

Attachment 4

May 23, 2013 Planning Commission
Report



City of Beverly Hills

Planning Division

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Planning Commission Report

Meeting Date: May 23, 2013

Subject: Public Noticing Requirements for Development Projects

Recommendation: Review the City's noticing requirements for development projects and consider a recommendation to City Council to adopt revisions for broader public outreach, and for consistency.

REPORT SUMMARY

The City's zoning code contains requirements for providing the community with information on upcoming land use, development permit and design decisions (applications). This report summarizes these requirements and provides several recommendations for expanding current noticing practices. The noticing requirements discussed in this report would apply to developer driven projects, and not to city initiated projects which are being evaluated under a separate citywide effort.

BACKGROUND

Public noticing requirements in the zoning code are intended to ensure that community members are informed of upcoming land use and permit decisions. The FY 2012/13 Community Development Budget Work Plan for the Planning Division calls for an evaluation of expanding the notice requirements beyond the generally applicable 300-foot for development projects. There has also been a desire recently expressed by City Council members, community members and staff to more comprehensively review the public notice requirements and ensure that the public is adequately informed about upcoming matters.

Current Requirements

Public notice requirements vary by development application and reviewing body; see Attachment 1 for a summary of noticing requirements in Beverly Hills. For each application, one or more of the following types of notice is required:

- Mailed Notices,
- Site Posting, and
- Newspaper Notices

Some applications do not require public noticing (i.e. Architectural Review other than Sign Accommodations).

Table 1, on the next page, summarizes current notice requirements. Applications in the first group require a newspaper announcement, and either mailed notification or on-site posting. Applications in

Attachments:

- 1 – Noticing Requirements for Beverly Hills
- 2 – Noticing Requirements for Other Cities

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the second group require mailed notification and on-site posting, and those in the third group only require mailed notifications. The radius distance for mailed notices is outlined in Table 1.

Some applications can be reviewed at staff level; others are reviewed at by one of the four commissions supported by the Community Development Department. Applications in Table 1 are reviewed by the Planning Commission or by the Director of Community Development.

Table 1
Current Public Noticing Requirements (Planning Commission)

Application	Newspaper Notice	Site Posting	Mailed Notices (Property Owners except as noted)		
			Staff Level ¹	Commission Level	
Group 1	Amendment (General Plan & Zoning Map and Text)	X	X ²	N/A ³	300 ft. - (Owners)
	Variance	X	X ²	N/A ³	300 ft. - (Owners)
	Conditional Use Permit	X	X ²	N/A ³	300 ft. - (Owners)
	Tentative Map	X		N/A ³	300 ft. - (Owners)
Group 2	R4 Permit		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Minor Accommodation		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Notice of Overnight Stay		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Second Unit Use Permit		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Open Air Dining		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Substantial Compliance			100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
Group 3	Development Plan Review			Abutting Owners (Notice of Decision Only)	SFR zone: 500 ft. Other zones: 300 ft. (Owners)
	Density Bonus Permit			N/A ³	SFR zone: 500 ft. Other zones: 300 ft. (Owners)
	Extended Hours			N/A ³	SFR zone: 500 ft. Other zones: 300 ft. (Owners & Occupants)
	Planned Development Review			N/A ³	SFR zone: 500 ft. - (Owners) Other zones: 300 ft. (Owners and Residential Tenants)

¹ Director-Level Decisions require two notices, one prior to making a decision, and one after the decision is made.

² These applications require a newspaper notice and EITHER a mailed notice OR site posting – typically the City has mailed the notice because other planning permit applications accompanied the request and those applications required a mailed notice per local requirements.

³ These permits are not eligible for Director-level approval.

Table 1 (continued)

	Application	Newspaper Announcement	Site Posting	Mailed Notices	
				Staff Level	Commission Level
Group 3 (Continued)	Common Interest Development ⁵			N/A ³	(Building Tenants & Owner)
	Permit to operate large daycare facility			100 ft. ⁴ – (Owners)	
	R1 Permit (Central, Hillside, Trousdale)			N/A ³	300 ft. – (Owners & Residential Occupants)
	Reasonable Accommodation			Adjacent owners	Adjacent owners
	Trousdale View Restoration Permit			N/A ³	Foliage Owners

³ These permits are not eligible for Director-level approval.

⁴ Director's decisions are appealable to the Planning Commission, which would be noticed to properties within 300-feet, 10-days prior to the hearing.

⁵ Common Interest Developments have specific noticing requirements set by the State.

State law sets the minimum noticing requirements for General Plan and Zoning Code Amendments, Variances, Conditional Use Permits and other equivalent development permits.

The following planning permits are reviewed by one of the other three commissions: Cultural Heritage Commission (CHC), Design Review Commission (DRC), and the Architectural Review Commission (AC). Permits reviewed by these commission, or the Director are provided below.

**Table 2
 Current Public Noticing Requirements (Other Commissions)**

Application	Newspaper Announcement	Site Posting	Mailed Notices	
<i>Architectural Review</i>			No notice required	No notice required
<i>Sign Accommodation (AC)</i>			No notice required	100 ft.
<i>Historic Designation (CHC)</i>			N/A ²	Property Owner
<i>Certificate of Appropriateness (CHC)</i>			No notice required	Property Owner
				100 ft.
<i>Design Review (DRC)</i>		X	Applicant	Owners and Occupants

Some projects are also subject to state public noticing requirements under the California Environmental Quality Act (CEQA). CEQA noticing requirements are generally less extensive than the requirements in the zoning code and typically satisfied with current noticing practices.

Mailed Notices

The City's provisions for mailed notices are based on the number of days prior to the decision that a notice must be mailed and the distance from the subject property within which property owners, or property owners and occupants are notified.

When a mailed notice is specified for a planning application, the notice is typically required to be mailed at least ten-days prior to a hearing or decision on an application. In the code, Amendments, Variances, and Conditional Use Permits are noticed five-days before the date of the hearing; however, the City's practice has been to mail these notices ten days in advance, which is consistent with state law. Notices for Trousdale View Restoration Permits, and historic preservation program permits have different noticing timelines. These permits were just established and it is not one of staff's recommendations to change these provisions. An applicant can be required to mail a notification to adjacent properties, or properties within a 100-foot, 300-foot, or 500-foot radius from the project site, based on the type of planning application filed. For several planning permits, single family residential zones are noticed at a distance of 500-feet, while commercial or multi-family areas are noticed at 300-feet.

