



DATE: July 11, 2007  
TO: Honorable Mayor and Members of the City Council  
FROM: Community Development Department/Planning Division  
SUBJECT: **EXPANSION OF CURRENT PUBLIC NOTIFICATION PROGRAM**

**SYNOPSIS**

Staff recommends that the City Council adopt the revised City Council Policy No. 300-14, to include the following revised and new notification provisions: a) advance mail notification upon project submittal and expanded radius mail notification for public hearings, administrative decision dates and environmental review; b) on site signage; c) Neighborhood Planning Area notification; d) establishment of an interested party notification list; and e) Web-based notification.

The proposed notification program promotes participatory government through expanded noticing of development proposals. Its provisions represent staff's recommendation - based on independent analysis of notification issues and suggestions brought forward by the general public, the development community, City Commissions and City Council. The notification procedures will be applicable to all new development applications and proposals in processing that have not been "deemed complete" pursuant to the Permit Streamlining Act. Staff recommends that the City Council consider and approve amended Policy No. 300-14, (Attachment 1) and direct staff to commence its implementation in 90 days.

**BACKGROUND**

In April 2006 City Council directed staff to evaluate public notice procedures and possible improvements.

In October 2006 the City Council approved the Planning Commission's work program for Fiscal Year 2006-2007. One of the primary tasks set forth in the work program was review of development project processing. Subsequently, a Planning Commission Ad Hoc Committee was established to address "processing/ procedures" issues – including public noticing procedures.

In December 2006 the Planning Commission directed staff to prepare a proposal for “on-site” signage notification of developments.

In April 2007, the City Council directed staff to study the potential expansion of the notification radius, establishment of an Interested Party Notification List, and evaluate the feasibility of applying a “scalable” notification radius, based on a project’s size and/or scope.

The Planning Commission Ad Hoc Committee met and the Committee’s recommendations were presented to the Planning Commission on April 23, 2007. The Commission endorsed the “Enhanced Notification Program” and suggested possible modifications (please refer to Commission report section for specific information).

Input on the proposed program was obtained from members of the development community and the general public. The issue of expanded notification was generally supported by development community representatives and strongly advocated by the community at large.

**Project Description:** Current notification efforts associated with review and processing of development proposals include: posting of agendas at City Hall/Libraries; Web site posting of agendas and staff reports; provision of 10-day legal notice in newspaper of general circulation; 300-foot property owner mail notification and 100-foot resident mail notification in coastal areas; and Neighborhood Area notice for all projects over 20 units, new commercial development on properties of five acres or more, and for all General Plan and Land Use Amendments, per City Council Policy 300-14. The aforementioned Neighborhood Area notice ranges from 1,300 to 10,000 notices depending upon the size of the neighborhood area (Attachment 2).

The proposed notification program will significantly expand current public notification provisions. The new program includes the following five components and noticing provisions:

1. Advance mail notification and expanded radius mail notification of development proposals

Property owners and tenants residing within 1,500 feet of a proposed project site will be given notice via mail within 15 days from the project submittal date. This notification will be in addition to the required published notice in a newspaper of general circulation and the mailed notice which must be provided at least 10 days prior to any discretionary administrative decision on a project that requires public notice or on a project that requires a public hearing before the Planning Commission, Community Development Commission, Harbor Board of Directors or City Council.

Furthermore, the current 300-foot mail notification radius to property owners is proposed to be expanded to include property owners and tenants within 1,500 feet and will be applicable to all mail notices including environmental processing notices (e.g. EIR

Notice of Preparation, EIR Scoping Meetings, Notices of Availability, and pending decisions on Mitigated Negative Declarations). All costs associated with the advance and expanded noticing requirements will be borne by the applicant and will be set and periodically updated by the City Planner. This type of notification will apply to all discretionary project requests subject to a mail-notice requirement but will exclude time share owners.

## 2. On-site signage

A "Notice of Project Application" will be required to be posted by the applicant on the project site within 15 days following submittal of a formal application for a project that requires a public hearing before the Planning Commission, Community Development Commission, Harbor Board of Directors or City Council. The sign will remain on-site until the appeal period for the requested entitlement(s) has expired. The notice will be designed in accordance with and will include the information described in the City of Oceanside on-site sign design/text information exhibit (Attachment 3). A "Certificate of Posting" will be required to be submitted to the City within 24 hours of posting.

