PLANNING COMMISSION

AGENDA NO. 3

CITY OF OCEANSIDE

DATE: March 9, 2015

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **PROPOSED REVISIONS TO THE ENHANCED NOTIFICATION PROGRAM (CITY COUNCIL POLICY 300-14)**

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Discuss the revised draft of City Council Policy 300-14, "Enhanced Notification Program"; and,

2. Provide staff with comments regarding the revisions to City Council Policy 300-14; and,

3. Forward a recommendation to the City Council to adopt revised City Council Policy 300-14.

BACKGROUND

On January 7, 2015 the City Council, introduced an item to re-establish the policy of notifying property owners within a 1,500 foot radius of the boundaries of a site that is the subject of an application for a discretionary land use entitlement. After discussing the item, the City Council provided staff direction to draft a revised policy that would take into account the scale of the project when applying the 1,500 foot notification radius requirement and to return to the City Council for review and approval.

Staff also received direction to include a provision in the policy requiring community meetings for certain types of projects and to generally include provisions that would result in greater public awareness of all active applications requesting approval of a discretionary entitlement. Accordingly, staff has drafted a revised policy that addresses these directives. The draft of revised City Council Policy 300-14 includes the following provisions:

- Expanded Radius Requirements for Mail Notification of Discretionary Proposals
- Advance Mail Notification (Notice of Application)
- On-site signage

- Community Outreach Plan
- Interested Party Notification List
- Web-Based Notification

The following analysis describes each component of the draft revision to City Council Policy 300-14 followed by a brief discussion about each provision.

In addition to revising City Council Policy 300-14, staff received direction to explore the concept of using "story poles" as a tool to aid in the review of discretionary entitlement proposals. Staff has included a brief discussion regarding story poles at the end of the analysis section.

ANALYSIS/DISCUSSION

City Council Policy 300-14 currently includes the following notification provisions:

- The posting of on-site signage within 15 days following submittal of a formal application for discretionary entitlements which require a public hearing;
- Mail notification of public hearings to the City maintained Interested Party Notification List; and
- Web-Based Notification, which entails posting the application cover page to the City's website within 15 days of the submittal of a project application.

The provisions of City Council Policy 300-14 are in addition to the public hearing notice requirements outlined in the Municipal Code and other noticing practices of the Planning Division which 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;

Staff researched surrounding municipalities in an effort to establish a baseline of current noticing practices. A matrix, which outlines the noticing practices of these municipalities, has been included as Attachment No. 1 for the Planning Commission's reference. The proposed revisions to the enhanced notification program will expand current public notification provisions. The revised program includes the following six (6) components and noticing provisions:

1. Expanded Mail Notification of Discretionary Entitlement Proposals

The current notification radius for discretionary entitlement proposals is 300 feet. This is consistent with state law and the practices of four (4) of the nine (9) cities surveyed as part of staff's research. City Council Policy 300-14 included a 1,500-foot notification

radius requirement from July 2007 until October 2011 for all discretionary entitlement proposals. Staff has drafted a revised policy that would require a notification radius of 1,500 feet for discretionary entitlement proposals that include General Plan Land Use Amendments; Specific Plans; Zone Changes; Residential projects exceeding 20 dwelling units; and Commercial/Industrial projects with a site area of five (5) acres or greater.

For all other discretionary entitlement proposals, the notification radius is proposed to be expanded to 500 feet as measured from the boundary of a given project site. The expanded notification radius would be applicable to all mail notices including environmental processing notices, notice of application and notice of public hearings.

2. Advance Mail Notification (Notice of Application)

As a means to increase awareness of discretionary entitlement proposals, property owners within the applicable notification radius and individuals on the interested parties list will be sent a notice, via mail, informing them of a pending discretionary entitlement proposal within 15 days from the project application submittal date. The notice will include the project entitlement case number, project name, date of application, a brief project description, contact person for project, project location, and assigned City project planner.

The intent of the notice of application is to make surrounding property owners and interested parties aware of pending applications for discretionary entitlement proposals early in the review process so that there is ample opportunity to make their comments and concerns known to both the applicant and City staff.

