



DATE: July 24, 2023

TO: Planning Commission

FROM: Bruce Ambo, Principal Planner (530-879-6801; [bruce.ambo@chicoca.gov](mailto:bruce.ambo@chicoca.gov))

RE: Appointment of ARPHB Sub-Committee

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### REPORT IN BRIEF

The City Council directed the Planning Commission to assume the responsibilities of the Architectural Review and Historic Preservation Board (ARHPB) via a three-member sub-committee of the Commission. **Attachment A** is the original Council staff report that provides background of the Municipal Code amendments creating the Commission sub-committee and summarizing benefits of the action.

At the upcoming meeting, Staff will facilitate the Commission's appointment of the ARHPB sub-committee.

Pursuant to the Municipal Code, staff is looking for sub-committee members that are engaged in the visual arts field such as architects, landscape architects, artists, or designers, to the extent that existing Commission members have such background. Further, it is hoped that sub-committee members have professional experience in the disciplines of architecture, history, architectural history, planning, archeology, or other disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, again to the extent that any Commission members have such background.

### Meeting Time

Currently, the ARHPB holds its meetings on the 1st and 3rd Wednesdays of the month at 4:00 p.m. This meeting time has long been established because the most involved dialogue and engagement at ARHPB meetings is generally between an applicant's design professional/architect and the Board, specifically regarding nuanced site design and architectural features. In other words, the meeting time is intended to accommodate working professionals (often travelling from outside of Chico) during normal working hours.

Staff recommends that the Planning Commission's ARHPB sub-committee continue with this meeting date/time schedule. Should a project generate significant public controversy and therefore benefit from greater public engagement and facilitation, either Planning staff or the ARHPB can refer the project to the full Planning Commission at its 6:00 p.m. meeting time.

Maintaining a separate meeting day/time is also supported by the following reasons:

- ARHPB sub-committee meetings are not recorded or broadcast on Granicus (cost savings)

- Fewer staff report copies and deliveries are required (efficiency of process/cost savings)
- ARHPB sub-committee approvals are not supported by formal resolutions requiring less interdepartmental coordination with the City Attorney's office (efficiency of process)

**ATTACHMENT**

A. Council Staff Report



## City Council Agenda Report

Meeting Date 05/16/23

DATE: May 4, 2023

File: Title 2 Code Amendments

TO: CITY COUNCIL

FROM: Brendan Vieg, CDD Director (530-879-6806, [brendan.vieg@chicoca.gov](mailto:brendan.vieg@chicoca.gov))  
Kelly Murphy, Senior Planner (530-879-6535, [kelly.murphy@chicoca.gov](mailto:kelly.murphy@chicoca.gov))

RE: Planning Commission Assuming the Responsibilities of the Architectural Review and Historic Preservation Board

### REPORT IN BRIEF

As part of its review of the roles and responsibilities of the City's Boards and Commissions earlier this year, the City Council directed staff to proceed with Municipal Code amendments necessary for the Planning Commission to assume the responsibilities of the Architectural Review and Historic Preservation Board (ARHPB).

This report identifies proposed Municipal Code amendments to achieve Council's direction and summarizes benefits of such action.

#### Recommendation:

The Community Development Director recommends that the City Council:

- 1) Hold a public hearing regarding the proposed amendments to Title 2 of the Chico Municipal Code; and
- 2) Introduce the following ordinance (**Attachment A**) to amend Title 2 of the Chico Municipal Code by reading its title only:

***ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 2 OF THE CHICO MUNICIPAL CODE DESIGNATING THE ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD A SUBCOMMITTEE OF THE PLANNING COMMISSION***

### REPORT IN BRIEF

#### Creating a Planning Commission Sub-Committee (ARHPB)

Following Council's direction, staff identified Title 2 and Title 19 as the relevant Municipal Code chapters governing the City's boards and commissions. While Title 19 expands on the review process and procedures of both the ARHPB and Planning Commission, the composition, makeup, and general functions of these bodies is established in Title 2. Therefore, after reviewing both chapters for potential amendments, it was determined that only minor changes to Title 2 are necessary to restructure/define the ARHPB as a subcommittee of the Planning Commission, which would achieve Council's direction. In an effort to increase meeting efficiency and maintenance, staff recommend that the new subcommittee be made up of three members of the seven-member Planning Commission (instead of the current five-member ARHPB structure). This structure is similar to the City Council's Internal Affairs and

Finance Committees.

