and open City Council meeting.

Appointment Process

1. At the first Council meeting in February of each year, the City Council will consider reappointment of eligible and interested incumbent advisory board members, together with the attendance report for those members under consideration.
2. When the City Council receives the annual report of advisory board applicants in April, it may reappoint qualified incumbent advisory board members not previously reappointed; appoint new advisory board members from the applicant pool; or select incumbent and/or new applicants to be interviewed.
3. The annual report of applicants will contain an attendance report for all advisory board members.
4. All applicants interviewed by the City Council will receive a letter from the Mayor regarding the outcome of the interview process. All other candidates will receive a letter from the City Clerk as to the outcome of the appointment process.

Approved by the City Council 5/13/14

