



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: September 10, 2004

COUNCIL DISTRICT: Citywide

**SUBJECT: PROPOSED UPDATE OF CITY COUNCIL POLICY 6-30, PUBLIC
OUTREACH FOR PENDING LAND USE AND DEVELOPMENT
PROPOSALS.**

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the Update to the Public Outreach Policy 6-30.

BACKGROUND

On September 8, 2004, the Planning Commission held a public hearing to review an update to City Council Policy 6-30, Public Outreach (see attached staff report). The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed update.

ANALYSIS

Staff gave an oral presentation, commending the cooperative process of the Focus Group, which was comprised of community members, business, and real estate development interests. The Focus Group met at least monthly between December 2003 and August 2004 to find common ground and identify common outcomes for the update to the Policy. Staff acknowledged that there is still some concern from specific stakeholders regarding the cost of implementing the updated Policy both in terms of time and money, but understands the Department is committed to meeting development review timelines and minimizing potential outreach costs for all applicants. The updated Policy provides an effective framework for managing outreach efforts in a clear and predictable manner. Staff then noted that a letter was received from the VEP Community Association on September 3rd, and was distributed to the Planning Commission and forwarded to the City Council. The letter is generally in support of the proposed changes, and provides

additional recommendations for further improving outreach, especially through the Planning website.

Staff then introduced Autumn Gutierrez and Rick DiNapoli, members of the Focus Group, who spoke on the cooperative effort between the stakeholders, and shared their personal insight on the importance of bringing the various parties to one table to find common ground. Autumn is the President of the Washington Coalition and Vice-Chair of the SNI PAC. Rick is on the Board of Director's for the San Jose Downtown Association and is with JP DiNapoli Companies Inc.

Ms. Gutierrez spoke about the goals of the Focus Group and noted that the participants felt the process of working together to update the Policy was extremely valuable. Mr. DiNapoli echoed Ms. Gutierrez's comments.

Commissioner Bob Dhillon asked the Focus Group representatives if they had considered that early notification could mean that there is less detail available for some projects. Ms. Gutierrez replied that the group understood this, but the intent of early notification is to let neighborhoods know early about pending projects.

Commissioner James Zito asked how the community would be educated to participate in the review process through early notification. Ms. Gutierrez responded that the updated Policy gets the word out to people so that they can choose to become involved in the process, understanding that they will have to work within the established parameters. She also spoke to the need to better educate neighborhoods on planning and land use development, and that the Planning staff's efforts with the Planning 101 presentations and the upcoming Guide to planning should be considered part of the overall outreach package.

Chair Bob Levy then invited public testimony.

Ed Rast, Chair of United Neighborhoods of Santa Clara County and member of the Willow Glen Neighborhood Association, spoke in favor of the proposed update. Mr. Rast was a Focus Group participant, and expressed his belief that the updated Policy is a first step to increased community participation in the planning and land use development process, and that it creates a partnership between the stakeholders to build a better San Jose.

Dr. Beverly Bryant, Executive Director of the Home Builders Association (HBA), Southern Division, then spoke and commended the Focus Group process as it allowed the stakeholders to not only find out about each other, but to work through concerns. Dr. Bryant explained that her Board is expected to vote on their position on the Policy on September 9, 2004; however, she did want to convey three concerns of the HBA: 1) early notification might lead to "unwarranted community criticism" on proposals for which plans were not fully developed; 2) process times could be delayed by increased outreach; and 3) increased costs due to translation requirements. Additionally, Dr. Bryant asked that the City provide status updates with specific metrics to inform stakeholders on how the revised Policy is working.

William Garbett, member of the public, spoke in favor of early notification (although his speaker card stated that he was against the update).

The Commission closed the public hearing. In response to a question from the Chair, staff clarified that early notification is intended to provide a “heads up” for the community so that they can decide whether or not to participate in the process for a particular development application. Staff also explained that early notification currently happens through the Planning website on which “Recently Submitted Proposals” are posted on a weekly basis. There was then further discussion on early notification and what might be “too early” to notify the community on filed applications, as well as the time and cost involved for improved outreach. Deputy Director Laurel Prevetti commented on the City Council’s support for streamlined permit processing times, and that early notification should help facilitate this. Ms. Prevetti also spoke to the costs of translation services, which are proposed to be shared between the community and the developers. Ms. Prevetti then clarified that the City is responsible for sending out legal notices and collects fees from the applicants for the cost of mailing.

Commissioner Zito asked if there is a way to measure the success of the updated Policy once it is implemented. PBCE Director, Stephen Haase, responded that the time for permit processing is key and that staff is already tracking project review times, which are reported out on a quarterly basis. Staff will work to develop additional measures, such as a community survey to determine the effectiveness of outreach activities.

Chair Levy requested additional guidance to the Commission on the issue of testimony on an item being deferred. He felt that testimony taken on an item being deferred for more than one month would be forgotten or minimized. The Director responded that it would be up to the Commission to determine when it is appropriate to take or defer testimony.

There was discussion on the timing of staff reports, when agendas and staff reports are available on the Planning website, and questions related to posting of notices on properties.

The Planning Commission voted unanimously to recommend that the City Council approve the update to City Council Policy 6-30, Public Outreach. Speaking on the motion, Commissioner Zito said that this Policy update may be one of the most significant actions of the City; the new Policy could have far reaching implications for builders and neighborhoods. He applauded the Focus Group participants for their contributions. The Chair echoed these comments and also thanked staff for their efforts.

PUBLIC OUTREACH

Two rounds of outreach meetings were conducted as part of the process to update the Public Outreach Policy. In October 2003, the SNI PAC subcommittee members attended all of the SNI NAC meetings to present and gather feedback on the first draft revisions to the Policy. At the same time, staff introduced the proposed revisions to the Chamber of Commerce, the HBA, and the Developer’s Roundtable (a monthly forum hosted by the Director of Planning, Building and

HONORABLE MAYOR AND CITY COUNCIL

September 10, 2004

Subject: Proposed Update to City Council Policy 6-30, Public Outreach

Page 4

Code Enforcement). Representatives of the Chamber, HBA, National Association of Industrial and Office Properties (NAIOP), and real estate development interests were invited to work with the PAC subcommittee as a focus group and a new revised update to the Policy was drafted. Then, staff and Focus Group members conducted a second round of outreach. Beginning in July 2004, presentations of the final Draft Public Outreach Policy were made to the NACs and other interested parties. These efforts continued through the beginning of September. In addition, the revised Policy was taken back to the Developer's Roundtable, and discussions continued with the HBA.

Additional outreach efforts were coordinated with several Council District offices to reach community members not represented by a NAC or neighborhood association. These efforts included District-wide community meetings, and distribution of the proposed Policy via email. The proposed update has been posted on the Planning website under "What's New", providing the public the opportunity to review and comment on the revision.

Staff has been available by phone, email and in person to discuss the update with all interested parties.

COORDINATION

This Policy update was coordinated with the City Attorney's Office.

CEQA

Not a project.

STEPHEN M. HAASE
Secretary, Planning Commission

Attachment(s)

Letter from VEP Community Association (dated 9/3/04)

Planning Commission Staff Report