All project site notices will be required to comply with the following:

- a. On sites less than five acres, notice signage shall be posted at the most publicly visible location on site, to the satisfaction of the City. On sites over five acres or with multiple public road frontages a minimum of two signs (one per street frontage) shall be posted, to the satisfaction of the City.
- b. Sign material shall be durable enough to withstand the elements.
- c. Signs shall be mounted to an existing building or secured to a ground-mounted pole with a minimum pole height of four feet and a maximum pole height of six feet.
- d. Sign dimensions shall be two feet in height and three feet in width.
- e. Sign color background shall be yellow.
- f. All letter colors shall be black.
- g. Letter font shall be Arial.
- h. Letter heights for the notice shall be as shown on the City's on-site sign design/text information exhibit on file in the City.
- i. Applicant or developer phrases or logos shall not be allowed.
- j. Applicant shall obtain City approval of text, prior to posting.
- k. Any removed or damaged notices shall be replaced within five days from receipt of such notification by the City. Failure to replace removed or damaged signs shall cause processing of a development proposal to be suspended.

## 3. Neighborhood Planning Area Notification

Residents within a neighborhood planning area will continue to be sent letter-type notice of public hearings scheduled for General Plan Amendments within that neighborhood planning area in accordance with existing City Council Policy No. 300-14.

Residents within a neighborhood planning area will also continue to receive a letter-type notice of public hearings for applications located within the neighborhood planning areas involving Specific Plans, Zone Changes, Tentative Maps and/or Development Plans for all residential projects over 20 units, and for all commercial projects over five acres. Additionally, any of the above-noted projects which are appealed to or otherwise heard by the City Council will be subject to the letter-type notice. Costs associated with the noticing requirements will be borne by the applicant and will be set and periodically updated by the City Planner.

The 17 Neighborhood Planning Areas as identified in the Adopted Land Use Element of the General Plan will serve as the approximate boundaries for the Neighborhood Notification Program. It is recognized that these boundaries do not directly match bulk postal carrier zone routes but do serve as the best available approximation of notice boundaries. This type of notification will not apply to discretionary administrative approvals.

#### 4. Interested Party Notification List

A mail notification list is proposed to be created which will include neighborhood groups and homeowner association representatives and any other interested party that requests notification of all projects subject to administrative or other discretionary approval that requires public notice.

#### 5. Web-based Notification

The application page of all projects subject to administrative or other discretionary approval will be posted on the City's Web site within 15 days from project submittal date.

**Environmental Issues:** This proposal does not constitute a "project" under the California Environmental Quality Act (CEQA) therefore it is not subject to CEQA review.

### DISCUSSION

Listed below are the primary and most highly debated new elements or revisions to current notification practice and policies that are included in the "Enhanced Notification Program".

#### 1) 1,500-foot notification radius

Traditional neighborhoods, and what is generally perceived as one's neighborhood, are defined in terms of the "pedestrian shed". The pedestrian shed is the distance people will walk in order to fulfill their daily needs. Historically and by convention the standard pedestrian shed is approximately ¼ mile (1,320-feet) in radius or a five-minute walk. The definition of the five-minute walking radius neighborhood is part of the American Institute of Architects Architectural Graphics Standards which is an industry standard for

dimensional criteria for building and site planning.

The City currently notifies property owners within 300 feet of a project site of pending entitlement decisions. In addition, notification to residents within 100 feet of a project site is provided for developments located within the coastal area. The existing notification radius falls short in providing notification to interested parties within the boundaries of what is defined as the typical neighborhood area. Staff recommends that the current notification radius for both property owners and resident notification be expanded to 1,500 feet. The proposed 1,500-foot notification radius is based on planning rationale (5-minute walking radius neighborhood or ~1/4 mile) rounded up to coincide with the notification distance suggested by many individuals and community groups.

