CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Office of the City Auditor

Report to the City Council
City of San José

DEVELOPMENT NOTICING: ENSURING OUTREACH POLICIES MEET COMMUNITY EXPECTATIONS

Report 19-03
March 2019

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Office of the City Auditor
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Honorable Mayor and Members
Of the City Council
200 East Santa Clara Street
San José, CA 95113

Development Noticing: Ensuring Outreach Policies Meet Community Expectations

The City's Department of Planning, Building and Code Enforcement (PBCE) facilitates new development in San José. Development projects can range from small projects, such as a remodel of single-family residence, to a large, multi-story mixed-use project that could significantly impact neighboring residences and businesses. The City Council's *Public Outreach Policy for Pending Land Use and Development Proposals* (Policy 6-30) establishes baselines for public outreach on development activities, encouraging early communication between City staff, applicants, and the public.

Depending on the type of activity, development permits are approved by the City Council, Planning Commission, or the Planning Director at public hearings. State law, along with the City's Municipal Code, generally require public hearing notices for developments 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. Policy 6-30 goes beyond this, setting the 300-foot radius as a minimum and requiring broader notice for most development projects (e.g., 500 feet or 1,000 feet) a minimum of 14 days prior to the hearing. The policy also requires hearing notices be sent to tenants as well as property owners, on-site display of notices, and availability of certain online information.

The Planning Division (Planning) within PBCE is responsible for conducting the City's public outreach for new developments under Policy 6-30. The objective of our audit was to review the effectiveness of outreach for new development including notice radius, timing, and language accessibility.

Finding 1: Planning Prepares and Mails Tens of Thousands of Hearing Notices. In FY 2017-18, the Planning Division sent nearly 150,000 public hearing or community meeting notices to tenants and property owners for nearly 400 development projects. Planning largely complied with radius and timing requirements for mailing notices within Policy 6-30. It should be noted that not all permit types are identified in the policy, and some types generate more community interest than others. While on-site notices appeared to be posted well before hearing dates, most were posted after the 10 working days required by the City. We recommend that the City update policies for on-site notice timing requirements.

Finding 2: The City Should Improve Mechanisms for Reaching Neighborhood Associations and Limited English Speaking Communities. While the City appears to have met many requirements of Policy 6-30, there are two areas where the City can improve. The City does not regularly involve neighborhood associations early in the process, which could help identify projects that may warrant additional outreach because of the potential for significant community interest. This

is in part because the City does not have a list of neighborhood association contacts that planners can use for outreach purposes. Also, the City can improve access for limited English speaking communities by establishing procedures regarding interpreters at meetings and translation of public hearing notices, as well as removing the requirement that translation services be paid for by neighborhood associations.

Finding 3: Further Improvements Can Enhance Public Outreach. Policy 6-30, which was last revised in 2004, should be updated to provide clearer guidance for some permit types, as well as to set goals for increasing the availability of online information prior to public hearings and community meetings. Planning should also utilize more plain language in its hearing notices and develop an online guide describing the purpose and goals of the planning process, which can help elicit timely and meaningful community input. Finally, to facilitate future policy updates, the City should collect feedback on its public outreach on an ongoing basis and use that information to inform periodic policy updates.

This report includes 8 recommendations. We will present this report at the March 25, 2019 meeting of the Community & Economic Development Committee. We would like to thank the Department of Planning, Building and Code Enforcement; the Department of Parks, Recreation and Neighborhood Services; the Department of Public Works; the Office of Immigrant Affairs; the City Attorney's Office; and residents of San José for their time and insight during the audit process. The Administration has reviewed this report and their responses are shown on the yellow pages.

Respectfully submitted,

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Introduction

The mission of the City Auditor's Office is to independently assess and report on City operations and services. The audit function is an essential element of San José's public accountability, and our audits provide the City Council, City management, and the general public with independent and objective information regarding the economy, efficiency, and effectiveness of City operations and services.

In accordance with the City Auditor's Fiscal Year (FY) 2018-19 Work Plan, we have completed an audit of the City's policies and processes for development noticing. This audit was conducted in response to a Neighborhoods Commission request to review the effectiveness of outreach for new development including notice radius, timing, and language accessibility.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. We limited our work to those areas specified in the "Audit Objective, Scope, and Methodology" section of this report.

The Office of the City Auditor thanks the Department of Planning, Building and Code Enforcement; the Department of Parks, Recreation and Neighborhood Services; the Department of Public Works; the Office of Immigrant Affairs; the City Attorney's Office; and City residents for their time and insight during the audit process.

Background

The City's Department of Planning, Building and Code Enforcement facilitates new development in San José through long range planning that guides future growth, and ensuring development and construction activity comply with applicable codes and policies. Development projects can range from small projects such as a remodel of a single-family residence, to a large, multi-story mixed-use project that could significantly impact neighboring residences and businesses.