3. On-site signage

City Council Policy 300-14 will continue to contain the provision which requires the project site to be posted with a sign announcing that the site is the subject of a discretionary entitlement application and includes information regarding the contact staff planner, project number and permit. This provision of the policy requires the project site to be posted within 15 days of the submittal of a formal application for a project that is seeking approval of a discretionary entitlement. The sign is required to remain on-site until the appeal period for the requested entitlement(s) has expired.

4. Community Outreach Plan

In an effort to provide an avenue for citizen participation early in the development review process, a provision has been included which requires an applicant to engage in community outreach efforts prior to an application being deemed complete. This requirement shall be applicable to all discretionary entitlement proposals which include General Plan Amendments; Specific/Master Plans and Planned Developments; Zone Changes; Residential projects exceeding 20 dwelling units; and Commercial/Industrial projects with a site area of five (5) acres or greater.

To satisfy the requirements of this provision, an applicant will be required to prepare a written report that describes how they intend to notify nearby property owners and interested parties of the proposed project and how those people will have an opportunity to comment on the project. This plan will be submitted to the Planning Division for review and approval prior to its implementation. An applicant will have to implement the community outreach efforts outlined in their approved community outreach plan. Finally, an applicant will have to submit a written report which documents their community outreach efforts. The written report will describe the methods the applicant employed to involve the public, a summary of concerns, issues, and problems expressed during the process, a description of how the applicant intends to address the concerns brought forward during the process, and issues the applicant is unwilling or unable to address. The written report will also include copies of all sign-in sheets and comment sheets received from the public.

The Community Outreach Plan provision is similar to the requirements of other coastal communities in the surrounding area including Del Mar and Encinitas. The detailed requirements of the Community Outreach Plan provision can be found in the draft of revised City Council Policy 300-14, which has been included as Attachment No. 3 for the Planning Commission's consideration.

5. Interested Party Notification List

City Council Policy 300-14 will continue to contain a provision that a mail notification list of interested parties be maintained by the City. The list is comprised of neighborhood groups, homeowner association representatives and any other interested party that requests notification of all projects seeking approval of a discretionary entitlement. The interested parties list will receive all notifications required by City Council Policy 300-14.

6. Web-based Notification

City Council Policy 300-14 will continue to contain a provision that requires staff to post the application page for all projects seeking approval of a discretionary entitlement to the City's web site within 15 days from the project submittal date.

Additionally, Planning Staff is working with other City Staff to provide pending development information more readily, such as on the City's homepage.

Fiscal Impact

The proposed revisions to City Council Policy 300-14 will result in additional fees to account for the expanded notification radius and the additional mailing associated with the early notification provision. The following table depicts a single example of noticing fees for the existing notification radius (300 feet) and the proposed notification radii (500 and 1,500 feet).

Notice	300' radius[1]	500' radius[2]	1,500' radius[3]
Notice of Application	N/A[4]	$231.60	$455.03
Environmental Determination Notice	$200.00	$230.00	$373.82
Notice of Public Hearing (Planning Commission)	$206.00	$239.60	$491.08
Notice of Public Hearing (City Council)	$201.00	$231.60[5]	$455.03
Total:	$607.00	$932.80	$1,774.96

[1]300' radius of project site resulted in 100 properties being notified.
[2]500' radius of project results in 160 properties being notified.
[3]1,500' radius resulted in 721 properties being notified.
[4]The current notification policy does not require a notice of application to be mailed.
[5]Applicable if project is appealed to or called up by the City Council.

As depicted in the preceding example, compliance with the expanded mail notification provision would result in an increase in the public notification costs to the applicant in the selected scenario. It should be noted that the selected example represents the most comprehensive noticing which would be required for an average sized discretionary entitlement proposal. The increase in costs will vary considerably depending on the nature of the project and the entitlements being requested.

In addition, there are unknown costs associated with complying with the community outreach plan provision. These costs would be associated with the preparation of the community outreach plan, sending mail notification of a community meeting, conducting a community outreach meeting, and preparation of the community outreach report. There would also be costs associated with staff's time to review the required documentation. Staff's time would be charged, at the applicable rate, to the developer's deposit account.

Story Poles

Staff was directed to provide some background information regarding the use of story poles in association with discretionary entitlement reviews. Historically, story poles have been used to depict the elevations and silhouette of a proposed structure or an addition to an existing building. They are intended to aid community members, staff, and decision makers in their evaluation of a proposed development as it relates to height, massing, and view perspectives.