Staff considered the advantages and disadvantages of developing a “scalable” graduated-radius notification, linked to a project’s scope and scale, and determined that consistent use of the 1,500-foot notification radius would be preferable. Staff’s recommendation for consistent use of the 1,500-foot notification radius is based on the following:

- Use of the 1,500-foot notification radius eliminates uncertainty and subjectivity in the application of notification procedures.
- Administrative entitlement permits granted by staff can be of significant magnitude and constitute a high percentage of the total number of permits granted by the Community Development Department/Planning Division and Economic & Redevelopment Department annually. In 2006 the Planning Division granted approvals on 35 administrative development requests which included: 6 Administrative Development Plans; 13 Administrative Conditional Use Permits; 1 Administrative Agricultural Permit; 12 Administrative Coastal Permits; and 3 Comprehensive Sign Programs. Therefore excluding administrative entitlement approvals from the 1,500-foot radius notification would negatively impact public awareness about development proposals in the project’s immediate area and could result in increased project costs, time delays, and less desirable developments.
- The proposed 1,500-foot radius is equal to the length of approximately three city blocks (5-minute walking distance). The 1,500-foot distance represents a reasonable notification radius even for minor applications such as single-family construction in the coastal area or construction of up to two single-family dwellings on properties outside the coastal area. Even minor proposals could be controversial at the neighborhood level.
- The cost savings associated with use of a “scalable” notification radius to developers/homeowners is minimal as compared to the benefit of informing the public of future development proposals. Should the Council determine that the notification costs would be burdensome to homeowners of single-family projects, staff suggests that the notification radius policy be retained and the notification costs (~ \$7,000-\$9,000 annually) absorbed by the City.

## 2) Advance Notification

Notification of pending decisions on planning entitlements is currently provided to property

owners located within 300 feet of a project site, and to residents within 100 feet for projects within the coastal area, 10-days in advance of the decision/hearing date. If a development proposal involves preparation of an Environmental Impact Report (EIR), notification to property owners is also provided prior to holding a scoping meeting. The current notification program does not include advance notification provisions at the onset of the project development review.

Community participation in the early stages of project review process is of paramount importance. Public input can affect project design and if given at the early stages of development can expedite processing rather than slow it down and result in an improved project design. Over the past year the public has been vocal in requesting advance notification of projects and inclusion of the community in the review process. Staff recommends that property owners and tenants residing within 1,500 feet of a proposed project site should be given notice via mail within 15 days from the project submittal date. This notification will be in addition to the required published notice in a newspaper of general circulation and the mailed notice which must be provided at least 10 days prior to any discretionary administrative decision on a project that requires public notice or on a project that requires a public hearing before the Planning Commission, Community Development Commission or City Council.

### 3) Program Costs

Staff has evaluated costs associated with the proposed expanded radius/advance notification, on-site signage, and Web-based notification. The following reflects staff findings:

#### Advance Notification/Expanded radius costs

Based on an analysis of 300-foot radius project notification it was determined that the average mailing, supplies and staff costs for current public noticing totals approximately \$35. The estimated average cost for notification using the 1,500-foot radius and increasing notice mailing from one to four times – to include advance notification and the 10-days-prior-to-hearing notification for property owners and residents – is \$565. All costs associated with the advance and expanded noticing requirements are proposed to be borne by the applicant and will apply to all new proposals and proposals in processing that have not been “deemed complete” pursuant to the Permit Streamlining Act.

#### On-site signage costs

Estimates on costs associated with on-site signage, including installation, average \$230 dollars.

#### Web-based notification

Estimated costs associated with the Web-based notification total \$10,000 (one-time cost). Funds for this service have been appropriated in the FY 2007-2008 budget. The aforementioned cost will cover Web design and posting of all pending development applications on the City’s Web site. It is estimated that work associated with the Web-

based notification can be completed within 90 days from the date of this policy's approval.

## **FISCAL IMPACT**

With the exception of the above-noted Web-based notification costs (\$10,000) which will be paid from funds budgeted for this purpose in the FY 2007-08 adopted budget, all other costs associated with the enhanced notification program will be borne by project applicants, in accordance with a fee schedule program developed and periodically updated by the City Planner.