The Planning Division reviews and engages the community on development proposals during the permitting process.[1] Planners check that proposals align with the City's General Plan, specific neighborhood plans, or other applicable codes and policies, and review the impact of proposals on issues of public interest, like traffic flow, environmental impacts, and aesthetics. They also collect comments and concerns of residents, which may inform final decision-making on a development proposal.

Depending on the type of proposal, the City Council, the Planning Commission, the Planning Director, or Director's designee makes final decisions on development approval and conditions of approval at a public hearing.

The City's Development Noticing Policy Exceeds State Requirements

State law requires property owners within a 300-foot radius of a development proposal receive a minimum of 10 days' notice prior to such a public hearing. The notice must include the date, time, and place of the public hearing; the hearing officer or body; and a general explanation of the property and matter under consideration. Certain proposals (such as zoning and general plan changes) require notice in the newspaper. State law allows local governments to give additional notice in any other manner they deem necessary or desirable.

Council Policy 6-30, the *Public Outreach Policy for Pending Land Use and Development Proposals* (Policy 6-30), seeks "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." (For full Policy, see Appendix A.) Last revised in 2004, Policy 6-30 sets the state-required 300-foot radius as a minimum, requiring notice up to 1,000 feet or more from the proposed site, at least 14 days before the public hearing. Out of 11 benchmarked jurisdictions, seven used 300 feet as their standard noticing radius.

Policy 6-30 outlines the scope of outreach activities based on the following categorization:

- A **Very Small Development Proposal** is defined as any application for a single-family detached dwelling, tree removal, tract sales office, or similar type of approval. Such proposals are considered as being administrative

[1] These include proposals for zoning or land use changes and site developments. Zoning laws specify the land uses permitted and restricted on a property – for example, restricting industrial facilities in a residential area. A site development permit is required to construct, enlarge, or install a building or structure. Any exterior alteration, pavement of a lot, or underground installation requires such a permit. Minor alterations to a detached single family home do not require issuance of a site development permit; however, if the addition is greater than two stories, or substantially increases the floor to area ratio, it may require a public hearing for a single-family house permit. By contrast, the Building Division oversees private construction to ensure safe buildings. Building permits ensure compliance with building, electrical, mechanical, plumbing, zoning, engineering, energy, and accessibility codes and laws. New building construction requires building permits. It should be noted that any changes that do not go through City planning processes (such as unpermitted activity or development by a public agency) would not be noticed by Planning.

in nature and having very localized interest to the community.[2] These proposals require 14 days' notice within a 300-foot radius.

- A **Standard Development Proposal** is defined as any application for approval that requires a public hearing and is not a very small, large, or significant community interest proposal. These proposals require 14 days' notice within a 500-foot radius. Certain special uses, like alcohol sales, require a minimum 500-foot noticing radius.
- A **Large Development Proposal** is defined as any application 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. These proposals require 14 days' notice within a 1,000-foot radius, as well as a community meeting before the public hearing.
- A **Significant Community Interest Proposal** is defined as any application that the Director, in consultation with the Council Offices of the Council District, the applicant, and the neighborhood group designee[3] representing the area in which the application is proposed, determines has the potential to have a high degree of interest either at a local or City-wide level. These proposals generally require 21 days' notice within a 1,000-foot radius, as well as a community meeting.[4]

Exhibit 1 shows what these radii look like to scale.

[2] These typically also do not require public hearing or notice under state law.

[3] "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.

[4] It is important to note that almost all permit types can fall anywhere between "standard" and "significant," and these determinations are typically made by planners based on their knowledge of the project and feedback from the community.

Exhibit 1: Illustration of Noticing Radii in a Downtown Neighborhood (FY 2017-18)

Source: Auditor illustration based on Planning mail logs. Radii are drawn to scale. Pink circles show 1000-foot radii, dark green circles show 500-foot radii, and lavender circles show 300-foot radii. The building footprints are shown in gray, for scale. Radii are based on address points (rather than parcels) and are approximate. Some projects without addresses are excluded.

For all proposals, applicants must display notice on the proposed site within 10 working days of the permit application, and the City must post new applications on its website and send an email to subscribing individuals.

Policy 6-30 also sets expectations for notice content. Notices should clearly describe the project in concise and plain terms, and limit (or explain) technical terms. All public hearing notices should also contain a note in Spanish and Vietnamese explaining how the public can receive information about the hearing and proposal in those languages. The policy also provides that hearing notices for large proposals should have a full language translation, while translation of notices for significant community interest proposals should be provided upon request of a neighborhood group.