On-Site Postings

On-site posted notifications are required for the following permits:

- R4 Permits,
- Minor Accommodations,
- Notice of Overnight Stay,
- Second Unit Permits
- Open Air Dining Permits, and
- Design Review (Commission-Level)

For these permits, the site must be posted three days after an application is deemed complete, and the notice must be posted for at least ten days before a decision can be rendered.

Design Review Commission (DRC) cases do not have a time requirement specified in the zoning code; however as a policy staff has required the site to be posted when an application is filed. Processing times for DRC cases currently allow the site to be posted for more than 10-days before a decision.

Applications for Amendments, Variances and Conditional Use Permits can either be posted at the site, or mailed to adjacent owners per code. Past practice has been to require mailed notices.

On-site posted notices must be posted in a "conspicuous place" and must be visible from a distance of 60 feet. Currently, there are no requirements in the zoning code that pertain to the size or design of the posted notice; however, a notice template is included in the applications for applicable permits. The cost of producing the poster and installing it onsite is the responsibility of the applicant.

Newspaper Announcement

Newspaper announcements are required for:

- Amendments,
- Variances,
- Conditional Use Permits, and
- Tentative Maps

The municipal code requires the notice be published in a local newspaper once, at least ten days prior to the hearing⁴. City policy has been to publish notices in the two local newspapers. Staff estimates that the cost for publishing one notice in two newspapers is approximately \$1,000 to \$1,500 total, depending on the length of the notice.

Use of Website and Email

Beverly Hills has no zoning code requirements for posting public notices on the City website or emailing notices to the public. Upcoming meeting agendas and minutes of meetings are posted to the City website and community members can subscribe to receive emails through the eNotice system. Using this system, members of the community can pick topics and commissions that are of interest, and receive emails on these topics. The information included in emails that are sent through this system includes upcoming agendas, meeting minutes, and other news, but does not currently include the public notices for projects.

Public Noticing in Other Cities

As a comparison with Beverly Hills' current noticing requirements, notice requirements for the cities of Pasadena, Culver City, Santa Monica, and West Hollywood are summarized in the table below. Additional information on noticing requirements in each city is presented in Attachment 2.

Table 2

Noticing Process for Discretionary Permits in Other Cities				
	Culver City	Pasadena	Santa Monica	West Hollywood
Code Location	Consolidated in one code section	Consolidated in one code section, however some specifics integrated into code	Not consolidated in one section	Consolidated in one code section
Mailed Notice	All properties within 300-feet <u>Commission-level</u> 21-days prior hearing <u>Director-level</u> 15-days prior to decision	14-days prior to hearing All properties within 500-feet, 300-feet for some permits	10-days prior to hearing/decision <u>Hearings</u> All properties within 300-feet <u>Non-hearings</u> 100-feet	<u>Commission-level</u> 10-days prior to all properties within 500-feet (can be increased)
Site Posting	Sites posted for most hearings	Site posted for all hearings (on property, and along street)	Site posted for Architectural Review, Conditional Use Permits, Development Plan and Site Plan Review	<u>Hearing</u> 28-days prior <u>Director-level</u> 10-days prior
Newspaper Announcement	Required for General Plan & Zoning Amendments – 14 days prior to hearing	Required for General Plan & Zoning Amendments 14-days prior	All hearings 10-days prior	When required by state law
Noticing Requirements		Director can expand noticing as appropriate		Director can expand mailed noticing

⁴ This noticing period is the same length of time as mailed notices, which is 10-days.

In general, the cities surveyed tend to consolidate noticing standards in one section of the zoning code, which is being recommended for Beverly Hills.

Mailed Noticing

Mailed notices are required for almost all public hearing and administrative level decisions in the cities studied, similar to Beverly Hills. Culver City and Santa Monica have a noticing radius of 300 feet, which is similar to many permits in Beverly Hills. The City of West Hollywood and Pasadena have a noticing radius of 500-feet; however, Pasadena does use a 300-foot radius for minor cases. The cities of Santa Monica and West Hollywood, also similar to Beverly Hills require the mailed notice to be sent out 10-days prior to a hearing or decision. Pasadena has extended the noticing period to 14-days, and Culver City has extended it to 21-days.

The 300-foot noticing radius and 10-day noticing period used by Beverly Hills, Santa Monica, and West Hollywood may reflect the public notice requirements in state law which requires a mailed notice to all owners of real property located within 300-feet of the subject property 10-days prior to a hearing or a decision on variances, conditional use permits and other similar development applications.

Site Posting

Posted notices are used in all cities surveyed; however each city has a different requirement. West Hollywood requires on-site posting for all hearings and administrative reviews, while Santa Monica requires on-site posting for architectural review cases, conditional use permits, development review permits, and site plan review permits. Pasadena requires all hearings to be posted on the property and along the street, and Culver City requires most, but not all, hearings to be posted. Each city has also adopted size requirements for site postings and location requirements.

Newspaper Announcements

Each city uses newspaper announcements. The cities of Culver City and Pasadena require a newspaper notice 14-days prior to the hearing on general plan and zoning code amendments. The City of Santa Monica requires a newspaper notice 10-days before all hearings, while the City of West Hollywood requires a newspaper notice when required by state law⁵. Beverly Hills requires a newspaper notice for general plan and zoning code amendments, tentative tract maps, variances, and conditional use permits.

Use of Website and Email

In addition to mailings, site posting, and newspaper announcements, the cities surveyed all utilize website and email noticing processes. There is a broader public noticing/public involvement and participation process that Beverly Hills is exploring, including use of the City's website and emailing options for public noticing and outreach. This item will be brought forward for City Council discuss in the upcoming fiscal year.

All of the cities studied provide upcoming public notices on a publicly accessible webpage. These cities also provide members of the public with the ability to sign up for periodic emails to receive public notices and announcements.

⁵ State law requires a newspaper notice 10-days prior to a hearing on general plan and zoning code amendments, and tentative tract maps.