In 2006 staff prepared a City Council policy that would have required story poles for all projects requiring a Regular Coastal Permit west of Interstate 5. The City Council considered the draft policy at their regular meeting on May 3, 2006. The motion to adopt the policy failed to garner a second and the motion failed. The staff report and draft policy have been included as Attachment No. 4 for the Planning Commission's consideration.

The implementation of the use of story poles would require direction from the City Council to draft a policy, independent of the Enhanced Notification Program, similar to the example included in Attachment No. 4. Generally, story poles are used in combination with design guidelines, and not with ministerial permits.

ENVIRONMENTAL DETERMINATION

The proposed revision to City Council Policy 300-14 relating to the Enhanced Notification Program for discretionary entitlement projects does not constitute a "project" under the California Environmental Quality Act (CEQA) therefore it is not subject to CEQA review.

SUMMARY

The proposed revisions to City Council Policy 300-14, Enhanced Notification Program, promote participatory government through expanded noticing for discretionary entitlement proposals. Its provisions, as presented, are consistent with the direction provided to staff. The notification procedures will be applicable to all new requests for discretionary entitlements received after adoption of the revisions to the Enhanced Notification Program by the City Council. Staff recommends that the Planning Commission consider and recommend that the City Council adopt amended Policy No. 300-14 as proposed (Attachment No. 3).

PREPARED BY:

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Associate Planner

SUBMITTED BY:

Jeff Hunt
Interim City Planner

JH/SM/fil

Attachments:

1. Matrix of surrounding communities' notification practices
2. Adopted City Council Policy 300-14
3. Draft of revised City Council Policy 300-14
4. Story Pole background information

Municipality	*Coastal Community*	*Advance Noticing*	*Owner Notification Radius and Timing*	*Occupant Notification Radius and Timing*	*Neighborhood Notification*	*Project Site Posting*	*Newspaper Publication*	*Website Publication*	*Interested Parties List*	*Notes*
State of California	N/A	No	▪ 300 feet from project site ▪ Mailed 10 days prior to hearing	No	No	No	Published 10 days prior to public hearing	No	Yes	
Carlsbad	Yes	Yes[1]	▪ 600 feet from project site ▪ Mailed 10 days prior to hearing	▪ All occupants within 100 feet of project site; (applicable to Coastal Development Permits only) ▪ Mailed 10 days prior to hearing	No	Yes; w/in 30 days of submittal of a formal project application	Published 10 days prior to public hearing	▪ No for advance noticing ▪ Yes for pending decisions of Administrative Permit Notices and Public Hearing Notices	Yes	[1] Required for all projects which require approval by the Planning Commission or City Council. Notice of Application mailed to all property owners w/in a 600 foot radius (and all occupants w/in 100 foot radius for Coastal Development Permits) w/in 30 days of application submittal
Del Mar	Yes	Yes[2]	▪ 300 feet from project site ▪ Mailed 10 days prior to hearing or date of decision	▪ All occupants within 300 feet of project site as part of Citizens' Participation Program	No	No	Published 10 days prior to public hearing	No	Yes	[2] Requires compliance with Citizens' Participation Program prior to submittal of an application for a Design Review Permit for any new detached structure greater than 500 square feet, any second story addition or any project that the Planning Director and DRB Chair determines could have the potential to cause adverse impacts to the surrounding area