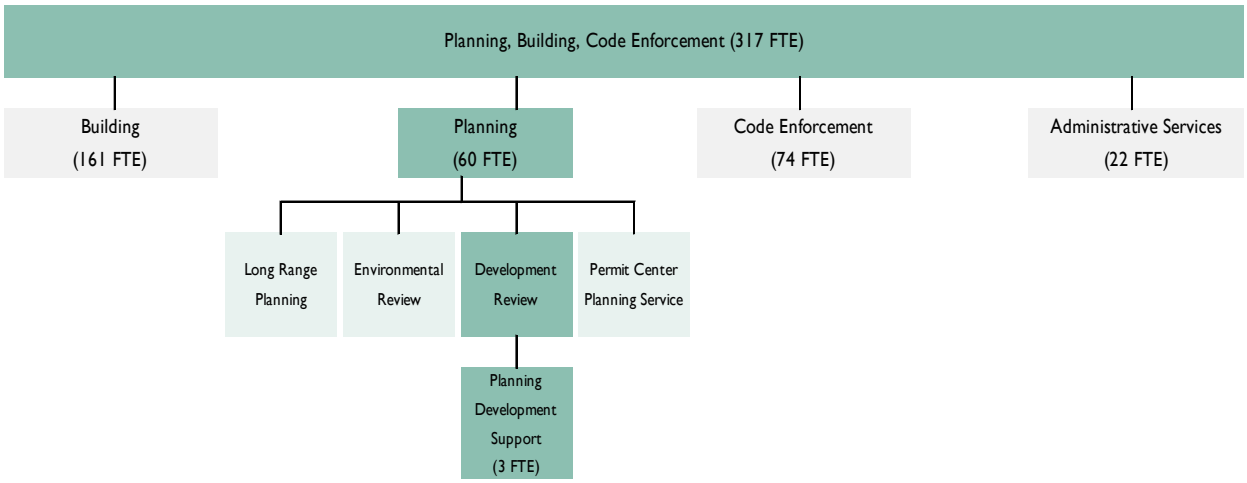
Planning's Development Support Group Centrally Manages Development Noticing

Three full-time equivalent staff (FTE) within Planning's development support group centrally manage development noticing (see Exhibit 2). While staff in other divisions and departments play a role in the noticing process – for example, planners determine the extent of outreach and prepare notice templates, the Clerk's Office submits legal notices to newspapers, and City Hall mail room staff apply postage and ensure delivery to the post office – the development support group organizes and coordinates these efforts.

Planning development support staff duties include:

- Maintaining a log of all projects for noticing along with their hearing dates;
- Generating mailing lists for notices;
- Tracking when additional noticing fees are owed;
- Formatting, printing, and mailing notices;
- Coordinating newspaper publishing;
- Preparing hearing agendas;
- Posting community meeting information on the City's online calendar; and
- Completing associated paperwork.

Exhibit 2: Three Support Staff Centrally Manage Development Noticing



Source: Auditor analysis of 2017-18 Adopted Operating Budget and departmental organization charts.

Applicants Pay for Noticing Through Development Fees

The City's Planning Application Fee Schedule is approved annually by City Council. The FY 2018-19 schedule sets noticing fees by mailing radius (see Exhibit 3) based on an initial fixed fee, covering a standard number of mailings (threshold), and fee ($0.74) per additional mailing above the threshold. The current fees are based on staff time estimates (for planners and administrative staff) and postage, materials, and equipment maintenance costs. Newspaper publishing fees are pass-through, based on the going rate charged by the San José Post Record.

State law limits development fees for planning and zoning changes to approximate the cost of providing the service.

Exhibit 3: Development Noticing Fees Are Based on Mailing Radius

Noticing Radius	Initial Fee Covers	Initial Fee
Adjacent	**15 notices**	**$151**
300-foot	**275 notices**	**$483**
500-foot	**475 notices**	**$911**
1,000-foot	**1,200 notices**	**$2,008**

Source: FY 2018-19 Planning Application Development Noticing Fee Schedule

Audit Objective, Scope, and Methodology

The objective of our audit was to assess the effectiveness of outreach for new development including notice radius, timing, and language accessibility. We also reviewed internal management controls over the noticing process. To this end, we performed the following:

