

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND MEMBERS OF THE COUNCIL
FROM: AMY NICHOLSON, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: AMENDING TITLE 20 (ZONING) OF THE SANTA ROSA CITY
CODE - PUBLIC NOTICING TEXT AMENDMENT

AGENDA ACTION: ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the City Council, by Ordinance, amend Title 20 of the Santa Rosa City Code to modify public noticing requirements.

EXECUTIVE SUMMARY

The Planning Division within the Planning and Economic Development Department (PED) has specific requirements related to public noticing for projects during various phases of entitlement application review. In concert with recommendations from the City's Community Advisory Board (CAB), Open Government Task Force, the PED's Housing Action Plan (HAP), and members of the public, the proposed Zoning Code text amendment would modify existing requirements to result in more clear, effective, and inclusive noticing. On February 28, 2019, the Planning Commission unanimously recommended that the Council approve the proposed Zoning Code Text Amendments.

BACKGROUND

1. Project Description

The proposed Zoning Code text amendments would modify sections of Chapter 20-50 – Permit Application Filing and Processing, Chapter 20-52 – Permit Review Procedures, and Chapter 20-66 – Public Hearings, regarding public noticing practices. The purpose of these modifications is to increase the methods, recipients, and lead time of public noticing to provide enhanced opportunities for notification of projects affecting residential neighborhoods, commercial and industrial areas, and Citywide. The desired outcome of these

changes is to increase public awareness throughout the project review, resulting in improved transparency and participation.

Although not included in the proposed Zoning Code text amendment, the Planning Division has also redesigned the mailed public notices from a text based black and white letter to a color postcard format (see Attachment 2) with graphics. The revised notices aim to more clearly present information regarding proposed projects and to encourage participation from the public.

2. Project History

In 2014, the Council formed the Open Government Task Force to develop a report that would inform the community about the current status of open and transparent government practice in the City; to review the exceptions, limitations and restrictions imposed by State or Federal law; and to present options for improvement or additional best practices related to an open and transparent government.

In October 2016, the Council accepted the HAP, which was prepared to address the City's ongoing unmet housing needs and to implement the City's General Plan Housing Element. Program 4(e) of the HAP is to "continue implementation of permit streamlining for planning entitlements", which includes the City's noticing requirements.

In May 2017, the City entered into a contract with Metropolitan Planning Group (M-Group) to assist with amendments to the City's entitlement streamlining process, including notification practices.

On April 26, 2017, City staff met with the CAB to review the permit streamlining process, including the City's noticing requirements for entitlement applications. Among the feedback received, CAB members emphasized the need to utilize social media such as Nextdoor, to send e-mail notification to those who have signed up for Citywide alerts, to make mailed notices easier to read and understand, and to notify residents and property owners earlier in the process.

In recent years, the City has received general feedback from the community through the development review process that the current notification requirements and practices are inadequate. Specifically, concerns have been raised regarding the distances that notices are sent from proposed projects to neighboring properties, that notices are sent to property owners only (not tenants), and that noticing is not provided earlier in the process.

On February 28, 2019, the Planning Commission unanimously adopted a resolution recommending that the Council approve the Zoning Code text amendment affecting public noticing within the Planning and Economic Development Department.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. Zoning Code Amendments

The Zoning Code amendments include the proposed changes and additions identified in red text and underline and strikeout format (see Attachment 1). The following is a brief outline of the proposed amendments, with a chart below to compare existing and proposed noticing requirements:

A. 20-50.040(F) - Concept review.

- Mailed notices distributed to owners and tenants within a 600-foot radius.
- On-site sign(s) required a minimum of 10 days prior to Concept Design Review meeting.
- Notice to be posted on the PED webpage.
- Notice to be emailed to the CAB.
- Notice to be posted to an email distribution list for City public notices.
- Alternative online postings, through social media and other online engagement opportunities, are encouraged at the discretion of the Director.
- Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater mailing radius.

* Concept Design Review occurs early in the Planning review process, during regularly scheduled Design Review Board meetings, and is optional unless a project qualifies for Zoning Administrator approval under the City's Resilient City Development Measure Ordinance.

B. 20-50.050(A) - Neighborhood Meeting notice.

- Mailed notices distributed to owners and tenants within a 600-foot radius.
- On-site sign(s) required a minimum of 10 days prior to Neighborhood Meeting.
- Notice to be posted on the PED webpage.
- Notice to be emailed to the CAB.
- Notice to be posted to an email distribution list for City public notices.

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- Alternative online postings, through social media and other online engagement opportunities, are encouraged at the discretion of the Director.
- Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater mailing radius.

