

August 2004

PROPOSED REVISIONS TO CITY COUNCIL POLICY 6-30

**PUBLIC OUTREACH POLICY FOR
PENDING LAND USE AND DEVELOPMENT PROPOSALS**

BACKGROUND

The City Council is committed to providing the information and opportunities to encourage residents to follow development activity in their neighborhoods and to actively participate in the land use development process. The intent of this policy is to establish a baseline protocol for dissemination of information related to development activity and to encourage early and frequent communication between City staff, applicants and the public.

The California Government Code requires public hearing notices to be sent to all property owners within a 300-foot radius of a development site a minimum of 10 days prior to the hearing. To meet the objectives of improving communication and providing the community with as much advanced notification of proposed projects as possible, the City's policy goes beyond the State requirements for notification of development proposals. As defined below, specific means of outreach are identified for projects based on size, complexity and potential interest, and notice is provided typically 14 days prior to the hearing to property owners, tenants and other stakeholders within a defined radius.

DEFINITIONS

For the purposes of this policy:

“Very Small Development Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that is for a single family detached dwelling, tree removal, tract sales office, or similar type of approval. Such proposals are considered as being administrative in nature and having very localized interest to the community.

“Standard Development Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that requires a public hearing and is not a Very Small, Large or Significant Community Interest Proposal.

“Large Development Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement or the Redevelopment Agency that is for more than 50 dwelling units, 60,000 square feet of commercial uses or 100,000 square feet of office or industrial uses.

“Significant Community Interest Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that the Director, in consultation with the Council offices of the Council District, the applicant and the neighborhood designee in which the application is proposed, determines has the potential to have high degree of interest either at a local or City-wide level. The Director should make the decision to designate a proposal as being

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of Significant Community Interest within 30 days of the application being filed; however, may extend the decision to 45 days of the application being filed.

“Director” is defined as the Director of Planning, Building and Code Enforcement.

“Project Manager” is defined as a Department of Planning, Building and Code Enforcement staff member who is responsible for processing the land use and/or development application.

“Neighborhood Group Designee” is defined as a designated member of a group that is representative of its specific neighborhood, and whose primary purpose is the improvement of that neighborhood. The neighborhood group is self-identified and provides an annual update of the designee’s contact information to the City.

“Neighborhood Advisory Committee (NAC) Designee” is defined as a designated member of one of the 19 NACs established under the City’s Strong Neighborhood Initiative. An annual update of the NAC designee’s contact information should be provided to the City by the NAC.

“Community Organization Designee” is defined as a designated member of a group of individuals organized for the purpose of monitoring, advocating, or promoting issue(s) of interest or concern of the group. The community organization is self-identified and provides an annual update of the designee’s contact information to the City by the community organization.

GOALS / OBJECTIVES

This policy identifies approaches to public outreach with the intent of involving interested parties in the development review process through early notification and accessibility of information while still meeting performance goals related to the timely review of development applications through a predictable process. For example, community meetings for Large or Significant Community Interest Proposals serve the best interests of both the applicant and the community by providing a forum to discuss the projects and potential issues well before the noticed Public Hearing.

The City of San Jose encourages all applicants to work with staff on the appropriate means of noticing the surrounding property owners, residents, neighborhood groups, community organizations, and other interested parties about their development applications, and providing the public the opportunity to become involved in the land use and development process. While specific means of outreach are identified as essential for projects that are Large and/or Significant Community Interest Proposals, it may be appropriate at times for Very Small or Standard Development Proposals to also utilize the expanded outreach methods outlined in this policy.

Where a proposed private or public development may be of significant interest, the Council's experience is that extensive public outreach efforts can improve communications, alleviate concerns, and clarify misunderstandings or points of contention that typically arise at a Public Hearing occurring much later in the process. Timely and informed community involvement results in better projects and decisions.

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ROLES/RESPONSIBILITIES

Effective public outreach and communication is a result of successful collaboration between staff, applicants and the community. All stakeholders must participate in the process, respond in a timely manner to questions and requests for information, and respect the project schedule.

PROCESS

1. Early Notification

Purpose / Intent

The intent of Early Notification is to ensure that property owners, tenants, neighborhood groups, community organizations, and other interested parties have as much advanced notification of proposed projects as possible. This provides stakeholders the opportunity to be informed about decisions that may affect them.