- Reviewed noticing requirements under state law, the Municipal Code, and City Council Policy 6-30, Public Outreach Policy for Pending Land Use and Development Proposals
- Observed processes for compiling and cleaning notice mailing lists and for formatting, printing, and mailing notices
- Tested mail log data (by comparing to other sources) and reviewed all projects with public hearings and community meetings held in FY 2017-18 for compliance with the City's noticing radius and timing requirements
- Evaluated a sample of 40 mailed and 25 on-site notices for required content, including translation contacts and plain language
- Compared a sample of 40 mailed notices to hearing agendas to check for content accuracy
- Visited six sites with recent planning permit applications to confirm timely presence of on-site notice and compared on-site notices with other jurisdictions (San Francisco, Santa Clara, and Oakland; see Exhibit 7)
- Assessed timeliness of online and email noticing by comparing dates of permit application, permit processing close, online posting, and email receipt for three weeks of new project applications (totaling 19 applications)
- Benchmarked San José's public noticing requirements and procedures against 11 other California jurisdictions: San Francisco, Milpitas, Los Angeles, Long Beach, Sacramento, Sunnyvale, Cupertino, San Diego, Mountain View, Campbell, and Oakland (see Appendix B)
- Mailed 999 surveys to tenants and property owners who had recently received a mailed hearing notice to gather feedback on the content of the notice, participation in the planning process, and other thoughts on the

noticing process (165 surveys were undeliverable; response rate: 0.7 percent)

- Surveyed 120 members of San José neighborhood associations and homeowners' associations about how they hear about new projects in their neighborhood and their thoughts on the noticing process (response rate: 27 percent). We obtained this partial list of neighborhood association contacts from the Department of Parks, Recreation and Neighborhood Services.
- Observed 15 Planning Director's Hearings and 4 Planning Commission meetings to review for public comment
- Interviewed planners about determinations of project significance, outreach scope, and their role in the noticing process
- Interviewed Public Works and Santa Clara County GIS staff on mailing address data quality
- Interviewed staff from the Office of Immigrant Affairs on language accessibility mechanisms and best practices
- Reviewed fee calculations for public noticing fees and tested a sample of invoices for accuracy

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Finding I Planning Prepares and Mails Tens of Thousands of Hearing Notices

Summary

In FY 2017-18, the Planning Division sent nearly 150,000 public hearing or community meeting notices to tenants and property owners for nearly 400 development projects. The City largely complied with radius and timing requirements for mailing notices within Policy 6-30. It should be noted that not all permit types are identified in the policy, and some types generate more community interest than others. While on-site notices appeared to be posted well before hearing dates, most were posted after the 10 working days required by the City. We recommend that the City update policies for on-site notice timing requirements.

Planning Mailed Nearly 150,000 Notices for Public Hearings or Community Meetings

In FY 2017-18, Planning mailed nearly 150,000 notices for over 400 hearings and community meetings (see Exhibit 4). Fees collected to cover the labor costs, materials, equipment, and postage totaled roughly $350,000.

Exhibit 4: In FY 2017-18, Planning Prepared and Mailed Nearly 150,000 Notices

FY17-18	Total Projects	Total Mailings	Fees Collected
Hearings	374	109,741	$276,300
Community Meetings	44	39,515	$68,900

Source: Auditor analysis of Planning mail logs.

While the City does have a master address database, the mailing address values need to be improved.[5] The process for creating mailing lists for notices can be time consuming. Because the City notifies both tenants and property owners, creating a mailing list requires the extraction of addresses from two different data