C. 20-50.050(E) - Notice of Application.

- Mailed notices distributed to owners and tenants within a 600-foot radius.
- Notice to be posted on the PED webpage.
- Notice to be emailed to the CAB.
- Notice to be posted to an email distribution list for City public notices.
- Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater mailing radius.

D. 20-52.030 - Design Review.

- Clarification that Minor Design Review items require noticing for a public meeting. No on-site sign or newspaper posting would be required, unless a public hearing is requested.

E. 20-66 - Public Hearings.

- Mailed notices distributed to owners and tenants within a 600-foot radius.
- Notice to be posted on the PED webpage.
- Notice to be emailed to the CAB.
- Notice to be posted to an email distribution list for City public notices.
- Alternative online postings, through social media and other online engagement opportunities, are encouraged at the discretion of the director.
- An on-site sign is required for any site-specific development, regardless of a 1/8 page newspaper posting
- Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater mailing radius.

NOTICING REQUIREMENTS

	<u>Existing Code</u>	<u>Proposed Amendment</u>
Meeting Items Noticed	<ul style="list-style-type: none"> • Neighborhood Meetings • Public Hearings • Zoning Administrator Public Meetings 	<ul style="list-style-type: none"> • Neighborhood Meetings • Public Hearings • Zoning Administrator Public Meetings • Concept Design Review
Distance for Mailing	<ul style="list-style-type: none"> • 300-foot radius 	<ul style="list-style-type: none"> • 600-foot radius
Recipients of Notice	<ul style="list-style-type: none"> • Property owners 	<ul style="list-style-type: none"> • Property owners • Tenants
On-Site Signs	<ul style="list-style-type: none"> • Public Hearings 	<ul style="list-style-type: none"> • Neighborhood Meetings • Concept Design Review • Public Hearings
Internet	<ul style="list-style-type: none"> • Not required 	<ul style="list-style-type: none"> • All notices posted to PED webpage • Posted to social media as appropriate
E-mail	<ul style="list-style-type: none"> • Not required 	<ul style="list-style-type: none"> • CAB receives all notices by email • Email distribution list for City public notices
Notice of Application	<ul style="list-style-type: none"> • Not required 	<ul style="list-style-type: none"> • Projects which require Public Hearings • Projects that received Concept Design Review

The above noted amendments reflect substantial improvements in the Planning Division’s public noticing by requiring that additional affected residents receive mailed notification, and that those who frequent the area receive notification through on-site signs. In addition, individuals who are interested in projects Citywide will have easier access to notices posted on PED’s website, email distribution lists and through other formats as appropriate.

Planning staff is working with the Office of Community Engagement to explore opportunities for bilingual noticing, including but not limited to providing a translation phone number.

2. Public Comments

No public comments have been received at the time of writing this staff report.

FISCAL IMPACT

Approval of this action will not have a fiscal impact on the General Fund. Planning application and public hearing fees cover the cost of public notices.

Research conducted by City staff identifying the cost difference between the previously utilized letter/envelope mailing and the new postcard mailing has been found to be minimal. Any increased cost associated with the production and distribution of the new postcard notices, coupled with the increased mailing radius and the addition of tenant mailing, is anticipated to be offset by the City staff time saved in preparing and mailing the notices, as well as the replacement and maintenance savings associated with the Department's mailing equipment.

While the Department takes in fees upon Planning application submittal for public noticing, the applicant has always contracted and paid separately for on-site signs. Due to the proposed additional requirement for on-site signs for Neighborhood Meetings and Concept Design Review, an increased cost will be placed on the applicant.

ENVIRONMENTAL IMPACT

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemption set forth in the Public Resources Code and CEQA Guidelines.

- Adoption of the ordinance is exempt under the "common sense exemption" set forth in CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects having the potential to cause a significant effect on the environment, "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed project would amend the City's Zoning Code to provide additional notification requirements for public meetings regarding entitlement applications. The proposed Zoning Code amendments would not in and of themselves allow the development of any new structures or alteration of lands; rather, any future projects utilizing the enhanced meeting notification requirements would require their own entitlement permit and CEQA review process.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On February 28, 2019, the Planning Commission held a public hearing on the proposed Zoning Code text amendment. At the meeting, the Planning Commission unanimously approved the resolution recommending approval of the text amendment to the City Council.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation 10 days

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prior to the hearing. The proposed City Code amendments would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was also emailed to the City's Community Advisory Board and was posted at City Hall.

ISSUES

Not applicable.

ATTACHMENTS

- Attachment 1 – Redline Text Amendment
- Attachment 2 – Public Noticing Examples
- Attachment 3 – Planning Commission Resolution No. 11945
- Ordinance

CONTACT

Amy Nicholson, City Planner, anicholson@srcity.org, (707) 543-3258