The City of West Hollywood has incorporated a requirement that a "notice shall be posted on the City's website at least ten days before the public hearing" into its zoning code. In order to ensure that technical difficulties do not hold up the entitlement process, this code section also states that "failure to post on the website shall not constitute grounds to postpone the hearing or invalidate the decision made at the hearing" (West Hollywood Municipal Code 19.74.020 Notice of Hearing).

DISCUSSION

Based on the review of current public noticing requirements, the desire of the community for more information about development applications, and the noticing requirements in adjacent cities, staff has identified the following areas for consideration:

Organization

Consolidating Requirements in One Code Section

Currently, public noticing requirements for planning applications are dispersed throughout the zoning code. As a result, it can be confusing for applicants and staff to determine the appropriate noticing for a project. Staff is proposing to group all noticing requirements into one code section.

- *Benefits*

Consolidating noticing requirements into one section would make it easier for the public to identify the requirements, and it could ease staff administrative functions in implementing the requirements.

- *Considerations*

Where noticing requirements are located in the zoning code will change as part of the city's current zoning code reorganization and consolidation of noticing requirements can be integrated into this effort.

In addition to consolidating noticing requirements in the zoning code, staff is proposing to develop a Director's Guide to Public Noticing. The Director's Guide will include specifications for public noticing, including formatting, templates, sizing, and placement of notices.

Mailed Noticing

The City Council has requested that staff explore expanding the notice requirements for development projects beyond 300 feet. Issues with mailed notices that have been raised by the community are that sometimes one home receives a notice, but the next door neighbor does not.

Applying the Same Mailing Radius to All Property Types and All Owners and Occupants

Currently there are permits that specify a different mailing radius for single-family properties and for multi-family and commercial properties. Additionally, some permits specify only property owners, or property owners and occupants, while others specify owners and residential occupants. The Planning Commission may wish to consider standardizing mailed notices so that notices are mailed to all owners and occupants within a standardized mailing area that is the same for all property types.

- *Benefits*

Standardizing noticing requirements will make it easier for applicants to provide noticing lists that adhere to the City's specifications, and will ease administration of the code. Standardizing noticing areas also assures all property owners and occupants in the City are noticed equally.

- *Considerations*

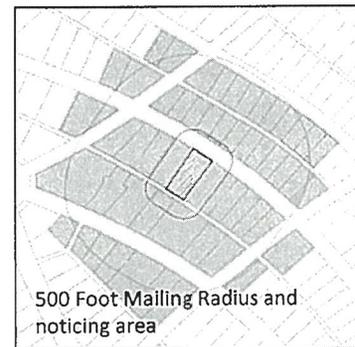
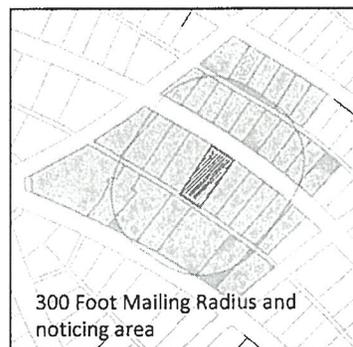
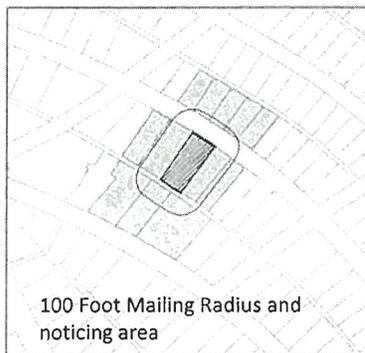
Depending on the size of the mailing area recommended by the Planning Commission, standardizing the mailing area for all property types and including owners and occupants in all noticing could increase the number of notices mailed and thereby increase costs to applicants.

Expanding the Noticing Area

This work plan item calls for exploring the expansion of notice requirements beyond 300-feet for development projects. Currently, the zoning code requires notices to be mailed to properties 100, 300, or 500 feet from the project site, depending on the specific application (See Table 1, on Page 2 of this report). Four applications (Development Plan Review, Density Bonus Permit, Extended Hours Permit and Planned Development Permit) that are reviewed by the Planning Commission require notices to be sent to property owners within 500-feet of the project site in single-family residential zones, and 300-feet to property owners in all other areas. Most other applications that are reviewed by the Planning Commission require a noticed mailing to all property owners within 300-feet of the subject property.

The Planning Commission may wish to discuss whether the noticing requirements for applications specifying a 300-foot mailing area could be expanded to a radius of 500-feet, or alternatively, if applications specifying a 500-foot mailing area in single-family areas could be reduced to 300-feet in conjunction with expanding the notice along blockfaces as presented on the next page.

The following graphics illustrate the City's three mailed notice areas.



- *Benefits*

Expanding the notice requirements for those permits that currently require a 300-foot mailed notice to 500-feet would standardize noticing for all permits and reduce instances where questions may arise regarding the appropriateness of the noticing distance.

- *Considerations*

Expanding the noticing area from 300-feet to 500-feet will increase the number of mailed notices received by the public and could fatigue some residents who might find notices regarding properties in

their immediate area beneficial, but not notices for properties located a few blocks away. The expanded noticing area will also result in increased costs to the applicant, and the City for City initiated projects, because of the increased number of notices and increased processing times for staff to complete the mailed notice.

Expanding Notices to the Blockface

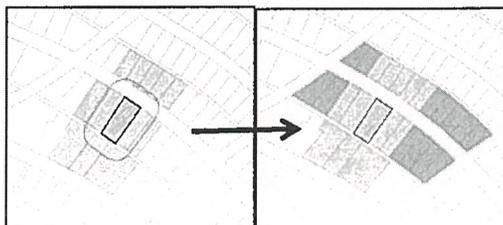
There have been instances where notices are mailed to some, but not all, property owners and occupants on the same blockface⁶. An example of this would occur is for a staff-level Minor Accommodation, which is noticed to all owners and occupants within a 100-foot radius of the subject property. As depicted in the graphic above, this radius includes several properties surrounding the subject property, but not all properties on the blockface. This has been a problem expressed by some in the community who have raised concerns as to why one neighbor receives a notice, while the next neighbors (who are outside of the radius) do not.