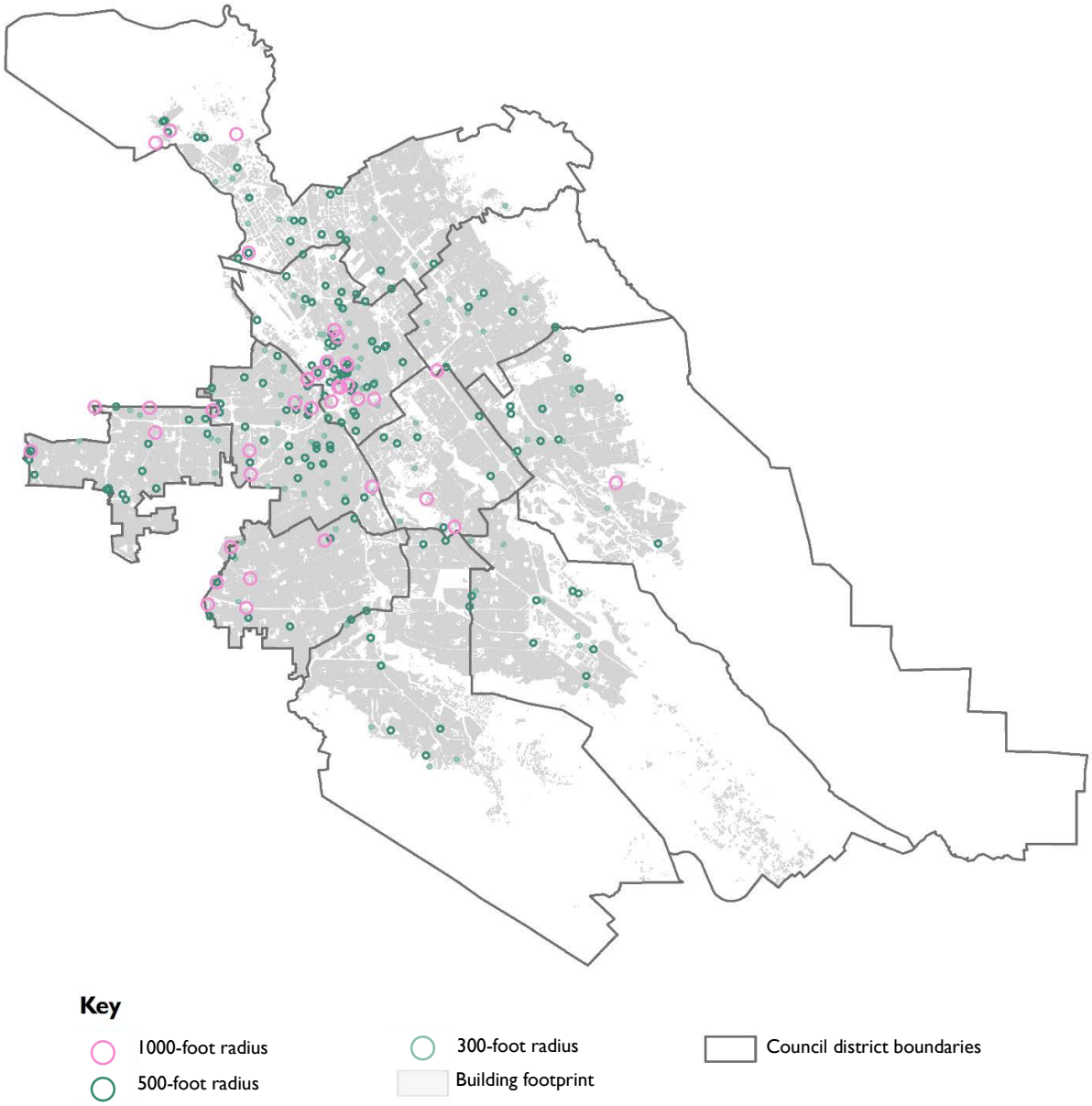
[5] The City has records of physical locations within its bounds. Physical addresses can differ from mailing addresses. For example, a street number may be associated with a plot of land without a structure or mailbox on-site, which would be undeliverable. Similarly, a mailing address may not be deliverable if it is missing a unit number, though it has a valid street address.

sources (from the City and County) with two different software tools and substantial data cleaning.[6]

Mailing list length and complexity varies by the number of parcels comprising the development site, the noticing radius, the density of the area, and the types of land use. Exhibit 5 shows a map of all notices for hearings and community meetings held in FY 2017-18, with noticing radii to scale. As can be seen, some neighborhoods saw a number of development projects and received hearing notices, whereas others have not.

[6] The City has records of physical locations within its bounds. The County has records of property ownership and corresponding mailing addresses. Alone, the City's records would not reach remote property owners and the County's records would not reach building tenants who do not own a property. Planning aims to transition one of its mapping tools as it updates the City's Integrated Permitting System. With the completion of the update, Planning staff should be able to create a mailing list using just one tool, reducing the amount of time needed for data cleaning. In the meantime, we verified that the staff time spent to remove duplicate addresses under the current process saves money on postage and materials.

Exhibit 5: Location of Development Proposals and Mailing Radii for Hearing and Community Meeting Notices in FY 2017-18

