



Date: June 27, 2017

To: City Manager for Council Action

From: Director of Community Development

Subject: Adoption of a resolution accepting the Public Outreach Policy for Planning Applications (PLN2017-12654)

EXECUTIVE SUMMARY

Background: The Community Development Department strives to continually improve information resources and public engagement activities for the community. To this end, the Community Development Department has recently expanded community outreach activities for Planning applications by adding posting of on-site notification signs, increasing online information resources, requiring additional community meetings, expanding radii for mailed notifications, and providing email notifications for project activities. The City Council is being asked to adopt a new Public Outreach Policy for Planning Applications (Policy) to formally memorialize these activities. The formalized Policy will provide certainty and consistency for developers, staff, and community members as to what information resources will be available and what community outreach will occur as a project moves through the Planning entitlement process.

Governance Committee Review: The Governance Committee reviewed the proposed Policy at their meeting on June 12, 2017. The Committee suggested several changes to the draft Policy, including rewording the definition of Significant Interest Development Proposals and removal of text regarding staff's involvement in community meetings in favor of a focus on notification procedures. The Committee unanimously voted to review and accept the staff report and proposed Public Outreach Policy for Planning Applications. The Policy was updated to reflect the suggestions of the Committee.

Planning Commission Review: The Planning Commission reviewed the proposed Policy at their June 14, 2017 meeting. In response to Commissioners' questions, staff indicated that the Director of Community Development and staff would retain discretion in deeming a project as one of Significant Interest. Staff also clarified that staff would be present at community meetings to respond to questions and garner feedback, but that the developer is responsible for mailing notices to surrounding residents and property owners to inform them of the community meetings. The public hearing was opened and one member of the public spoke to question who is responsible for paying for mailing lists. Staff explained that the cost of the creation of a mailing list is an administrative cost folded in to standard application fees and no separate fee is charged. The Planning Commission voted to review and accept the staff report and proposed Public Outreach Policy for Planning Applications (4-0-0-3). The attached Planning Commission staff report contains additional analysis, and a draft excerpt of the Planning Commission meeting minutes is also attached.

General Plan Consistency: The proposed Policy is consistent with the outreach policies identified in the General Plan, in that the proposed policy will foster outreach efforts and provide education and informational opportunities for the public and developers.

CEQA: The Policy is not a project as defined by CEQA.

Community Outreach: The notice of the City Council consideration of this Policy was advertised on the City's social media accounts, e-mailed to a list of interested parties and developers, and sent to the City's Planning Community Meetings e-Notify list.

A community meeting was held on March 20, 2017. Staff received varying feedback from the community, which included a desire to have early outreach efforts prior to project submission for Large or Significant Interest projects, non-residential projects, projects more than one-story higher than surrounding buildings, and projects that are three stories or greater. In addition, attendees expressed interest in the development of a GIS mapping system for online access to projects and an increased mailing radius to 1,000 feet or 1,000 households, whichever is greater. A comprehensive list of public comments received at the meeting is attached.

The draft policy was also discussed at the Neighborhood – University Relations Committee (NURC) meeting on March 6, 2017, and as previously described, the City's Governance Committee on June 12, 2017, and the Planning Commission on June 14, 2017.

The final draft policy attached for Council consideration and approval removes livestreaming from the matrix in order to clarify the requirements. Use of livestream will be evaluated on a case-by-case basis.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the Policy would provide clear guidance to developers, staff, and the public on the required modes of outreach and their timing during the Planning entitlement process. The Policy will further expand the level of outreach for Planning applications and will improve consistency in outreach efforts.

ECONOMIC/FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the City Council adopt a resolution accepting the proposed Public Outreach Policy for Planning Applications.


for Andrew Crabtree
Director of Community Development

APPROVED:

Rajeev Batra
City Manager

Documents Related to this Report:

- 1) Resolution
- 2) Draft Public Outreach Policy for Planning Applications
- 3) Planning Commission Staff Report
- 4) Draft Excerpt of the June 14, 2017 Planning Commission Minutes

RESOLUTION NO. _____
A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADOPTING A PUBLIC OUTREACH POLICY
FOR PLANNING APPLICATIONS

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on June 27, 2017, the City Council held a public hearing to review the draft Public Outreach Policy for Planning Applications.