This issue could be addressed by establishing a noticing requirement that all property owners and occupants receive notice, and to expand noticing so that properties that may be outside the radial noticing boundary of the subject property but located on the same blockface and the opposite blockface (depicted in the graphic in the upper right, below) are included in the noticing. This will ensure adjacent neighbors in the same block receive the same notice, regardless of whether they own or rent.

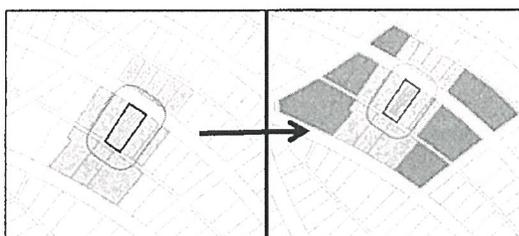
There are two options for expanding the noticing area along the blockface. One option would expand noticing along the subject property's blockface and the blockface immediately opposite. The other option would be to expand noticing to all blockfaces where any home receives a notice. The two options are depicted in the illustrations following.

Option One: Expanding the notice area to both block faces on the subject property's street:

Expanding Noticing Along the Blockface (100ft Radius)

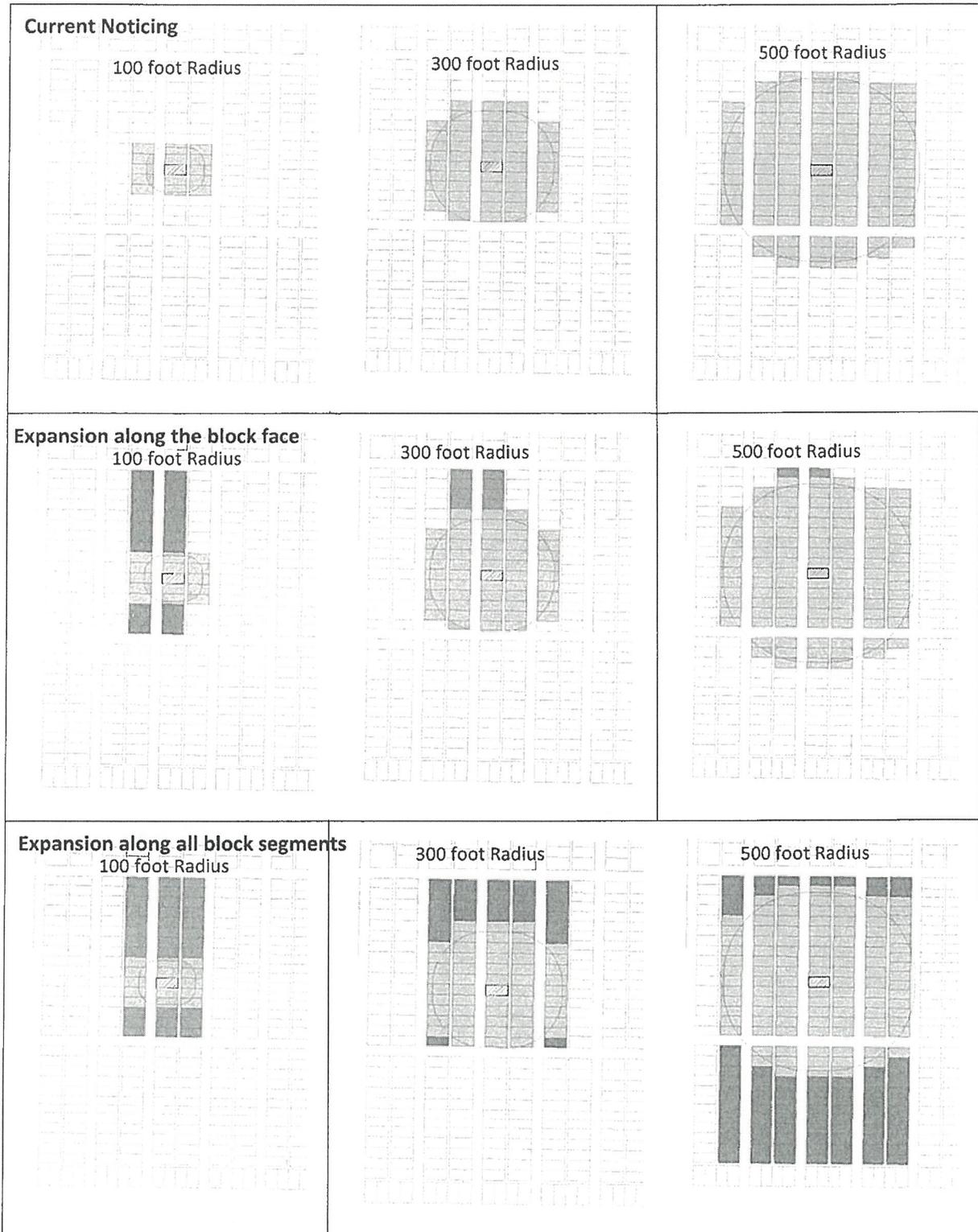


Option Two: Expanding the notice area to include all properties on any blockface where a notice is received:



Additional examples for expanding the 300-foot and 500-foot mailing areas are on the following page.

⁶ A blockface is a term used by the U.S. Census to describe one side of a city block between two intersections



- *Benefits*

Expanding the notice area to all properties along the blockface will avoid instances where one property receives a notice, and their neighbors in the same block do not. This will also expand the noticing area beyond 300-feet for most development projects requiring a planning permit.

- *Considerations*

Expanding the notice area to properties along the blockface will increase the noticing costs for applicants, and the City for City initiated projects. There may also be a distance limit to expanding the noticing, after which property owners and occupants may not find the notice helpful because they do not feel that they are close enough to the project site.

Site posting

The Planning Commission may wish to consider requiring site posting for additional applications. Table 1 on Page 2 of this report shows the applications that currently require on-site posting. The zoning code does not have requirements that govern the size of the posting, or specifications on where the notice must be displayed other than requiring that it be posted in a "conspicuous place". Pasadena, Culver City, and West Hollywood require large signs (three feet by four feet) for on-site postings. These cities also require the sign to be posted within ten feet of the property line. Establishing a standardized approach to on-site posting including minimum sign dimensions, and posting locations site can be accomplished in the Director's Guidelines for Public Noticing.