Modes and Timing

At a minimum, all development applications are posted on the Planning Divisions' website at the time of application submittal. Within ten days of application submittal, an email should be sent to subscribing individuals to indicate the filing of an application and a notice should be posted at the property of the proposed development application.

The Director may at the time of the filing of an application determine that additional modes of Early Notification are warranted for Large and/or Significant Community Interest Proposals. The additional modes should be employed within 10 working days of the filing of a development application. See "Matrix A: Modes of Outreach" to determine which modes of outreach are essential for each proposal type.

2. Community Meetings

Purpose / Intent

The purpose of community meetings is to inform property owners, residents and other interested parties about the proposed development, answer questions, receive public comment, and address project issues before the Public Hearing.

Modes and Timing

At a minimum, for Large and/or Significant Community Interest Proposals, there should be at least one community meeting no less than 45 days following the filing of the application nor less than 30 days prior to the Public Hearing. It is recommended that the community meeting be held as early as possible in the process, to allow applicants and interested parties to share their goals and concerns before proposal details are finalized. The tentative Public Hearing date for the proposal should be announced at the community meeting.

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Meetings hosted by an interested community group or organization, such as a Neighborhood Advisory Committee, scheduled during their regularly scheduled meetings, are preferred. However, Large Development Proposals and Significant Community Interest Proposals may not fit into the timeframe of established community meeting agendas and likely require stand-alone meetings. Absent an opportunity to partner with an interested community group or organization to establish a mutual meeting time, mid-week evening meetings are preferred. A minimum of two weeks should be allowed for the actual noticing of the community meeting prior to the meeting date to give appropriate advance notice to the community and ensure a successful opportunity for input and involvement.

A Community Meeting Notice should clearly explain who is conducting the meeting, as well as the applicant's and the City's Project Manager's contact information, the topic of the meeting, the location of the subject property, the date, time and place of the meeting, the specific time at which the formal presentation will begin as well as sufficient details of the proposal to provide the community with a basic understanding of the project. See "Matrix A: Modes of Outreach" to determine which modes of outreach are essential for your proposal.

Meeting Logistics

The project proponent (applicant and/or representatives such as architect, engineer, etc.) should plan on organizing the meeting unless the applicant and City staff make other arrangements. City staff should be invited to the meeting so that they can provide an overview of Planning issues and processes relevant to the project, and respond to questions on policy and process, as well as facilitating discussion. An important aspect of staff's role at community meetings is to understand and record public comment so that staff can transmit community input to the decision-makers.

Due to the need to provide appropriate advance notice, it is important for the applicant to discuss possible meeting dates with the Project Manager early so that they may coordinate with appropriate parties and confirm a meeting location. It is also important that the applicant coordinate the meeting with the Project Manager to determine an appropriate meeting notice, agenda and respective roles. The responsibility to notice the meeting shall be the applicant's, unless the applicant and City staff makes other arrangements.

Possible locations for the community meeting include at a local school, church, or meeting hall. A private residence may also be used although is not normally encouraged. It is important that the location of the meeting be neutral to encourage public attendance and participation. The meeting site should provide adequate parking, and the meeting facility should be of adequate size to accommodate the anticipated number of attendees.

At the meeting, a presentation should be provided by the proponents (at a specific time on the meeting agenda). After the proponent's presentation, Planning Staff should be given the opportunity to identify project issues for discussion. After a discussion of these issues takes place, the public would then have the opportunity to informally discuss any other project issues. Staff should take notes on the discussion, and be available to respond to policy and process questions. The proponent must ensure that there is adequate opportunity for comments and questions from the public.

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Visual presentations (for example architectural renderings and models) are usually the most effective method of relaying project information to the public. If renderings are available prior to the meeting, it would be in the applicant's best interest to attach this information to the meeting notice or provide copies to the Project Manager to allow the public to review project details and come to the meeting more prepared for an open and effective discussion.

3. On-Site Noticing

Purpose / Intent

On-site Noticing is an additional mode of Early Notification warranted for all Proposals. The on-site notice is intended to provide information to immediate neighbors and members of the public regarding the development application on file for the subject property.