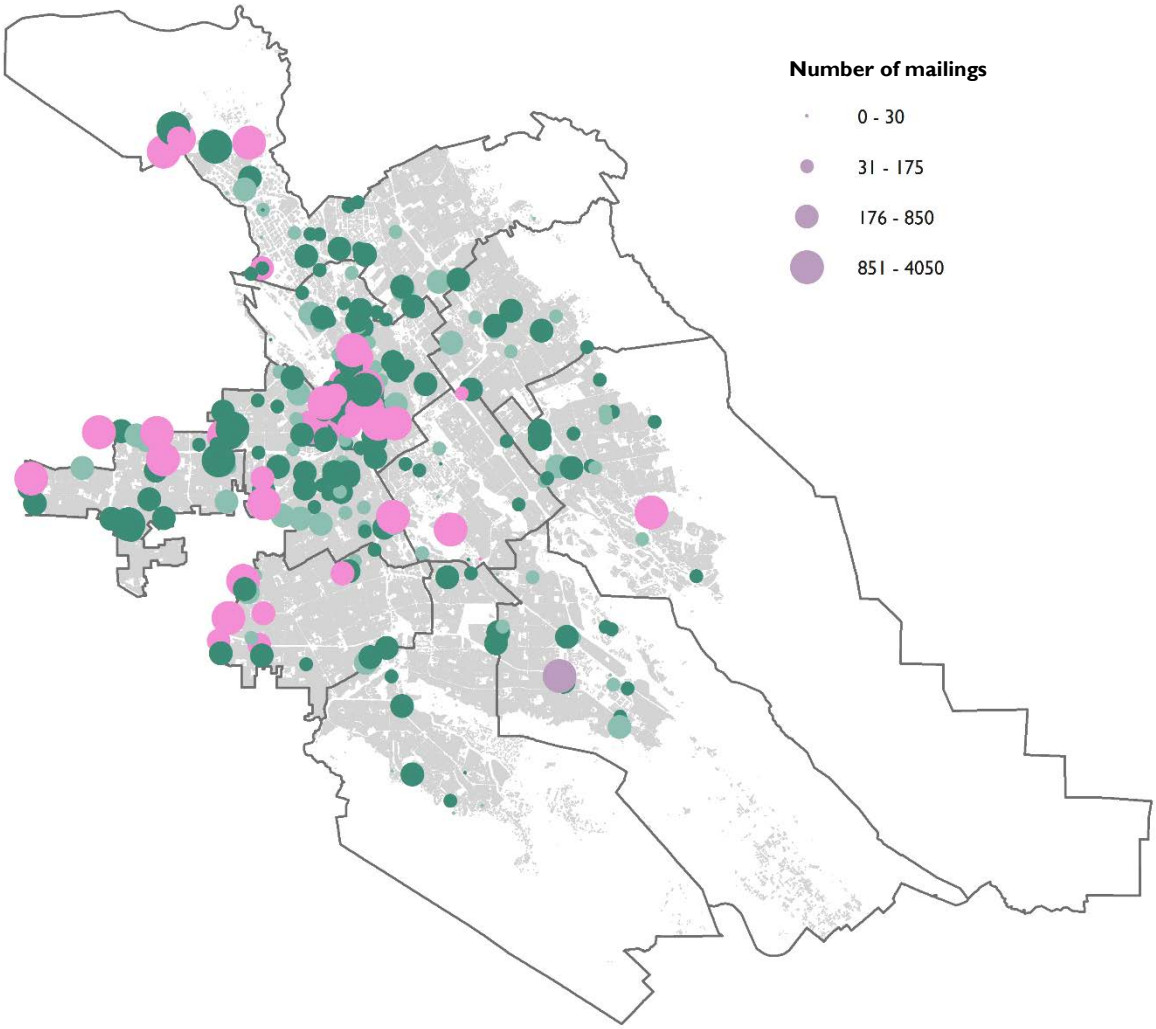


Source: Auditor analysis of Planning mail logs.

Note: Map excludes notices that went to radii not specified in Policy 6-30 (such as adjacent properties for tree removals—see Finding 3). Radii are to scale based on address points (rather than parcels) and are approximate. Some projects without addresses are excluded.

Exhibit 6 shows a map of all notices for hearings and community meetings held in FY 2017-18, scaled by the number of mailings sent rather than the mailing radii identified in Policy 6-30 (as shown in Exhibit 5).

Exhibit 6: Number of Mailings Sent for Hearings and Community Meetings Held in FY 2017-18



Source: Auditor analysis of Planning mail logs.

Note: Map excludes notices that went to adjacent properties. Pink dots represent 1,000-foot noticing radius, dark green represent 500-foot noticing radius, light green represent 300-foot noticing radius, and lavender dots represent other radii (such as ¼-mile). Gray shows the city's building footprint.

Planning Has Made Recent Improvements to Development Noticing and Anticipates Further Improvements

Within the last fiscal year, Planning transitioned from sending hearing notices in envelopes to postcards, with the expectation that residents would be more likely to see the contents of the hearing notice (rather than throwing the envelope away unopened). In addition, staff no longer need to spend extra time on envelope-stuffing and postage processing. Though the template for postcard mailing is still in development, planners have already observed improvements from using postcards, noting that they are receiving fewer complaints from residents about not receiving mailed notices.

Public Works Is Making Improvements to the City's Master Address Database

Public Works is leading the City's effort to improve the Master Address Database (MAD). As part of its contract for development and implementation of MAD, there is a section for an optional task to

> *develop and implement a web map application using the MAD and GIS buffers to develop mailing lists for the purpose of notifying impacted City residents of projects and to disseminate mailers and other notices to targeted residents and groups.*

Planning and Public Works report that, pending resources, the implementation of this task is upcoming. According to Planning, this should make it possible for support staff to retrieve addresses with a single tool, reducing the amount of data cleanup required.