- *Benefits*

Increasing the number of permits receiving an on-site posted notice could increase awareness of a pending development project to interested persons both along the block and throughout the city who happen to pass-by.

- *Considerations*

Site posting could increase application processing time and would be an additional step in the application process. Signs could also be seen as unattractive additions, especially in single-family neighborhoods, if the signs are too big, too common, or poorly designed; however, these issues can be addressed with standards in the Director's Guidelines.

Newspaper announcement

The Planning Commission may wish to discuss whether requiring newspaper notices for additional applications would help to achieve the goal of better informing the public about specific projects.

- *Benefits*

Newspaper announcement have the potential for reaching a larger audience.

- *Considerations*

Newspaper announcements may reach a greater audience, but may not alert a property owner or occupant that the project is proposed close to them. Additionally, newspaper announcements can be costly to applicants.

Use of the website and email

The City could utilize the internet more extensively for public noticing. Currently, the City does not consistently post notices on its website, and email notifications sent from the City to the public provide

information on agendas and meeting minutes, but do not contain public notices. A policy could be implemented to post upcoming notices on the City webpage. Additionally, notifications could be added to the content that is disseminated through the email notification system. Staff has recently begun a preliminary study of the use of the website, email and other technologies to provide more information to the public. Part of this effort includes looking into posting notices online and including them in email notices. Other ideas include incorporating barcodes into site postings and newspaper notices that link to online information, and providing online blogs or forums for public comment. Staff will update the Planning Commission as this citywide effort develops.

SUMMARY OF STAFF'S RECOMMENDATIONS

Based on review of the City's existing noticing processes and those processes in other cities, staff makes the following recommendations.

Location in the Code

- Consolidate noticing in one section of the code. This will be proposed in the upcoming zoning code reorganization.

Currently, the City's noticing requirements are dispersed throughout the zoning code; this would bring all requirements together in one section for easy reference.

- Combine planning permits.

Currently the Department administers 28 planning permits. As proposed, that number would be reduced. This reduces the number of applications maintained by the department and thereby the number of applications that project applicants must be familiar with.

- Establish a guide for public noticing that is reviewed by the Planning Commission. This guide will include all public noticing standards, including, among other standards, the size and dimensions, and location for site posting, and mailed notice letter templates.

Currently, no guide exists. Some standards are provided in the zoning code and some standards are provided in the Department's permit applications.

Mail Notice

- Standardize the mailed notice requirements for most planning permits:
- All mailed notices sent out at least 10-days prior to the hearing/decision
 - Director-level: 100-feet, and all property owners and occupants on any block face receiving a notice

Would expand noticing to all properties on same street segment as the proposed development and to all properties along an alley.
 - Planning Commission-level : 500-feet, plus all property owners and occupants on any block face receiving a notice

Would expand noticing to all properties on the same street segment as the proposed development and to all properties on adjacent street segments.
 - Design-Review Commission-level: 100-feet, plus all property owners and occupants on any block face receiving a notice

Would expand mailed notice to all properties along the same block segment as the development.

- Architectural Commission-level: no mailed notice

Currently sign accommodation permits require a 100-foot notice. This requirement would be eliminated.

- Cultural Heritage Commission: per the requirements in Article 32

Historic Preservation was adopted in 2012 with specific noticing to property owners whose properties are being considered for local designation, or who have filed a request for a certificate of appropriateness.

Site Posting

- Post a notice onsite at the time a planning permit is filed with the City.

This would increase the amount of onsite posting and would provide an opportunity for neighbors and anyone else traveling the street to receive information on the pending project.

- Standardize size and dimensions, and location.

Specifications for size, location, and content would be provided in the Director's Guidelines for Public Noticing that would be developed as part of this effort.

- Require site posting at time application is filed

Some Director-level planning permits require a posted notice within 3 days of filing the application, while some Planning Commission-level permits require site posting 10-days prior to the hearing. This would expand posting notices for Planning Commission-level cases.

Newspaper Announcement

- Bring noticing requirements consistent with state (Government Code 65090, 65091)

This would increase noticing specified in the zoning code for General Plan and Zoning Code Amendments and Variances from 5-days to 10-days, which is consistent with currently policy and practice.

Recommended Public Noticing Chart

Recommended noticing requirements are provided in the chart below. Changes to current requirements are in bold. Permits proposed for consolidation are in italics.

Recommended Noticing for Development Projects (changes in bold)

Planning Permit (e.g. Discretionary Permit)	Noticing Process			
	Newspaper	Site	10-day Advance - Mailed (Distance) ⁷	
Director-Level			Commission-Level	
General Plan Amendment, Zoning Amendment ⁸ (CC)	X	X ⁴	No staff level	(500 ft.) + block face
Variance ¹	X	X	No staff level	(500 ft.) + block face
Conditional Use Permit ¹	X	X	No staff level	(500 ft.) + block face
Tentative Map	X	X ⁴	No staff level	(500 ft.) + block face
Minor Use Permit		X	(100 ft.) + block face	(500 ft.) + block face
<i>Replaces - R4 Permit,</i>		X	(100 ft.) + block face	(500 ft.) + block face
<i>Minor Accommodation,</i>		X	(100 ft.) + block face	(500 ft.) + block face
<i>Notice of Overnight Stay, and</i>		X	(100 ft.) + block face	(500 ft.) + block face
<i>Second Unit Permit</i>		X	(100 ft.) + block face	(500 ft.) + block face
Development Plan Review		X ⁹	No staff level	(500 ft.) + block face
<i>Replaces - R1 Permit (Central,</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
<i>Hillside, Trousdale),</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
<i>Development Plan Review,</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
<i>Extended Hours, and</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
<i>Planned Development Review</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
Open Air Dining		X	(100 ft.) + block face	(500 ft.) + block face
Density Bonus Permit		X ⁴	(100 ft.) + block face	(500 ft.) + block face
Permit to operate large daycare facility			(100 ft.) + block face	Appealable to PC (500 ft.) + block face
Reasonable Accommodation		X ⁴	Adjacent owners	Adjacent owners
Substantial Compliance			Adjacent owners	Adjacent owners
Common Interest Development		X ⁴	tenants	tenants
Trousdale View Restoration Permit		X ⁴	No staff level	Foliage Owners
<i>Discretionary Permits Reviewed by Other Commissions</i>				
<i>Design Review (DRC)</i>		X	Applicant	(100 ft.)
<i>Architectural Review Permit (AC)</i>		X ⁴	No notice	No notice
<i>Includes - Sign Accommodation (AC)</i>		X ⁴	No notice	No notice
<i>Designation as a Local Landmark (CC)</i>			No staff level	Property Owner
<i>Certificate of Appropriateness (CHC)</i>		X ⁴	No staff level	Property Owner

⁷ Unless otherwise noted, all mailed notices would be provided to both owners and occupants.