#### Benefits of an ARHPB Sub-Committee

Currently, when a project requires a discretionary approval from the Planning Commission (e.g., use permit) and also requires an associated architectural review approval, the ARHPB, at a separate public meeting, provides a recommendation on the project's architectural review and site design to the Planning Commission. The proposed restructuring would streamline this process, allowing a project to go forward at a single Planning Commission meeting, without requiring a separate review and recommendation from the ARHPB. Through the User Fee Study Update that is currently in process, fees for projects that would now benefit from fewer public hearings and staff reports can be reduced.

Additionally, future board/commission recruitments will only require 7 community members to address the combined responsibilities of the Planning Commission and ARHPB as opposed to recruiting 12 community members (7 Planning Commissioners and 5 ARHPB members).

Finally, expanding the Commission's planning-related responsibilities will ensure that the panel is more engaged and knowledgeable regarding development activity throughout the City.

#### Meeting Times Considerations

The Planning Commission meets on the 1st and 3rd Thursdays of the month at 6:00 p.m., as needed. Among other factors, this meeting time is intended to accommodate public involvement during traditionally non-working hours. The ARHPB holds its meetings on the 1st and 3rd Wednesdays of the month at 4:00 p.m. This meeting time has long been established because the most involved dialogue and engagement at ARHPB meetings is generally between an applicant's design professional/architect and the Board, specifically regarding nuanced site design and architectural features. In other words, the meeting time is intended to accommodate working professionals (often travelling from outside of Chico) during normal working hours.

Staff recommends that the Planning Commission's ARHPB sub-committee continue its current meeting date/time schedule. Should a project generate significant public controversy and therefore a need for greater public engagement and facilitation, either Planning staff or the ARHPB can refer the project to the full Planning Commission at its 6:00 p.m. meeting time.

Maintaining separate meeting days and times is also supported by the following reasons:

- Public noticing published in the Chico Enterprise Record is not required (cost savings)
- ARHPB sub-committee meetings are not recorded or broadcast on Granicus (cost savings)
- Fewer staff report copies and deliveries are required (efficiency of process/cost savings)
- ARHPB sub-committee approvals are not supported by formal resolutions requiring less interdepartmental coordination with the City Attorney's office (efficiency of process)

#### Certified Local Government Status

Pursuant to the City's Municipal Code (Section 2.56.030), three of the five ARHPB members are to be engaged in the visual arts field such as architects, landscape architects, artists, or designers, to the extent that such persons request appointment to the Board. Further, at least two members are to have professional experience in the disciplines of architecture, history, architectural history, planning,

archeology, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, again to the extent that such persons request appointment to the Board.

These special qualifications for Board members are recommended to remain in the code, with proportional reductions to the number of members sought to hold the qualifications based on having a three-member panel instead of a five-member panel. Since the qualifications are aspirational - only required to the extent applicants possess the relevant experience, the Planning Commission can serve as the pool of potential Board members even if none of the Commission members possess the specialty qualifications.

Nonetheless, staff reached out to our current Planning Commission members and believe that at least three members possess the appropriate professional experience to fulfill the specialty qualifications associated with maintaining the City's Certified Local Government status.

## **PROPOSED TITLE 2 AMENDMENTS**

For purposes of comparison and to facilitate Council review, **Exhibit I** to the recommending Ordinance (**Attachment A**) identifies proposed code changes in ~~strikeout~~ and underline.

### **Summary of Proposed Title 2 Amendments**

#### Planning Commission (CMC 2.52)

- *CMC 2.52.020 – Functions generally:*
  - Revised subsection 'E' to add duties of the ARHPB as a function of the Planning Commission.
  - Added subsection 'F' to capture "other duties" of the Planning Commission.