The City Largely Met the Radius and Timeliness Requirements of Policy 6-30

For project types identified in Policy 6-30, most notices prepared for hearings and community meetings held in FY 2017-18 complied with radius requirements. Only 6 percent of notices (representing 25 projects) went to a smaller radius than specified by the Policy.[7]

As described later, several project types and radii used for noticing are not specified within Policy 6-30 (see Finding 3). Also, there could be some confusion about what projects may be deemed significant and require extended mailing radii (see Finding 2).

[7] This is based on auditor assessment of the type of permits listed within Matrix B of Policy 6-30 (see Appendix A) and does not include tree removals. The 25 notices identified were for public hearings pertaining to special use, planned development, and site development permits. The project descriptions included installation/replacement of retaining walls, accessory structures (e.g., carport, garage), and conversion of a single-family house to a dentist's office. While these projects appear minor in nature, they technically should have been noticed at least 500 feet (standard) based on the permit type. They were noticed at 300 feet.

In reviewing notice mail dates for public hearings held in FY 2017-18, only three of 388 notices (1 percent) were mailed with fewer than 14 days' notice. This is in part because of predictable deadlines around the regular hearing schedules. Of the 41 community meetings held in 2017-18, three (7 percent) were mailed with fewer than 14 days' notice.[8] On average, notices for hearings and community meetings were mailed 20 days beforehand (range: 12 to 39 days). All mailed notices complied with the 10-day minimum under state law.

The Planning Division's website is updated weekly, as noted in Policy 6-30, with summaries of recently submitted development proposals.[9] The summaries include basic information such as the project number, permit type, property address and owner, and a brief description.[10] This information is also available on sjpermits.org. Additionally, the City sends weekly emails to residents who subscribe to receive summary information about recently submitted development proposals. All email notices we reviewed were within 10 working days of the application.

On-Site Noticing Tends to Be Posted Later Than Required, But Well Before Meetings

Posting on-site notices is the responsibility of the applicant. City planners create an electronic version of the notice, which applicants must then print and post on the project site. To ensure that on-site notices are posted, planners request that applicants submit a certification of posting and photo documentation.

Under Policy 6-30, on-site notices should be posted within 10 working days of the permit application. Though the on-site notices we reviewed were posted later than the 10-day requirement, they were generally up well before the hearing or meeting dates.[11]

[8] Because Planning does not formally label projects as "large" or "significant," we were unable to assess whether all "significant community interest proposals" were noticed at least 21 days before a hearing or community meeting. Rather, we used the number of days' notice and the mailing radius to identify which category the proposal would fit.

[9] We reviewed a random week of new applications to check the amount of time that had lapsed between the application and the time of online notice. (See http://www.sanjoseca.gov/index.aspx?nid=2051). Timeliness varied for online posting. Not all online notices were posted within 10 working days from the application. However, they were posted within 10 working days of the close of initial processing, which may include planner review to ensure application completeness.

[10] The weekly new application reports do not include plans or renderings. See Finding 3.

[11] We visited six project sites with recent applications. Only one site had an on-site notice posted two weeks after the application date. Our review of 24 past projects found that not all certifications of on-site posting were dated, but of those with dates, only one applicant confirmed that on-site notice was posted within 10 days of the application. Of the notices we reviewed, most were up several months before a meeting; one on-site notice was posted 21 days prior to the meeting.

Exhibit 7: Example On-Site Notices in San José, Santa Clara, Oakland, and San Francisco

Source: Auditor photographs.

According to planners, the 10-day requirement may not always be realistic because it often takes some time after application submittal for a project to become viable for notice (e.g., meets minimum standards, has a representative image, project description is confirmed for accuracy, etc.). Typically, planners will send the applicant the template for on-site notice after the project's initial review, and follow up with the applicant on the presence of on-site notices when they follow up on the status of the application. There does not appear to be any consequences for applicants for late on-site noticing.

Among the 11 jurisdictions we benchmarked, ten have on-site notice requirements, which are typically between 10 and 20 days *prior to the hearing date*. Jurisdictions have different means of ensuring on-site posting. Some have planners post the notices on site, while others do not set a hearing date until they receive evidence that the notice has been posted.

Recommendation #1: Planning should propose updates to Council Policy 6-30 that set realistic goals for the timing of on-site notices, and require evidence of on-site posting prior to setting a hearing date.

Improved Controls Can Ensure Notice Accuracy

A public hearing about a proposed development is when the City Council, the Planning Commission, Planning Director, or Director's designee makes a final decision on approving a project and conditions of approval. Public hearings are often where community members provide comments on the proposed projects.

Under state law, hearing notices must include date, time, and place of the public hearing; the hearing officer or body; and a general explanation of the property and matter under consideration. The City's policy further specifies that notices should contain a note in Spanish and Vietnamese explaining how the public can receive information in those languages.