⁸ These applications require a newspaper posting, and, EITHER, a sign posted on site OR a mailed notice.

⁹ A site posting would be required of any development project that would ultimately require a construction sign once the building permit has been issued.

As proposed, the noticing requirements in the chart on the previous page would replace the City's current noticing requirements, which are presented in Table 1 on Page 2 of this report.

Location in the Code

Staff's recommendation for locating noticing requirements has three parts. The first part would be to consolidate noticing requirements into one section in the zoning code that is then cross-referenced as needed. This will make referring to the noticing for each permit easier. Secondly, although not a noticing issue, but worth mentioning, staff recommends reducing the number of permits by consolidating as described in the table on the previous page. Consolidating permits will reduce staff time in maintaining applications and processing standards, and will reduce the number of permits an applicant must be familiar with. Lastly, staff recommends that the department develop guidelines for public noticing. These guidelines are described further on Page 17 of this report.

Mailed Noticing Recommendation

Staff recommends providing a mailed notice to all property owners and occupants. For Director-level decisions and Design Review Commission cases, the mailing radius would remain at 100-feet. The mailed noticing requirement for sign accommodations (reviewed by the Architectural Commission, which does not otherwise have a mailed noticing requirement) would be removed. The mailing radius for Planning Commission cases would be set at 500-foot. Increasing the mailing radius to 500-feet would be an increase for some permit applications that are currently 300-feet.

Additionally, staff is recommending that all properties along a blockface where a property would receive a notice should also receive the notice. This would ensure that neighboring properties receive the same notice.

Visuals depicting the recommended noticing areas are provided on the following page. All mailed notices would continue to be sent out 10-days prior to a hearing or decision.

Site Posting Recommendation

The Cities of Culver City, Pasadena, and West Hollywood all require site posting for all cases, while the City of Santa Monica requires site posting for architectural review, conditional use, development and site plan review cases. The staff recommendation for site posting would be to post the site for most planning permits and to always post the site when a construction sign would be required once the building permit is issued. Specifications would be provided in the Director's Guidelines in order to standardize the size, look, and placement of signs.

Newspaper Announcement Recommendation

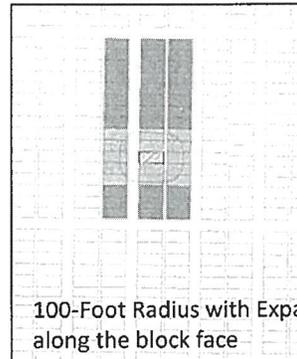
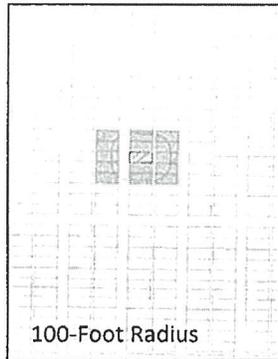
Most cities follow state requirements for placing notices in the newspaper, City of Santa Monica has expanded newspaper noticing for all planning permits requiring a hearing, while Pasadena applies the newspaper notice to only those permits identified by the state but requires three newspaper notices rather than one. Staff recommendation would be to continue to follow current City requirements for newspaper notices.

Visuals illustrating the proposed change in mailed noticing:

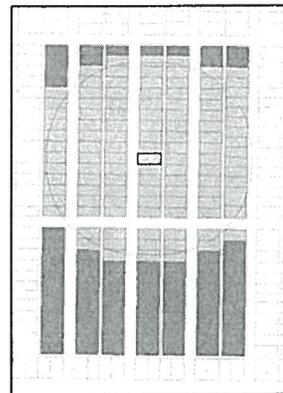
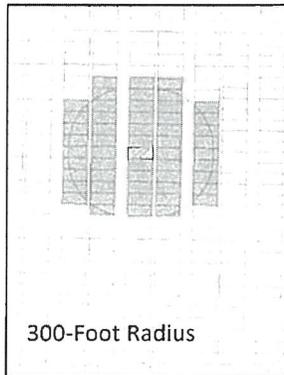
**Expanding Mailed Notices to All Properties along the Block Face,
Increasing all 300-Foot Noticing Areas to 500-Feet**

Current Noticing Requirements

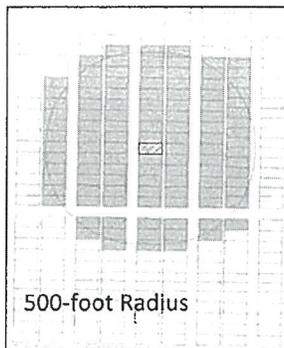
Proposed Noticing Requirements



Director-level and Design Review Commission Cases



Planning Commission Cases



Director's Guidelines for Public Noticing

To improve awareness and administration of the City's public noticing requirements for development projects, staff proposes to develop a Director's Guide. The guide will complement the City's zoning code reorganization effort by including standards and specifications for noticing. Moreover, it would provide an opportunity to establish policies that reflect the expectations of the City Council, Commissions, and Community.

Mailed Noticing

The guidelines will set standards and specifications for mailed notices including the design of the notice. To reduce costs and increase awareness, staff will explore the use of postcards as an alternative to the current mailed notice letter format.

Site Posting

The guidelines will provide standardized sizing and dimensions for posted signs. The guidelines will also provide standards for sign location and length of posting.

Other Noticing

The guide will provide standards for noticing the Planning Commission, City Council and other decision-making bodies, and other agencies as permit applications warrant.

Additionally, the guide will provide standards for e-noticing, and use of the website.