#### Architectural Review and Historic Preservation Board (CMC 2.56)

- *CMC 2.56.030 – Composition – Qualifications of members – Ex officio members:*
  - Reduced the number of regular members and removed reference to board appointments.
- *CMC 2.56.040 – Members' terms of office:*
  - Added language designating the ARHPB as a subcommittee of the Planning Commission.
  - Reduced term of office from four years to two years.
  - Eliminated specific date references for terms of office.
- *CMC 2.56.050 – Regular meeting – Time:*
  - Replaced reference to biennial "appointment" with "selection".

## **PUBLIC CONTACT**

A display ad for the May 16, 2023 City Council meeting to consider the proposed Municipal Code amendments was published in the *Chico Enterprise Record*.

Reviewed by:



Mike Sawley for:  
Brendan Vieg, Community  
Development Director

Approved and Recommended by:



Mark Sorensen, City Manager

**DISTRIBUTION**

City Council  
CDD Vieg

**ATTACHMENT**

A. Ordinance Amending CMC Title 2



1 D. To perform such duties as may be authorized by such laws as are not in conflict  
2 with the provisions of the Charter or the code of this city; ~~and~~

3 E. To provide a subcommittee to perform the duties described in Chapter 2.56  
4 (Architectural Review and Historic Preservation Board); and

5 F. To perform such other duties as the council may require pertaining to planning.

6 **SECTION 2.** Section 2.56.030 of the Chico Municipal Code is amended as follows:

7 **2.56.030 Composition – Qualification of members – Ex officio members.**

8 A. Regular members. The architectural review and historic preservation board shall  
9 consist of ~~five~~three regular members, ~~three~~two of whom are engaged in the visual arts field such  
10 as architects, landscape architects, artists, or designers and at least ~~two~~one of whom have  
11 professional experience in the disciplines of architecture, history, architectural history, planning,  
12 archeology, or other historic preservation-related disciplines, such as urban planning, American  
13 studies, American civilization, cultural geography, or cultural anthropology, to the extent that such  
14 persons exist on the Planning Commission ~~request appointment to the board~~ and are otherwise  
15 qualified to serve on the board. In addition, all members shall have a demonstrated interest or  
16 competence in, or knowledge of, historic preservation, American studies, cultural anthropology,  
17 cultural geography, or other historic preservation-related disciplines.

18 B. [NO CHANGES]

19 **SECTION 3.** Section 2.56.040 of the Chico Municipal Code is amended as follows:

20 **2.56.040 Members' terms of office.**

21 Members of the architectural review and historic preservation board shall be elected by the  
22 planning commission as a subcommittee of the planning commission ~~appointed~~ to serve for a term  
23 of ~~two~~four years and until their respective successors are duly appointed and qualified. ~~On and~~  
24 ~~after January 1, 1987, such terms shall be staggered so that two of the four year terms shall~~  
25 ~~commence at 7:30 p.m. on January 1, 1987, and at the same time and on the same day every fourth~~  
26 ~~year thereafter, and so that the remaining three four year terms shall commence at 7:30 p.m. on~~  
27 ~~January 1, 1989, and at the same time and on the same day every fourth year thereafter.~~

28 **SECTION 4.** Section 2.56.050 of the Chico Municipal Code is amended as follows:



1 **2.56.050 Regular meeting – Time.**

2 Subsequent to the biennial ~~appointment~~ selection of new board members, the architectural  
3 review and historic preservation board shall set a weekday and a time for regular monthly  
4 meetings.

5 **SECTION 5.** Severability. If any section, subsection, sentence, clause, phrase or word  
6 of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of  
7 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this  
8 Ordinance.

9 **SECTION 6.** Effective Date. This Ordinance shall be effective thirty days following  
10 adoption.

11 **SECTION 7.** Certification. The City Clerk shall certify to the passage and adoption of  
12 this Ordinance and shall cause the same to be published or posted in the manner required by law.

13  
14 **THE FOREGOING ORDINANCE** was adopted at a meeting of the City Council of the  
15 City of Chico on \_\_\_\_\_, by the following vote:

16 AYES:

17 NOES:

18 ABSENT:

19 ABSTAINED:

20 DISQUALIFIED:

21 ATTEST:

22  
23 \_\_\_\_\_  
24 Deborah R. Presson  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Vincent C. Ewing, City Attorney\*

\*Pursuant to The Charter of  
the City of Chico, Section 906(E)