## **COMMISSION OR COMMITTEE REPORT**

The Planning Commission reviewed the "Enhanced Notification Program" on April 23, 2007. After hearing staff's presentation and public testimony, the Commission unanimously endorsed the expanded notification provisions as proposed by staff. The Planning Commission offered the following suggestions for City Council consideration:

- Require a smaller notification area for smaller discretionary projects (minor variances, administrative development plans, single family homes in the coastal area etc.)
  - ***Smaller projects could of as much interest to the community as larger ones. The importance of ensuring consistency and objectivity in the application of notification requirements as well as neighborhood awareness and participation in the development review process outweigh the cost-savings associated with application of a reduced radius notification on a few projects.***
- Provide property owner notification only (no tenant/resident notification) within 1500 feet of the project site outside the Coastal Zone.
  - ***Projects outside the boundaries of the coastal zone could be of as much interest to residents as those within the costal zone and therefore a different standard should not be used.***
- Require larger (2 feet by 4 feet) on-site project notification signs on project sites greater than 5 acres.
  - ***Additional signs will be required on project sites greater than 5 acres in area but larger signs seem unnecessary.***
- Require two or more on-site signs for project over 5 acres, at the discretion of the City Planner.
  - ***This suggestion is included in the recommended policy.***
- Consider the costs (approximate City costs and applicant costs) associated with this program.
  - ***A cost analysis has been performed.***

- Require Neighborhood Area Notification for residential subdivisions of 10 units or greater rather than 20 residential units or more as in the current policy.
  - ***The proposed expanded notification radius combined with the other means of pending project notification procedures (on-site signage, Web-based notification, and interested-party list notification) will ensure adequate and appropriate notification.***
  
- Provide Neighborhood Area Notification notices on a postcard, not in letter form.
  - ***Letter-form notification is considered first-class mail, which ensures delivery within 3 days by U.S. Postal Service. In addition staff has found that the postcard does not provide adequate space to describe and map the proposed project and has been using the letter format for the past several years.***
  
- Include Neighborhood Group representatives in the interested party list.
  - ***This suggestion is included in the staff-recommended policy.***

On May 23, 2007, the Redevelopment Advisory Committee (RAC) considered and unanimously recommended approval of the “Enhanced Notification Program”, as proposed by staff.

On June 5, 2007, the Economic Development Commission (EDC) considered the “Enhanced Notification Program” and recommended approval, as proposed by staff, with the exception of the 1,500 feet radius notification requirement. EDC suggested that City Council consider a radius between 300 feet – 1,500 feet for notification purposes.

### **CITY ATTORNEY’S ANALYSIS**

The proposed policy meets and exceeds the minimum public notification requirements of the Government Code.

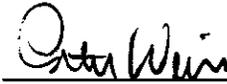
**RECOMMENDATION**

Staff recommends that the City Council adopt the revised City Council Policy No. 300-14, to include the following revised and new notification provisions: a) advance mail notification upon project submittal and expanded radius mail notification for public hearings, administrative decision dates and environmental review; b) on site signage; c) Neighborhood Planning Area notification; d) establishment of an interested party notification list; and e) Web-based notification.

PREPARED BY

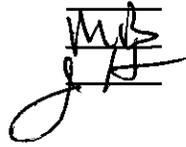
  
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**ATTACHMENTS:**

1. Enhanced Notification program Policy 300-14
2. Neighborhood Notice Costs
3. On-site sign design/text information exhibit



	<b>POLICY NUMBER</b>	<b>300-14</b>
	<b>ADOPTED</b>	<b>2-25-87</b>
<b>SUBJECT:</b>	<b>REVISED</b>	<b>2-14-90</b>
<b><u>Neighborhood-Enhanced Notification Program</u></b>	<b>REVISED</b>	<b>7-11-07</b>

**Advance Mail Notification and Expanded Public Hearing/Administrative Decision Mail Notification of Discretionary Entitlement Proposals (\*)**

It is the policy of the City Council that property owners and tenants residing within 1,500 feet from a project site shall be sent a notice via mail informing them of pending discretionary entitlement proposals (project entitlement case number, location and brief project description). Said notice shall be sent within 15 days from the project application submittal date and shall be in addition to any other notice required by the California Government Code or the City of Oceanside.

It is also the policy that the current 300-foot mail-notification radius to property owners shall be expanded to include property owners and tenants within 1,500 feet and shall be applicable to all mail notices including environmental processing notices (e.g., EIR Notice of Preparation/EIR Scoping Meetings, Notices of Availability, and pending decisions on Mitigated Negative Declarations). All costs associated with the advance and expanded noticing requirements shall be borne by the applicant and shall be set and periodically updated by the City Planner.

(\*) This type of notification applies to all discretionary entitlement requests and excludes individual owners of time shares.