Municipality	Coastal Community	Advance Noticing	Owner Notification Radius and Timing	Occupant Notification Radius and Timing	Neighborhood Notification	Project Site Posting	Newspaper Publication	Website Publication	Interested Parties List	Notes
Encinitas	Yes	Yes[3]	▪ 500 feet from project site or 20 nearest property owners, whichever creates the greater number of notices ▪ 500 feet from project site for coastal development permits ▪ Mailed 10 days prior to hearing	▪ 500 feet from project site or 20 nearest occupants, whichever creates the greater number of notices ▪ All occupants w/in 500 feet of a project site for a Coastal Development Permit ▪ Mailed 10 days prior to hearing	No	Yes, immediately following the filing of an application	Published 10 days prior to public hearing	Yes	Yes	[3]Requires compliance with Citizens' Participation Program prior to submittal of an application which requires a discretionary permit or administrative review (with the exception of projects listed as being exempt from the requirement).
Escondido	No		▪ 500 feet from project site ▪ Mailed 15 days prior to hearing or date of decision	Yes[4]	No	Yes, 10 days prior to public hearing	Published 10 days prior to public hearing	No	No	[4]when a mobile home park is w/in 500 feet of a project site, each resident w/in the mobile home park shall be provided notice of public hearing
Poway	No	No	▪ 500 feet from project site ▪ Mailed 10 days prior to hearing	No	No	No	Published 10 days prior to public hearing	No	No	
San Clemente	Yes	No	▪ 300 feet from project site Mailed 10 days prior to hearing	No	No	Yes, 10 days prior to public hearing	Published 10 days prior to public hearing	No	Yes	
San Marcos	No	No	▪ 500 feet from project site[5] Mailed 10 days prior to hearing	▪ 500 feet from project site Mailed 10 days prior to hearing	No	Yes, w/in one week of application submittal	Published 10 days prior to public hearing	No	No	[5] Director has the discretion to require broader public notice requirements based upon the nature of a proposed project

Municipality	*Coastal Community*	*Advance Noticing*	*Owner Notification Radius and Timing*	*Occupant Notification Radius and Timing*	*Neighborhood Notification*	*Project Site Posting*	*Newspaper Publication*	*Website Publication*	*Interested Parties List*	*Notes*
Solana Beach	Yes	No	▪ 300 feet from project site[67] ▪ Mailed 10 days prior to hearing or date of decision	No	No	Yes, w/in 5 days of acceptance of a complete application	Published 10 days prior to public hearing	No	Yes	[6] for General Plan Amendments, notification is required to mailed to all property owners w/in a ½ mile radius of project site [7] if fewer than 25 property owners are w/in 300 feet, then the notification distance shall be increased by increments of 100 feet until at least 25 property owners have been notified
Vista	No	No	▪ 500 feet from project site ▪ Mailed 10 days prior to hearing	No	No	Yes,	Published 10 days prior to public hearing	No	Yes	

	POLICY NUMBER	**300-14**
	ADOPTED	**2-25-87**
	REVISED	**2-14-90**
	REVISED	**7-11-07**
SUBJECT:	**REVISED**	**2-23-11**
Enhanced Notification Program	**REVISED**	**10-12-11**

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.

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.

(***) 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 Development Services Director on discretionary entitlement requests, as set forth in the City of Oceanside zoning ordinance.

POLICY NUMBER	**300-14**
ADOPTED	**2-25-87**
REVISED	**2-14-90**
REVISED	**7-11-07**
REVISED	**2-23-11**
REVISED	**10-12-11**
DRAFT	**3-9-15**

SUBJECT:
Enhanced Notification Program

Purpose

It is the goal of the City Council, through the implementation of this policy, to increase public awareness of and promote public participation in proposed land development projects within the City of Oceanside. This policy is intended to supplement and enhance existing noticing requirements outlined in various sections of the Oceanside Municipal Code. Where the policy is more inclusive or expansive, the requirements of this policy shall be followed. When this policy is silent on a particular aspect of the noticing requirements outlined in the Municipal Code, the requirements of the Municipal Code shall be followed.

Expanded Radius Requirements for Mail Notification of Discretionary Proposals (*)

It is the policy of the City Council that notice shall be given to all property owners within 1,500 feet from a project site for all discretionary entitlement proposals which include any of the following discretionary entitlements:

- General Plan Land Use Amendments
- Specific Plans, Master Plans and Planned Developments
- Zone Changes
- Residential projects exceeding 20 dwelling units
- Commercial/Industrial projects with a site area of five (5) acres or greater

For all other discretionary entitlement proposals, notice shall be given to all property owners within 500 feet of a project site.

This policy shall be applicable to al 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), notice of public hearing, notice of decision and the advance noticing requirement outlined in this policy. All costs associated with the 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.

Advance Mail Notification (Notice of Application) (**)

Property owners shall be sent a notice, via mail, informing them of pending discretionary entitlement proposals. The content of such notice shall include the project entitlement case number, project name, date of application, a brief project description, contact person for project, project location, and assigned City project planner. Said notice shall be sent within 15 days from the project application submittal date and shall be in addition to any other notice(s) required by the California Government Code or the City of Oceanside.

All costs associated with the advance noticing requirement shall be borne by the project applicant.