NEXT STEPS

With direction from the Planning Commission, staff will return with the following documents for the Planning Commission's consideration:

1. A draft resolution recommending that the City Council adopt an ordinance revising the zoning code as outlined in the recommendations provided in the discussion section of this report, and
2. Draft Director's Guidelines for Public Noticing


Report Reviewed By:
Jonathan Lait, AICP
City Planner

Attachment 1

Noticing Requirements for Beverly Hills

Noticing Requirements in the City of Beverly Hills Zoning Code
(Grouped by similar noticing requirements)

Entitlement	Code	Reviewing Authority	Mailed Notice	Posted Notice	Newspaper Announcement
<ul style="list-style-type: none"> • General Plan and Zoning Map and Text Amendments • Conditional Use Permit • Variance 	10-3-3902 10-3-3800 10-3-3705	Planning Commission	Option 1: Notice of hearing <ul style="list-style-type: none"> • 5 days prior to hearing • To <u>owners</u> within 300 feet <i>*Policy is 10 days prior to hearing</i>	Option 2: Posted notice <ul style="list-style-type: none"> • 5 days prior to hearing • 2 conspicuous places close to property 	Required: Newspaper announcement <ul style="list-style-type: none"> • Once, 10 days prior to hearing <i>* Policy is to publish in two papers</i>
<ul style="list-style-type: none"> • Minor Accommodation • Notice of Overnight Stay • Open Air Dining • R4 Permit • Second Unit Permit • R1 Permit (Central, Hillside, Trousdale - PC Only, no site posting required) • Substantial Compliance 	10-3-3602 10-3-3654 10-3-3503 10-3-2852 10-3-409 10-3-2452 10-3-2552 10-3-2652 10-3-203	Director of Planning and Community Development <hr/> Planning Commission/City Council	<ul style="list-style-type: none"> • <u>Owners and residential occupants</u> within 100 ft. Notice of Intended Decision <ul style="list-style-type: none"> • 10 days prior to decision Notice of Decision <ul style="list-style-type: none"> • After decision <hr/> Notice of Public Hearing <ul style="list-style-type: none"> • 10 days prior to hearing • <u>Owners and occupants</u> within 300 ft. 	Notice of Application <ul style="list-style-type: none"> • Within 3 days after application deemed complete • Posted for 10 days • Visible from 60 ft. 	
<ul style="list-style-type: none"> • Development Plan Review 	10-3-3103	Director of Planning and Community Development <hr/> Planning Commission	Notice of Decision Only <ul style="list-style-type: none"> • Abutting <u>owners</u>, any party who requested information <hr/> Notice of Hearing <ul style="list-style-type: none"> • 10 days prior • <u>Owners</u> in SFR zone within 500 ft. • <u>Owners</u> in other zones within 300 ft. 	<i>*As a policy, sites were posted at one time</i>	
<ul style="list-style-type: none"> • Density Bonus Permit 	10-3-1525	Planning Commission	<ul style="list-style-type: none"> • Notice of Hearing • 10 days prior • <u>Owners</u> in SFR zone within 500 ft. • <u>Owners</u> in other zones within 300 ft. 		
<ul style="list-style-type: none"> • Extended Hours (PC Only) • Planned Dev. Review (PC Only) 	10-3-1958 10-3-1843	Planning Commission	<ul style="list-style-type: none"> • Notice of Hearing • 10 days prior • <u>Owners</u> in SFR zone within 500 ft. • <u>Owners and Occupants</u> in other zones within 300 ft. 	<i>*As a policy, sites were posted at one time</i>	

Noticing Requirements in the City of Beverly Hills Zoning Code
(Grouped by similar noticing requirements)

Entitlement	Code	Reviewing Authority	Mailed Notice	Posted Notice	Newspaper Announcement
• Permit to Operate Large Family Daycare	10-3-408	Director of Planning and Community Development	<ul style="list-style-type: none"> To <u>owners</u> within 100 ft. Notice of Application <ul style="list-style-type: none"> 10 days prior 		
• Reasonable Accommodation	10-3-3672	Director of Planning and Community Development	<ul style="list-style-type: none"> Adjacent <u>owners</u> Notice of intended decision <ul style="list-style-type: none"> 10 days prior to written determination 		
		Planning Commission	<ul style="list-style-type: none"> Adjacent <u>owners</u> Notice of hearing <ul style="list-style-type: none"> 10 days prior to hearing 		
• Trousdale View Restoration Permit	10-8-106	Planning Commission	Notice of hearing <ul style="list-style-type: none"> 30 days prior to hearing To all <u>owners</u> identified as foliage owners in the application and occupants of those properties 		
• Tentative Map	10-2-201 to 10-2-206	Director of Planning and Community Development/Planning Commission	<ul style="list-style-type: none"> Follows state law Notice of hearing <ul style="list-style-type: none"> 10 days prior To all <u>owners</u> within 300 feet 		Required: Newspaper announcement <ul style="list-style-type: none"> Once, 10 days prior to hearing
• Common interest Development	10-2-710 (Mandated by the State)	Planning Commission	<ul style="list-style-type: none"> To <u>building tenants</u> Notice of Intent <ul style="list-style-type: none"> 60 days prior to submitting application for tentative map Notice of Public Report <ul style="list-style-type: none"> 10 days before application for a public report will be submitted to the State Department of Real Estate Notice of final Map Approval <ul style="list-style-type: none"> Within 10 days of approval of a final map for the proposed conversion Additional Notice to Terminate Tenancy <ul style="list-style-type: none"> 180 days prior to termination of tenancy Notice of Public hearing on Map <ul style="list-style-type: none"> 10 days prior to hearing 		

Noticing Requirements in the City of Beverly Hills Zoning Code (Grouped by similar noticing requirements)					
Entitlement	Code	Reviewing Authority	Mailed Notice	Posted Notice	Newspaper Announcement
Entitlements Heard by Commissions other than the Planning Commission					
• Design Review	10-3-4413	Director of Planning and Community Development	Notice of decision <ul style="list-style-type: none"> • Within 5 days • To <u>applicant</u> and others who submitted request 		
		Design Review Commission	Notice of Hearing <ul style="list-style-type: none"> • 10 days prior • <u>Owners and occupants</u> within 100 ft. Notice of Decision <ul style="list-style-type: none"> • Within 5 days • To <u>applicant</u> and those who submitted requests 	Notice of pending application <ul style="list-style-type: none"> • 10 days prior to hearing 	
• Sign Accommodation	10-4-904	Architectural Review	Noticing of hearing <ul style="list-style-type: none"> • 10 days prior • To <u>owners and residential occupants</u> within 100 ft. 		
• Historic Designation	10-3-3215	Cultural Heritage Commission	Noticing of hearing <ul style="list-style-type: none"> • 10 days prior • To <u>applicant</u> and all owners of property (individual building) • To all <u>owners</u> within proposed district 		
• Certificate of appropriateness (historic)	10-3-3219	Cultural Heritage Commission	Noticing of hearing <ul style="list-style-type: none"> • 10 days prior • <u>Owners</u> or owner's representatives 		