WHEREAS, approval of the Policy would provide clear guidance to developers, staff, and the public on the required modes of outreach and their timing during the Planning entitlement process.

WHEREAS, the Public Outreach Policy for Planning Applications would apply to all formally submitted Planning applications.

WHEREAS, the Public Outreach Policy for Planning Applications is not a project under CEQA.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City Council establishes the Public Outreach Policy for Planning Applications applicable to all Planning entitlement applications.
3. That the City Council hereby finds that the Public Outreach Policy for Planning Applications is not a project under CEQA.
4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and

word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2017, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments:

1. Public Outreach Policy for Planning Applications

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Public Outreach Policy for Planning Applications

The facilitation of community participation is an important goal for the City's conduct of the land use development process. The intent of this policy is to inform City practices that will provide the public with enhanced access to information related to land use development activity within Santa Clara in order to encourage community members to engage in the public process for the review of development proposals. The Policy establishes outreach requirements for the City of Santa Clara that will be implemented in addition to the minimum noticing requirements provided by State law.

Definitions

Small Development Proposal: development proposal related to the construction, renovation, demolition, or expansion of a single-family house or duplex that requires a public hearing or public notification; accessory structures that require a public hearing; or minor use permits (e.g., those involving alcohol)

Standard Development Proposal: development proposals that involve between 3 and 49 dwelling units, up to 30,000 square feet of commercial, or up to 50,000 square feet of office or industrial uses

Large Development Proposal: development proposals that involve over 49 dwelling units, over 30,000 square feet of commercial, or over 50,000 square feet of office or industrial uses

Significant Interest Development Proposal: development proposals that have a high potential for significant interest at a Citywide level

Process

1. Initial Public Notification.

- **On-Site Posting.** The applicant is responsible for installing an on-site notification sign on the project site, consistent with the attached Policy for On-Site Noticing and Posting Requirements.
- **Website Posting.** The online, publicly accessible, recently filed projects list will be updated on a monthly basis or more frequently.

2. Community Meeting.

For Large and Significant Interest proposals, at least one noticed community meeting will be encouraged within 60 days of filing the application, but must be held no more than 90 days following the filing of the application. Subject to the discretion of the Director of Community Development, attendance and presentation at a

regularly scheduled community group or organization meeting may qualify as a community meeting, as may a community meeting associated with a Preliminary Review application. Community meetings for Standard Development Proposals may also be required at the Director of Community Development's discretion.

Community Meeting Noticing

All modes of community meeting noticing will be sent and/or posted online at least 10 days in advance of the meeting, with a target of at least 14 days prior to the meeting, consistent with the below outreach methods:

- **Mailed Notices.** Notices will be sent to all property owners and tenants within the radius specified in the Public Outreach Matrix.
- **Website Posting.** Notice of the community meeting will be provided on the Planning Division's Planning Community Meetings webpage (<http://www.santaclaraca.gov/government/departments/community-development/planning-division/planning-community-meetings>), as well as the City's online calendars. E-mails will be sent to individuals that have identified themselves as interested parties for the specific project and to those who have signed up for Planning Community Meeting emails through the City's eNotify system.
- **Social Media.** Announcements will be posted on the City's social media accounts, including Facebook and Nextdoor.

3. Public Hearing.

Public Hearing Noticing

All modes of public hearing noticing will be sent and/or posted online at least 10 days in advance of the hearing, with a target of at least 14 days prior to the meeting, consistent with the below outreach methods.

- **Mailed Notices.** Notices will be sent to all property owners and tenants within the radius specified in the Public Outreach Matrix.
- **Website Posting.** Notice of the public hearing will be provided on the individual hearing body's agenda webpage. E-mails will be sent to individuals that have identified themselves as interested parties for the specific project and to those who have signed up for email alerts through the City's eNotify system for the hearing body to which the project will be presented.
- **Social Media.** Large and Significant Interest proposal public hearing announcements will be posted on the City's social media accounts, including Facebook and Nextdoor.

- **Publishing.** For Large or Significant Interest proposals, notice of a public hearing may be advertised in the *Santa Clara Weekly*.