(**) 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). 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 OCEANSIDE CITY COUNCIL POLICY 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 groundmounted 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.

Community Outreach Plan (****)

It is the policy of the City Council to require an applicant to engage in community outreach efforts prior to an application being deemed complete. This requirement shall be applicable to all discretionary entitlement proposals which include any of the following discretionary entitlements:

- General Plan Land Use Amendments
- Specific Plans, Master Plans, and Planned Developments
- Zone Changes
- Residential projects exceeding 20 dwelling units
- Commercial/Industrial projects with a site area of five (5) acres or greater

Community Outreach Plan Contents

A. The Community Outreach Plan shall include the following information:

   1. Which property owners, interested parties, and public agencies may be affected by the application.

   2. How those parties identified in paragraph (1.) above will be informed of the substance of change, amendment, or development proposed by the application;

   3. How those identified in paragraph (1.) above will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing or public review and comment period;

   4. The applicant's schedule for completion of the Community Outreach Plan;

   5. How the applicant will keep the Planning Division informed as to the status of Community Outreach efforts;

B. The level of citizen interest and area of involvement will vary depending on the nature of the application and the project's location. The applicant will determine the target area for early notification after consultation with and approval of the Planning Division.

1. In no case shall the notification area be less than that required in other sections of the Enhanced Notification Program.

2. The applicant shall notify other interested parties who have requested in writing that they be placed on the interested parties notification list maintained by the City of Oceanside.

3. The applicant shall notify any other persons, organizations or agencies as deemed appropriate after consultation with the Planning Division.

C. These requirements apply in addition to any notice provisions required elsewhere in the Municipal Code.

Community Outreach Report

A. When a Community Outreach Plan is required, the applicant shall provide a written report, satisfactory to the City Planner, documenting the results of the community outreach effort prior to the application being deemed complete. This report shall be made a part of the administrative record.

B. The Community Outreach Report shall describe the methods the applicant employed to involve the public, including:

1. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

2. The content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other writings;

3. A description of where property owners and other interested parties receiving notices, newsletters, or other written materials are located; and

4. The number of people who participated in the process; and

5. Comment Sheets and sign-in sheets shall be provided by the applicant to all interested parties who choose to participate in the process.

C. The report shall summarize the substance of concerns, issues and problems expressed during the process.

D. The report shall describe how the applicant has addressed, or intends to address the concerns, issues and problems expressed during the process.

E. The report shall identify which concerns, issues and problems the applicant is unwilling or unable to address, if any, and shall state why.

F. The report shall include all sign-in sheets and comment sheets provided to all interested parties by the applicant.

(***) 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. The notices required by the enhanced notification program, the City of Oceanside Municipal Code, and by the laws of the State of California shall be mailed to those individuals who have requested to be part of the interested party notification list

(*****)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 on discretionary entitlement requests, as set forth in the City of Oceanside zoning ordinance.

ITEM NO. 20

STAFF REPORT

CITY OF OCEANSIDE

DATE: May 3, 2006

TO: Honorable Mayor and City Councilmembers

FROM: Planning Division

SUBJECT: **ADOPTION OF CITY COUNCIL POLICY 300-26 REGARDING THE USE OF STORY POLES IN THE COASTAL ZONE**

SYNOPSIS

Staff recommends that the City Council adopt City Council Policy 300-26 regarding the use of story poles for development projects located in the Coastal Zone.

BACKGROUND

At their July 6, 2005, meeting, the City Council directed staff to develop a story pole policy for the City of Oceanside to assist decision-makers, community members, and staff in reviewing development projects.

Staff reviewed existing and similar story pole policies of other North San Diego County coastal communities. Following review of similar jurisdictional policies, staff prepared the attached policy for development projects within the City of Oceanside that require processing of a Regular Coastal Permit. If adopted, the policy as written would be limited to development projects in the Coastal Zone west of Interstate 5.

ANALYSIS

Of the five North San Diego County coastal cities, the City of Oceanside and the City of Carlsbad currently do not require story poles. Staff researched other jurisdictions and crafted a proposed policy suitable for City Council's consideration.

In developing the story pole policy, staff believes that the most sensible and feasible part of the City in which to implement such an ordinance would be the Coastal Zone west of Interstate 5. The City Council may wish to review this policy in 6-12 months to consider its usefulness and whether to apply it to other geographic areas of the City.