Modes and Timing

The applicant is responsible for installing such on-site notice at the site. Such on-site notice should be accessible to the public and should be sufficient to adequately notify the public of the proposed development at the site and where the public might obtain more information regarding the proposed development. All on-site notices need to meet City specifications, which should be indicated in a separate, detailed handout, available from the Department of Planning, Building, and Code Enforcement. The applicant is responsible to replace any vandalized or missing sign only once upon request by the City.

On-site Noticing should be employed within 10 working days of the filing of a development application.

4. Public Hearing Notice

Purpose/Intent

The Council recognizes the importance of using larger radius noticing as a tool to broaden the awareness of persons in the immediate area of a pending land use or development action, therefore the City's Policy goes beyond the State requirements for notification of Standard, Large, or Significant Community Interest Proposals. By keeping the community informed about land use and development decisions, the City promotes an open process that encourages genuine and effective involvement with all stakeholders.

Modes and Timing

- Website: Public Hearing Agendas and associated Staff Reports are posted on the website. Typically, Agendas are available one week prior to the Hearing, and Staff Reports for applications that are decided upon by the Planning Commission or City Council are posted one week prior to the Public Hearing.

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- Mailed Notice:
 - *Timing.* Public Hearing Notices should be mailed a minimum of two weeks prior to the Hearing for Standard and Large Proposals. Public Hearing Notices should be mailed a minimum of 21 days prior to the Hearing for Significant Community Interest Proposals. Notices should be sent to all property owners and tenants within a specified radius of the subject property, as well as neighborhood group leaders, community organization leaders, and other interested parties.
 - *Radius.* See “Matrix A: Modes of Outreach” to determine the radius for noticing for each proposal type. The Director determines when supplemental Noticing is required, such as modifications to the radius, additional publishing, etc.

Where non-residential development is proposed near existing residential areas, special care in the use of mailed notices should be taken to ensure the most appropriate radius distance is used. It may be the decision of the Director that a modified radius is used with larger radius adjacent to residential areas, and smaller next to non-residential land uses.

- *Content.* Notice language should clearly describe the project in concise and plain terms, utilizing pre-prepared, standard form documents. The use of technical terms should be limited and explained wherever possible to ensure the highest level of understanding of the information presented to the public. The project description should include sufficient detail to convey to the general public the nature of the proposed development project.
- *Language.* All Public Hearing Notices should contain a note in Spanish and Vietnamese explaining how the public can receive information about the Hearing and/or Proposal in these languages. For Large Proposals, the entire Notice should be written in both English and Spanish (or other dominant language spoken in the neighborhood) at the cost of the applicant. For Significant Community Interest Proposals, the entire Notice should be written in both English and Spanish (or other dominant language spoken in the neighborhood) at the cost of the requesting Neighborhood Group, Neighborhood Advisory Committee, or Community Organization. Neighborhood Groups, Neighborhood Advisory Committees or Community Organizations that do not have the means to pay for the translation, may appeal to the Director for assistance.
- *Publishing.* For Large or Significant Community Interest Proposals, Notice should be advertised in at least one general circulation or community English language publication, which reaches the community in the vicinity of the project. In addition, should the neighborhood demographics warrant additional outreach, the Notice may be published in a language other than English in an appropriate publication.

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- *Broadcast on the City Television Channel:* Notices may be broadcast for Large or Significant Community Interest Proposals, including General Plan Amendment hearings, and proposed changes to the Zoning Ordinance.

5. Community Input for Items Deferred or Continued from the Noticed Public Hearing before the Planning Commission or Director of Planning

Purpose / Intent

Upon receipt of a Public Hearing Notice, many members of the public make arrangements to attend and possibly provide testimony at the Hearing. For items that are deferred or continued from the noticed meeting date, community input in the form of public testimony should be taken by the decision-making body at the originally scheduled date. The intent of this policy is to provide the public an opportunity to comment on the proposal notwithstanding a request for a continuance of the Public Hearing or a delay in action on the application.

Mode / Timing

All continuances beyond two weeks are subject to the Public Hearing Notice requirements under Section 4 above, unless staff, for good cause, recommends otherwise.