Long-Range Planning Projects

Long-range planning projects, including, but not limited to specific plans, significant Zoning Ordinance amendments, General Plan updates, and other policy documents, will be treated as Significant Interest proposals where feasible in accordance with the Public Outreach Matrix.

Where proposed long-range planning changes may have significant City-wide implications, publishing of community meeting and public hearing dates in the *Santa Clara Weekly* will be encouraged, and the City may choose to live stream/post a community meeting video on the City's website, Facebook, and YouTube accounts.

Preliminary Review Applications

Preliminary review applications are encouraged for Large and Significant Interest Development Proposals. Applicants for Preliminary Reviews may be encouraged to host a community meeting, particularly for Large and Significant Interest Development Proposals, subject to the discretion of the Director of Community Development.

Subdivision Maps

At a minimum proposed subdivision maps will be required to provide outreach in accordance with Title 17 of the City Code.

Public Outreach Policy and State / City Law Consistency

A hearing body may act upon an application that does not meet all outreach and notification criteria contained in this policy, so long as the project meets applicable State and City due process laws.

Additional Outreach

The Planning Project Manager for each application will maintain a list of interested parties for each application, and said list will be notified by email when environmental documents are available for review and at least 10 days in advance of community meetings or public hearings. The Director of Community Development maintains the discretion to require mailed notices to a larger radius than that called for by this policy. Additional outreach modes and efforts may be required above and beyond what are called for in this policy.

Public Outreach Matrix

	Small	Standard	Large	Significant Interest
On-Site Posting	11"x17"	2'x3'	4'x6'	4'x6'
Website Information	X	X	X	X
Mailing Radius	300 feet	500 feet	1,000 feet	1,000 feet
Community Meeting		•	X	X
Mailed Notice		•	X	X
Online Calendar / Website Posting		•	X	X
E-mail to Interested Parties and E-Notify		•	X	X
Social Media		•	X	X
Public Hearing				
Mailed Notices	X	X	X	X
Online Calendar / Website Posting	X	X	X	X
E-mail to Interested Parties and eNotify		X	X	X
Social Media		•	X	X
Newspaper Notice		•	•	•

X Always required

• May be required

* Whenever feasible



City of Santa Clara

The Center of What's Possible

AGENDA ITEM #: 6.A PLANNING COMMISSION STAFF REPORT

Meeting Date: June 14, 2017

File: PLN2017-12654

Location: Citywide

Applicant: City of Santa Clara

Owner: City of Santa Clara

Subject: Informational item for review of a proposed City Council Public Outreach Policy for Planning Projects

CEQA Determination: Not a project under CEQA

Project Planner: Rebecca Bustos, Associate Planner

EXECUTIVE SUMMARY:

The City of Santa Clara does not currently have a formal policy identifying outreach efforts required during the entitlement process for development applications or use permits. The proposed Public Outreach Policy aims to formalize the outreach process and improve the consistency in which outreach efforts are required and applied to development projects.

Project Analysis

The Community Development Department is expanding its outreach efforts to include various modes of communication. Staff has been implementing many of the procedures identified in the Policy. Adoption of a formalized Public Outreach Policy will provide certainty for developers and community members as to what to expect as a project moves through the Planning entitlement process.

As proposed, the Policy classifies projects into four categories (Small, Standard, Large, Significant Interest/Controversial) based on square footage, number of dwelling units, and/or a high potential for significant interest at a City-wide level. Based on a project's classification, different modes of public outreach would be required. For example, all projects that need a public hearing would be required to provide on-site posting of a public notification sign, while only Large and Significant Interest projects would be required to hold a community meeting. However, the Director of Community Development would maintain discretion to require additional modes of outreach regardless of a project's classification.

One of the significant requirements that the Policy would add to the community outreach procedures that staff is currently implementing is the inclusion of tenants in community meeting and hearing notice mailings. Pursuant to State law, only property owners are currently included in such mailings. There are technical challenges in implementing this procedure, but the adoption of the Policy would serve as direction to staff from the City Council to make tenant mailings a priority.

The Public Outreach Policy would not limit the types of outreach or modes of information dissemination. For example, a digital mapping system identifying the locations of all current Planning Projects within the City is currently under development. The mapping system will be publicly accessible and available on the City's website. The City is also working on a system for the public to sign up for e-mail notifications when new Planning projects are filed within a certain geographic area. The Public Outreach Policy may be periodically updated administratively to provide web links to such online resources.