**On-site Signage (\*\*)**

It is the policy of the City Council that a "NOTICE OF PROJECT APPLICATION" shall be posted by the applicant on the project site within 15 days following submittal of a formal application for discretionary entitlement(s) that require a public hearing. The sign shall remain on-site until the appeal period for the requested entitlement(s) has expired. The notice shall be designed in accordance with and shall include the information described in the City of Oceanside on-site sign design/text information exhibit on file with the City. A "Certificate of Posting" shall be submitted to the City within 24 hours of posting.

All project site notices shall comply with the following:

1. On sites less than 5 acres, notice signage shall be posted at the most publicly visible location on site, to the satisfaction of the City. On sites over 5 acres or with multiple public road frontages, a minimum of two signs (one per street frontage) shall be posted, to the satisfaction of the City.

2. Sign material shall be durable enough to withstand the elements.
3. Signs shall be mounted to an existing building or secured to a ground-mounted pole with a minimum pole height of four (4) feet and a maximum pole height of six (6) feet.
4. Sign dimensions shall be two (2) feet in height and three (3) feet in width.
5. Sign color background shall be yellow.
6. All letter colors shall be black.
7. Letter font shall be Arial.
8. Letter heights for the notice shall be as shown on the City's on-site sign design/text information exhibit on file in the City.
9. Applicant or developer phrases or logos shall not be allowed.
10. Applicant shall obtain City approval of text, prior to posting.
11. Any removed or damaged notices shall be replaced within 5 days from receipt of such written notification by the City. Failure to replace removed or damaged signs shall cause processing of a development proposal to be suspended.

(\*\*) This type of notification does not apply to administrative discretionary entitlement requests.

### **Neighborhood Planning Area Notification (\*\*\*)**

It is the policy of the City Council that residents within a neighborhood planning area ~~receive~~ shall be sent a postcard/letter-type notice of public hearings scheduled for all proposed Land Use Element General Plan Amendments within that neighborhood planning area to be heard by the Planning Commission, Community Development Commission, Harbor Board of Directors and City Council.

It is also the policy that residents within a neighborhood planning area ~~shall be sent~~ receive a postcard/letter-type notice of public hearings scheduled for the Planning Commission, Community Development Commission, Harbor Board of Directors, or City Council for applications located within the neighborhood planning areas involving Specific Plans, Zone Changes, Tentative Maps and/or Developments Plans for all residential projects over 20 units, and for all commercial projects over 5 acres. Additionally, any of the above-noted projects which are appealed to or otherwise heard by the City Council shall also be subject to ~~postcard~~ the letter-type notice to the residents within the neighborhood planning area. Costs associated with the noticing

requirements shall be borne by the applicant and shall be set and periodically updated by the City Planner.

The 17 Neighborhood Planning Areas as identified in the Adopted Land Use Element of the General Plan shall serve as the approximate boundaries for the Neighborhood Notification Program. It is recognized that these boundaries do not directly match bulk postal carrier zone routes but do serve as the best available approximation of notice boundaries.

(\*\*\*) This type of notification does not apply to administrative discretionary entitlement requests.

#### **Interested Party Notification List (\*\*\*\*)**

It is the policy of the City Council that a mail-notification list shall be created to include all parties, including neighborhood groups and homeowner associations, who request notification of all discretionary entitlement requests.

(\*\*\*\*) This type of notification applies to all discretionary entitlement requests.

#### **Web-Based Notification (\*\*\*\*\*)**

It is the policy of the City Council that the application cover page of all discretionary entitlement requests shall be posted on the City's Web site within 15 days from the project application submittal date. All costs associated with the advance and expanded noticing requirements shall be borne by the applicant and shall be set and periodically updated by the City Planner.

(\*\*\*\*\*) This type of notification applies to all discretionary entitlement requests.

The failure of any persons or entity to receive notice given pursuant to this policy shall not constitute grounds for any court to invalidate the action(s) for which the notice was given. The provisions of this policy are directory in nature and shall not be deemed to create a mandatory duty the breach of which could result in liability to the City or to the officer or employee pursuant to state statute or other law. The failure to strictly observe this policy shall not affect the jurisdiction of the City Council or other applicable decision-making body from taking action on a matter for which the notice was given provided the City has complied with the noticing requirements of the California Government Code.

For purposes of this policy, "Administrative decision(s)" is defined as action(s) by the City Planner or Economic Development and Redevelopment Director on discretionary entitlement requests, as set forth in the City of Oceanside zoning ordinance.