Attachment 2

Noticing Requirements in Other Cities

Noticing Requirements in Other Cities					
	Mailed Notice	Posted Notice	Newspaper Announcement	Website and Email	Code Organization
Beverly Hills	<p>Required for all PC hearings and Admin. reviews</p> <p>Generally 100, 300 or 500 ft. radius; can include owners and occupants, some adjacent owners only, sometimes more noticing for R1</p> <p>At least 10 days before hearing or review</p>	<p>Required for some hearings and reviews</p> <p>Posted on-site for 10 days- visible from 60 ft.</p> <p>Posting near the site is an option for some permits for 5 days</p> <p>No standardized size/template</p>	<p>Only required for Variance, CUP, Amendment, Tract Map</p> <p>Once at least 10 days prior to decision</p>	<p>No dedicated City webpage for posting of all notices</p> <p>Option to subscribe to email updates, agendas, minutes</p>	<p>Requirements throughout zoning code</p>
Culver City	<p>Required for all hearings and admin reviews (except zoning code and general plan text amendments)</p> <p>300 ft. radius, adjacent owners/occupants only for admin site plan review</p> <p>Hearing: Mailed at least 21 days prior</p> <p>Admin. Decision: Mailed at least 15 days prior</p>	<p>Required for most hearings</p> <p>On-site sign: 12 sq. ft. Not less than 1 foot or more than 10 feet inside property line</p> <p>Within 30 days after application deemed complete</p>	<p>Required for Comprehensive Plan, General Plan text change and Zoning Code changes</p> <p>Once at least 14 days prior to decision</p>	<p>City Website for posting of all notices</p> <p>Option to subscribe to email updates/notices</p> <p>Can pick topics/areas of interest</p> <p>Can specify frequency of emails received</p>	<p>Requirements in chapter 17.630 Public Hearings and Administrative Review</p>
West Hollywood	<p>Required for all hearings and admin. reviews</p> <p>500 ft. radius can be increased to 750 ft. or 1,000 ft. at discretion of Director</p> <p>At least 10 days prior to hearing</p> <p>For admin. reviews mailed to adjacent properties 14 days prior to end of public comment period</p>	<p>Required for all hearings and administrative reviews</p> <p>Hearing: 28 days prior to hearing</p> <p>12 square feet, Not less than 1 foot or more than 10 feet inside property line</p> <p>No Hearing: 10 days before end of public comment 11x17 in. sign</p>	<p>Required when publication is required by state law</p> <p>Once at least 10 days prior to decision</p>	<p>City Webpage for posting of all notices</p> <p>Requirement in code for posting notice online 10 days prior to hearing</p> <p>Option to subscribe to email updates/notices</p>	<p>Requirements in chapter 19.74 Public Hearings and Notice</p>

Noticing Requirements in Other Cities					
	Mailed Notice	Posted Notice	Newspaper Announcement	Website and Email	Code Organization
Pasadena	<p>500 ft. radius required for hearings</p> <p>300 ft. radius for minor variance, minor use permit, variances for historic resources, sign exceptions, and modifications for disabilities</p> <p>At least 14 days before hearing</p>	<p>Required for all hearings</p> <p>On street: For at least 14 days within 500 ft. of property</p> <p>On-site: 12 square feet posted 14 days before hearing, not less than 5 feet or more than 10 feet from property line</p>	<p>Required for text amendments to General Plan or Zoning Code</p> <p>3 times at least 14 days prior</p>	<p>City Webpage for posting of all notices</p> <p>Option to subscribe to email updates/notices</p>	<p>Requirements in chapter 17.76 Public Hearings</p>
Santa Monica	<p>Required for all hearings</p> <p>500 ft. radius for CUP, Development Review Permit, site specific zoning ordinances and General Plan Amendments</p> <p>300 ft. radius for all other hearings</p> <p>100 ft. radius for notice of application for “adjustment” (does not require hearing)</p> <p>At least 10 days prior to hearing</p>	<p>Required for Architectural Review</p> <p>Posted on-site within 10 days of application filing</p> <p>Required for CUP, Development review permit and site plan review permit</p> <p>Posted within 15 days of application filing</p> <p>30 in. by 40 in.</p> <p>Posted in a manner established by the Zoning Administrator (height, text, format requirements presented in permit application - includes project rendering for Architectural Review)</p>	<p>Required for all public hearings</p> <p>Once at least 10 days prior to hearing</p>	<p>City Webpage with a list of Planning Commission cases and status</p> <p>City “Government on the GO system” allows community to submit comments, complaints and service requests 24/7</p>	<p>Requirements throughout zoning code</p> <p>Most addressed in section 9.04.20.22.050 Notice of Hearings</p>

Sources :

- Culver City zoning code Chapter 17.630 Public Hearings and Administrative Review [http://www.amlegal.com/nxt/gateway.dll/California/culver/themunicipalcodeofthecityofculvercitycal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:culvercity_ca](http://www.amlegal.com/nxt/gateway.dll/California/culver/themunicipalcodeofthecityofculvercitycal?f=templates$fn=default.htm$3.0$vid=amlegal:culvercity_ca)
- Pasadena zoning code Chapter 17.76 Public Hearings, <http://www.cityofpasadena.net/zoning/P-7.html#17.76>
- Santa Monica zoning code 9.04.20.22.050 Notice of Hearings, <http://www.qcode.us/codes/santamonica/>
- West Hollywood zoning code Chapter 19.74 Public Hearings and Notice, <http://qcode.us/codes/westhollywood/>