Generally, the proposed policy requires that the silhouette of buildings and architectural projections be illustrated as part of the story pole certification process. All applicants requiring a Regular Coastal Permit for new construction will be required to erect story poles no less than 30 days prior to a noticed public hearing.

This policy will become effective upon City Council's adoption, and the required information within the policy will become a submittal requirement that will be overseen

by the City Planner. Once the policy is approved, all pending Regular Coastal Permit applications currently on file that have not yet been deemed complete will be subject to the requirement. There are approximately 20 such applications currently on file in the Planning Division.

The proposed policy gives the City Planner discretion to waive the story pole requirement if it is demonstrated that no visual impact will occur or construction of story poles would be impractical. A similar provision exists in the Encinitas policy and it is anticipated that its use will be limited.

FISCAL IMPACT

The implementation of the story pole policy will have minor staffing impacts in the implementation and the review time necessary to certify story poles.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council adopt City Council Policy 300-26 regarding the use of story poles for development projects located in the Coastal Zone.

PREPARED BY:

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Acting City Planner

SUBMITTED BY:

Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager

ATTACHMENTS:
1. Draft City Council Policy 300-26
2. Coastal Zone Map
3. Policies for Encinitas, Solana Beach, Del Mar

Story Poles

POLICY NUMBER 300-26
ADOPTED 5-3-06

It is the policy of the City Council of the City of Oceanside that development requiring a Regular Coastal Permit in all zones within the Coastal Zone and west of the Interstate 5 Freeway shall be required to erect story poles prior to and during the public hearing process. The City Planner shall approve, conditionally approve, or deny story pole plans and certifications, as outlined herein.

Purpose

Story poles are used to depict the elevations and silhouette of a proposed structure or an addition to an existing structure. They are intended to aid neighbors, decision-makers, and staff in their evaluation of a proposed project.

Projects Requiring Story Poles

All projects required to process a Regular Coastal Permit west of the Interstate 5 Freeway are required to have story poles.

Exceptions

In some instances, the City Planner may waive the story pole requirement should it be clearly illustrated by the applicant that visual impacts will not be created and/or story poles are not feasible. Prior to waiving the requirement, the project applicant shall first provide a cross-sectional analysis to the satisfaction of the City Planner. The analysis shall illustrate immediate and surrounding structures on adjacent properties and shall be at a minimum ⅛-inch = 1-foot scale to be stamped by a registered engineer or licensed land surveyor.

At the discretion of the City Planner, proposed projects in excess of 35 feet in height and as measured from existing grade, can use alternate methods such as a combination of poles and/or balloons, or any other method that is deemed feasible to illustrate the proposed height and silhouette of the proposed structure and/or addition to an existing structure.

PROCEDURES

Installation, Duration, and Materials (Step 1)

When story poles are required they shall be erected no less than 30 days prior to any hearing date. Story poles shall remain until all City-specific and/or Coastal Commission jurisdictional appeal periods have ended, or as directed by the City

Planner. Projects not appealed shall remove story poles immediately following the 10-day project appeal period.

Staff recommends that for projects requiring story poles, a minimum of 2- by 4-inch lumber, PVC, or other substantial material be used in combination with 1.5-inch orange or red ribbon to depict the uppermost roofline (see Attachment 1). Material used shall not create unnecessary noise impacts on adjacent properties.

Story Pole Plan Submittal

Within three (3) days after the poles are erected, three (3) complete story pole certification plan sets to include the certification form (Attachment 2), a story pole plan that includes a site plan illustrating a roof plan detail, elevation datum points, and elevation(s) must be submitted to staff for review. Items to also include are:

1. On the story pole plan set, the licensed architect shall provide the dimensioned location of the story poles in relation to lot lines and the proposed development, as well as the height of each pole. All plans shall be drawn to a minimum ⅛-inch = 1-foot scale. If maximum elevations are used, a standard City of Oceanside benchmark must be identified.

2. A signed statement by a licensed engineer or land surveyor about the story pole plan, stating that the location and height of the poles are true and accurate per the story pole plan set prepared by the licensed architect. The property owner, architect, and/or project applicant/developer may not certify story pole height.