General Plan Conformance: The proposed policy is consistent with the outreach policies identified in the General Plan, in that the proposed policy will foster outreach efforts and provide education and informational opportunities for the public and developers.

Planning Commission Staff Report
Subject: City Council Public Outreach Policy
June 14, 2017
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Environmental Determination: The policy is not a project as defined by CEQA.

Public Contact

Public Notices and Comments: The notice of the public hearing was advertised on the City's social media accounts, e-mailed to a list of interested parties and developers, and sent to the City's Planning Community Meetings e-Notify list.

A community meeting was held on March 20, 2017. Staff received varying feedback from the community which included a desire to have early outreach efforts prior to project submission, for Large or Significant Interest projects, non-residential projects, and projects more than one-story higher than surroundings buildings or three stories or greater. In addition, attendees expressed interest in the development of a mapping system for online access to projects and an increased mailing radius to 1,000 feet or 1,000 households, whichever is greater. A comprehensive list of public comments received at the meeting is attached.

The draft policy was also discussed at the Neighborhood – University Relations Committee (NURC) meeting on March 6, 2017 and presented to the City's Governance Committee on June 12.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the policy would provide clear guidance to developers on what is expected in terms of outreach efforts during the Planning entitlement process. In addition, the Policy would provide certainty to both the public and developers about the required modes of outreach and their timing.

RECOMMENDATION:

That the Planning Commission review and accept the Staff Report and proposed Public Outreach Policy for Planning Projects.

Documents Related to this Report:

- 1) *Draft Public Outreach Policy for Planning Projects*
- 2) *March 20, 2017 Public Meeting Notes*

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Public Outreach Policy for Planning Applications

The intent of this policy is to provide the public with access to information related to development activity in the City in order to encourage community members to engage in the public process for development proposals.

Definitions

Small Development Proposal: development proposal related to the construction, renovation, demolition, or expansion of a single-family house or duplex that requires a public hearing or public notification; accessory structures that require a public hearing; or minor use permits (e.g., those involving alcohol)

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2. Community Meeting.

For Large and Significant Interest proposals, at least one noticed community meeting will be encouraged within 60 days of filing the application, but must be held no more than 90 days following the filing of the application. Subject to the discretion of the Director of Community Development, attendance and presentation at a regularly scheduled community group or organization meeting may qualify as a community meeting, as may a community meeting associated with a Preliminary

Review application. Community meetings for Standard Development Proposals may also be required at the Director of Community Development's discretion.

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- **Social Media.** Announcements will be posted on the City's social media accounts, including Facebook and Nextdoor.
- **Broadcast.** To the extent feasible, community meetings, particularly those for Large and Significant Interest proposals, will be live streamed on the City's website, Facebook, and YouTube accounts.

City staff will attend, may assist in the facilitation, and will present factual information at community meetings, including information regarding the scope of the proposal, the review and decision-making process, and any other information that the staff may deem pertinent to the community.

3. Public Hearing

Public Hearing Noticing

All modes of public hearing noticing will be sent and/or posted online at least 10 days in advance of the hearing, with a target of at least 14 days prior to the meeting, consistent with the below outreach methods.

- **Mailed Notices.** Notices will be sent to all property owners and tenants within the radius specified in the Public Outreach Matrix.
- **Website Posting.** Notice of the public hearing will be provided on the individual hearing body's agenda webpage. E-mails will be sent to individuals that have

identified themselves as interested parties for the specific project and to those who have signed up for email alerts through the City's eNotify system for the hearing body to which the project will be presented.

- **Social Media.** Large and Significant Interest proposal public hearing announcements will be posted on the City's social media accounts, including Facebook and Nextdoor.
- **Publishing.** For Large or Significant Interest proposals, notice of a public hearing may be advertised in the *Santa Clara Weekly*.

Long-Range Planning Projects

Long-range planning projects, including, but not limited to specific plans, significant Zoning Ordinance amendments, General Plan updates, and other policy documents, will be treated as Significant Interest proposals where feasible in accordance with the Public Outreach Matrix.

Where proposed long-range planning changes may have significant City-wide implications, publishing of community meeting and public hearing dates in the *Santa Clara Weekly* will be encouraged.