6. Modes of Outreach

- E-Mail: The Director should develop an opt-in (i.e., subscription) procedure for designated contacts/leaders of the neighborhood groups, community organizations, and other interested parties who request e-mail notification of proposals meeting specific criteria. It is the responsibility of the designated contacts/leaders and interested parties to provide updated contact information to the City.
- Postcards: Postcards should be sent to the designated contacts/leaders of the neighborhood groups, community organizations, and other interested parties for all Large or Significant Community Interest Proposals to alert property owners, tenants, neighborhood group leaders, community organization leaders, and other interested parties of the application submittal.

It is the responsibility of the designated contacts/leaders and interested parties to provide updated contact information to the City.

- On-site signs: See Section 3 above.
- In-Person Notification: At the earliest opportunity, the Director's staff is encouraged, when practicable, to describe all pending Large or Significant Community Interest Proposals at established community and neighborhood association meetings.

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- Broadcast on the City Television Channel: Notices should be broadcast for upcoming community meetings for Large or Significant Community Interest Proposals, such as General Plan Amendment hearings and proposed changes to the Zoning Ordinance.
- Website: The City of San Jose recognizes the importance of the Internet in providing self-service information to the public 24 hours a day, seven days a week. The Planning Divisions' website is updated weekly, and provides the public with information on recently submitted land use and development proposals, as well as a range of other planning related documents and policies. In addition, San Jose Permits On-Line (www.sjpermits.org) is now available. This website allows customers to search/retrieve property-related information, check on the status of permits, and perform research and queries from a list of maps of the City of San Jose.

As this policy is implemented, additional information that could facilitate the public outreach goals of this policy should be implemented, as staffing is available (e.g., project information packets with drawings may be posted on the website).

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MATRIX A: MODES OF OUTREACH

Method	Very Small	Standard	Large	Significant Community Interest
<i>Early Notification</i>				
Website	√	√	√	√
Email	√	√	√	√
Postcard			√	√
Site display	√	√	√	√
<i>Radius</i>				
300 feet	√			
500 feet		√		
1,000 feet			√	√
<i>Community Meeting</i>				
Website	√	√	√	√
Email			•	•
Mail			√	√
Flyers			•	•
<i>Public Hearing Notices</i>				
Website	√	√	√	√
Email			•	◆
Mail	√	√	√	√
Notice in paper			√	√
City Television Channel			•	◆

LEGEND

- √ Essential
- ◆ Desirable
- May be appropriate

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MATRIX B: APPLICATION TYPES AND SPECIAL USES

Application Type/Special Uses	Very Small (300 feet)	Standard (500 feet)	Large (1,000 feet)	Significant Community Interest (1,000 feet or more)
<i>Applications</i>				
Annexation ¹		√		
General Plan Amendment ¹		√	√	√
Rezoning/Prezoning ¹		√		
Planned Development Zoning ¹		√		
Conditional Use Permit ²		√		
Planned Development Permit/Amendment ¹		√		
Single Family House Permit	√			
Site Development Permit/Amendment		√		
Special Use Permit ³		√		
Tentative Map		√		
Historic Permit	√	√		
Tree Removal Permit	√			
Variance/Exception ³		√		
<i>Special Uses (minimum 500 feet radius)</i>				
Alcohol, off-site sales		√	√	√
Dancehall		√	√	√
Entertainment		√	√	√
Poolroom/billards		√	√	√
Private club or lodge		√	√	√
Theatre, indoor		√	√	√
Drinking establishment		√	√	√
Hospital		√	√	√
Residential Care Facility		√	√	√

Notes:

A. The Director will determine when modifications to the radius are required. (Continued on next page)

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B. *The designee(s) of the relevant Neighborhood Group, Neighborhood Advisory Committee, or Community Organization should receive a Notice of those Proposals within their area(s) of interest.*

LEGEND

- ¹ Most applications are defined as Standard Proposals; the Director will make the determination when an application qualifies as a Large or Significant Community Interest Proposals.
- ² Most Conditional Use Permits are Standard Proposals, but specific uses generate greater community interest and are therefore defined as Significant Community Interest Proposals.
- ³ Most applications are defined as Standard Proposals, unless they are for Single-Family projects for which a 300-foot notification radius is appropriate.