3. Applicants shall provide a photographic survey to include a total of four (4) photos clearly showing the story poles, adjacent properties and structures on adjacent properties. The photos shall be taken only from the north, south, east and west directions and labeled accordingly prior to submittal.

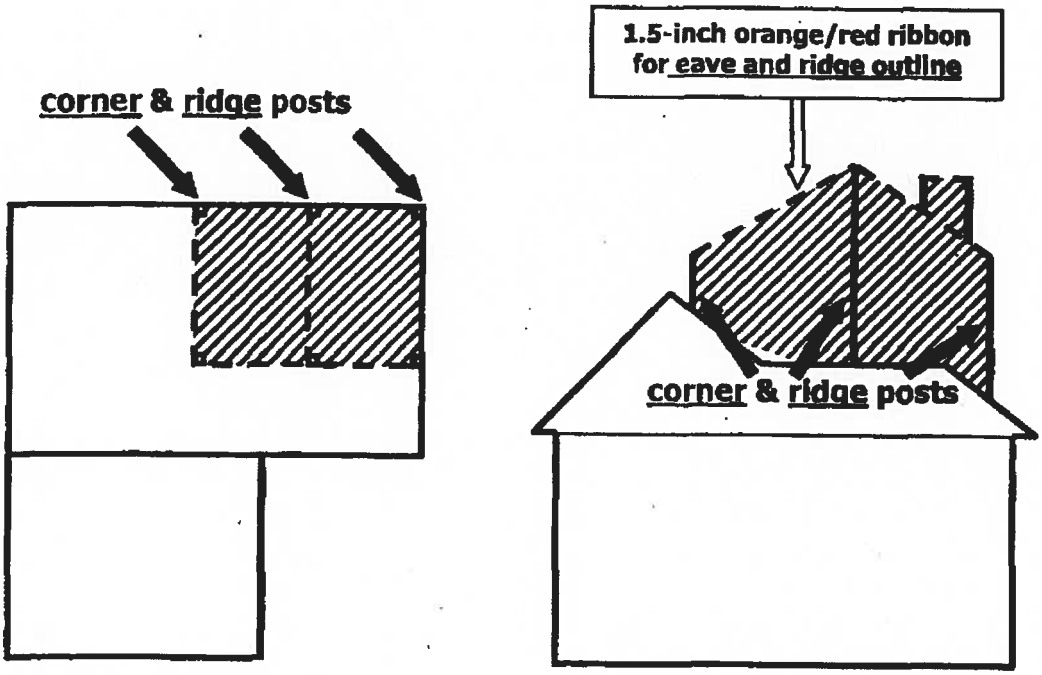
4. Applicants shall use the minimum materials necessary to effectively illustrate project silhouette and rooflines. Materials to be used for posts and other specifics shall be minimized to the extent feasible in order to reduce the visual impact and/or other impacts when story poles are required.

Removal of Story Poles

At no time shall story poles remain seven (7) calendar days following the end of the appeal period, or after seven (7) calendar days following the appeal hearing.

ATTACHMENT 1

STORY POLE ILLUSTRATION



*projects in excess of 35 feet in height as measured from existing grade may request an alternate method such as balloons or any other method that is deemed feasible to illustrate the proposed height and silhouette of the proposed structure and/or addition to an existing structure.

**Story poles shall include architectural projections referenced by Zoning Ordinance section 3018, including, but not limited to, towers, spires, cupolas, chimneys, elevator penthouses, and water tanks, or as required by the City Planner.

ATTACHMENT 2

STORY POLE HEIGHT CERTIFICATION

Date: _____

Project No.: _____
Assessor's Parcel No.: _____
Site Address: _____
Owner's Name: _____

This is to certify that on _____(date) the story poles located on the above-referenced site were surveyed by the undersigned, and found to be in conformance with the attached story pole plot plan. In addition, the following measurements were found:

1) Highest point of the story poles: _____(M.S.L.)*
2) Lower of natural grade **or** finished grade elevation: _____(M.S.L.)*
3) Finished floor elevation: _____(M.S.L.)*