Preliminary Review Applications

Preliminary review applications are encouraged for Large and Significant Interest/Controversial Development Proposals. Applicants for Preliminary Reviews may be encouraged to host a community meeting, particularly for Large and Significant Interest/Controversial Development Proposals, subject to the discretion of the Director of Community Development.

Subdivision Maps

At a minimum proposed subdivision maps will be required to provide outreach in accordance with Title 17 of the City Code.

Public Outreach Policy and State / City Law Consistency

A hearing body may act upon an application that does not meet all outreach and notification criteria contained in this policy, so long as the project meets applicable State and City due process laws. The Director of Community Development maintains the discretion to require mailed notices to a larger radius than that called for by this policy.

*Additional outreach modes and efforts may be required above and beyond what are called for in this policy.

Public Outreach Matrix

	Small	Standard	Large	Significant Interest
On-Site Posting	11"x17"	2'x3'	4'x6'	4'x6'
Website Information	X	X	X	X
Mailing Radius	300 feet	500 feet	1,000 feet	1,000 feet
Community Meeting		•	X	X
Mailed Notice		•	X	X
Online Calendar / Website Posting		•	X	X
E-mail to Interested Parties and E-Notify		•	X	X
Social Media		•	X	X
Online Live Streaming		• *	X*	X*
Public Hearing				
Mailed Notices	X	X	X	X
Online Calendar / Website Posting	X	X	X	X
E-mail to Interested Parties and eNotify		X	X	X
Social Media		•	X	X
Newspaper Notice		•	•	•

X Always required

• May be required

* Whenever feasible

Draft Public Outreach Policy
Public Meeting Notes – March 20, 2017

- Outreach should be completed early in the process, even before project submission of the project for:
 - Large or Significant Interest projects
 - Non-residential
 - More than one-story higher than surrounding building
 - Three stories or taller
- Mailed notice should be provided to Next Door groups within 300 feet
- Provide GIS mapping system for online access to projects
- Provide monthly online updates for the Development Projects List
- Educate the community on high-density housing/TODs
- Applicant should pay for noticing costs
- Mailing radius should be 1,000 feet or 1,000 households, whichever is greater
- Upcoming future project should be identified on the City Council website/Agenda
- Should require multiple community meetings and use community groups
- Increase the noticing radius for Significant Interest projects to 0.5 mile
- Increase the on-site posting requirements for Small projects to 2'x3'
- Online calendar / Website Posting should include a map or project plan for Significant Interest projects
- Other ways to engage the community:
 - Next Door
 - Santa Clara App
 - Community groups
 - Online polling

**Planning Commission
Excerpt Meeting Minutes of June 14, 2017**

- A.** File: PLN2017-12654
Location: Citywide
Subject: Informational Item - Adoption of a City Council Public Outreach Policy for Planning Projects
CEQA Determination: Exempt
Project Planner: Rebecca Bustos, Associate Planner
Staff Recommendation: Accept the staff report.
Item for Council Action: Approve the City Council Public Outreach Policy for Planning Projects

Notice: Notice for Item 6.A. was advertised on the City's social media accounts, e-mailed to a list of interested parties and developers, and sent to the City's Planning Community Meetings e-Notify list.

Discussion: Associate Planner Rebecca Bustos gave a brief overview of the Public Outreach Policy and discussed the goal of formalizing a process to notify residents of proposed developments.

In response to the Commission's inquiry, staff explained that projects will be deemed of significant interest based on public inquiries and at the discretion of the director. Staff also clarified that this policy will add additional public noticing and that standard noticing requirements will continue to be implemented. Staff also confirmed that community outreach is the developer's responsibility, that staff provides mailing lists to assist them, and that the cost for noticing and mailing lists is included in the application process fees.

The Public Hearing was opened.

Speaker John Michael from The Silicon Valley Organization asked for clarification about the mailing lists and fees. Staff explained that the Planning department provides the developers with residential mailing lists to assist them with community outreach and that the fees are incorporated in the application filing fees.

Motion/Action: The Commission motioned to accept the staff report and proposed Public Outreach Policy for Planning Projects, unanimously (4-0-3-0, Jain, Chahal, and Weng absent)