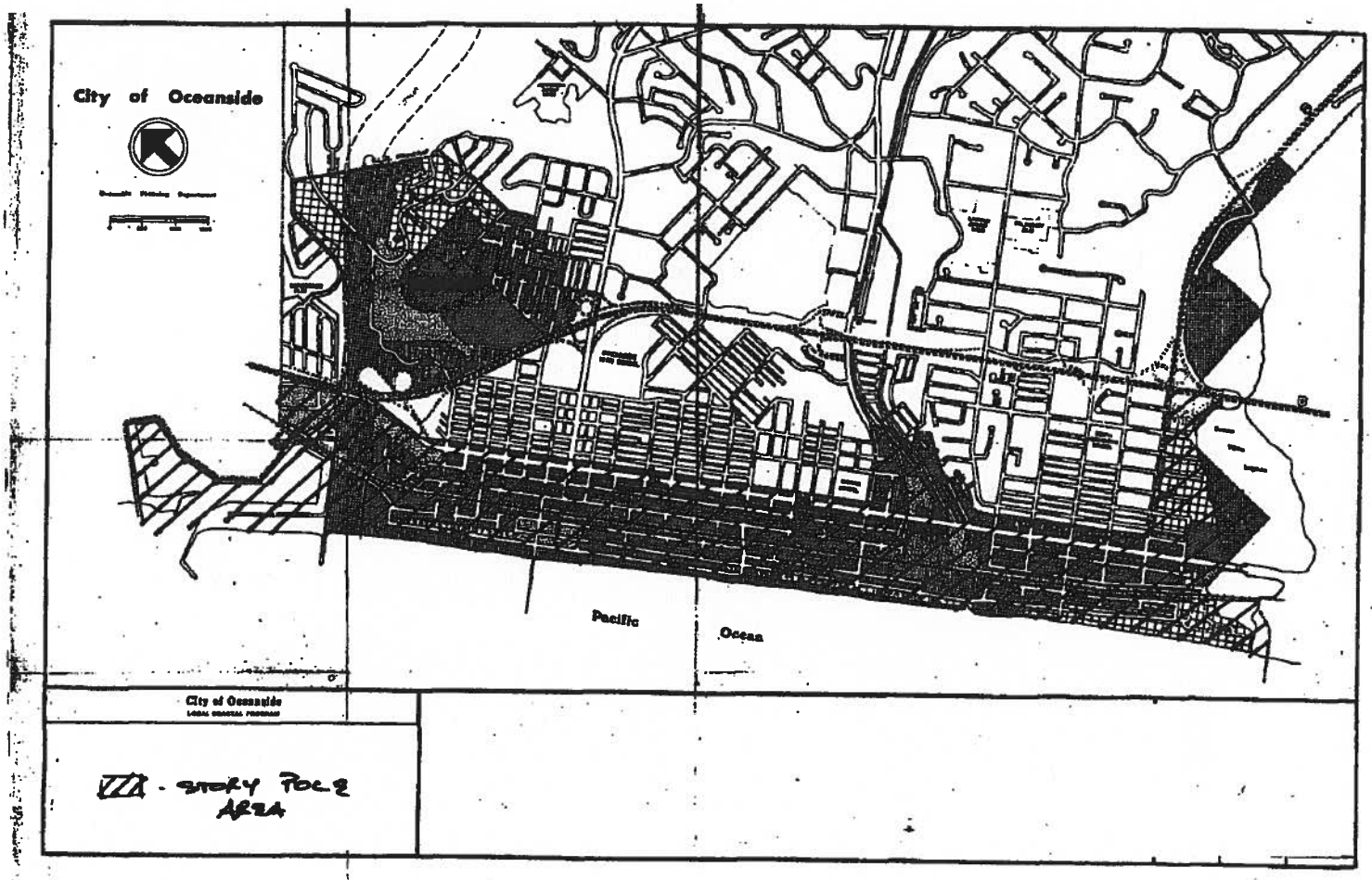
TOTAL MAXIMUM HEIGHT: _____

PLEASE NOTE: Top of story poles must depict the finished surface of roofing materials. At the roofing nailing inspection, a height certification will be required which must be in exact conformance with the maximum height shown on this Story Pole Height Certification.

For additional information, please contact me at: _____ (phone number)

_____
Registered Civil Engineer/
Licensed Land Surveyor
Seal of Registration:

*Mean Sea Level – all measurements must use a City of Oceanside benchmark established off-site that will not change over the course of the project. City of Oceanside benchmark datum points are available at the Community Development Department.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LOCAL COASTAL PROGRAM
VZA - STORY POLE AREA