During our observations of the noticing process, we witnessed staff checking notice content for accuracy. In our review of a sample of 40 hearing notices, three did not include the meeting time for the public hearing. We notified staff and, in response, Planning created an updated checklist for planners and support staff to use in reviewing notice content. All of the notices we sampled (mailed and on-site) had notes in Spanish and Vietnamese on how to learn more information, as required by Policy 6-30.

Finding 2 The City Should Improve Mechanisms for Reaching Neighborhood Associations and Limited English Speaking Communities

Summary

While the City appears to have met many requirements of Policy 6-30, there are two areas where the City can improve. The City does not regularly involve neighborhood associations early in the process, which could help identify projects that may warrant additional outreach because of the potential for significant community interest. This is in part because the City does not have a list of neighborhood association contacts that planners can use for outreach purposes. Also, the City can improve access for limited English speaking communities by establishing procedures regarding interpreters at meetings and translation of public hearing notices, as well as removing the requirement that translation services be paid for by neighborhood associations.

The City Should Better Involve Neighborhood Associations in the Development Process

According to Policy 6-30:

> *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.*

For projects that are likely to have "significant community interest," Policy 6-30 outlines more extensive outreach requirements than for standard projects. This includes holding at least one community meeting and mailing notices to residents within a 1,000 foot or greater radius.

The City Typically Does Not Notify Neighborhood Associations of Development Activities

Unless a neighborhood group subscribes to email updates on sjpermits.org, or is alerted in some other manner, it may not be aware of projects that could affect its community.

Neighborhood groups have asserted that they have not been properly noticed about projects that could affect the quality of life in their neighborhoods. In response to our survey of neighborhood associations, one survey respondent noted that "Neighborhoods should not have to search for answers" in the planning process.

Without early outreach, neighborhood associations may be unpleasantly surprised by new development proposals, and planners by the reception within the community. This can lead to mistrust between neighborhood groups and the City's Planning Division and inhibit cooperation on proposals moving forward. A survey respondent noted this, writing:

> *...If the City utilized its network of neighborhood leaders more effectively, then engagement and positive feedback would be more significant.*

The City Does Not Have a Comprehensive List of Contact Information for Neighborhood Associations

Under Policy 6-30, "neighborhood group designees" should be involved in the determination of whether a development proposal is likely to have a "significant community interest." In practice, planners make the determination of a project's significance and the corresponding scope of outreach based on their professional judgment, knowledge of the project and neighborhood, and comments and questions they receive from the public.

Other jurisdictions have formal policies and procedures to notify and engage neighborhood associations of new development proposals. San Francisco, for example, maintains a list of registered neighborhood associations (publicly available on its Planning Department's website) and notifies all associations within 150 feet of the property. There is then a 30-day public review period during which neighbors can contact the applicant or Planning staff to voice concerns, make comments, or request a review by the Planning Commission. Sacramento also keeps a list of neighborhood associations and sends project information to neighborhood groups within 300 feet of the project site.

Currently, planners do not have a contact list or map of neighborhood associations that could help with early notification.[12] As written, Policy 6-30 places the onus of providing updated contact information on the neighborhood group, but it is not clear whom the neighborhood group would contact within the City, nor is it clear who in the City would be responsible for maintaining that information.

[12] We obtained a partial list of 120 neighborhood and homeowners association contacts that had applied for grants from the Department of Parks, Recreation and Neighborhood Services.

Recommendation #2: To ensure neighborhood associations are properly notified about new development proposals:

A. The Administration should develop a list and map of neighborhood association contacts and create a mechanism for associations to add and update contact information.

B. Planning should use this list and map to proactively notify neighborhood groups on proposed developments to involve interested parties early in the development review process.

Planning Can Improve Access for Limited English Speakers

Language barriers can prevent limited English speaking residents from participating in the planning process. San José has a substantial limited English speaking population, with a quarter of residents speaking English less than "very well."[13]

Policy 6-30 requires all public hearing notices to contain a note in Spanish and Vietnamese explaining how the public can receive information about the hearing and proposal in those languages. It also indicates that certain proposals should have fully translated hearing notices (in Spanish or other dominant language spoken in the neighborhood).[14]

San José's Language Access Policy (City Administrative Policy Manual 6.1.10) states that the City "will make reasonable efforts to notify the public about its limited English proficiency policies for department programs and services." It lists notices for hearings and community meetings as potentially subject to full translation.

Notices Do Not Appear to Be Fully Translated

In our review of sample hearing notices for hearings and community meetings held in FY 2017-18, all notices had notes in Spanish and Vietnamese, but none were fully translated, including a large project (with a 1,000-foot noticing radius)[15] in a census tract where 32 percent of households are limited English speaking (see Exhibit 8).[16]

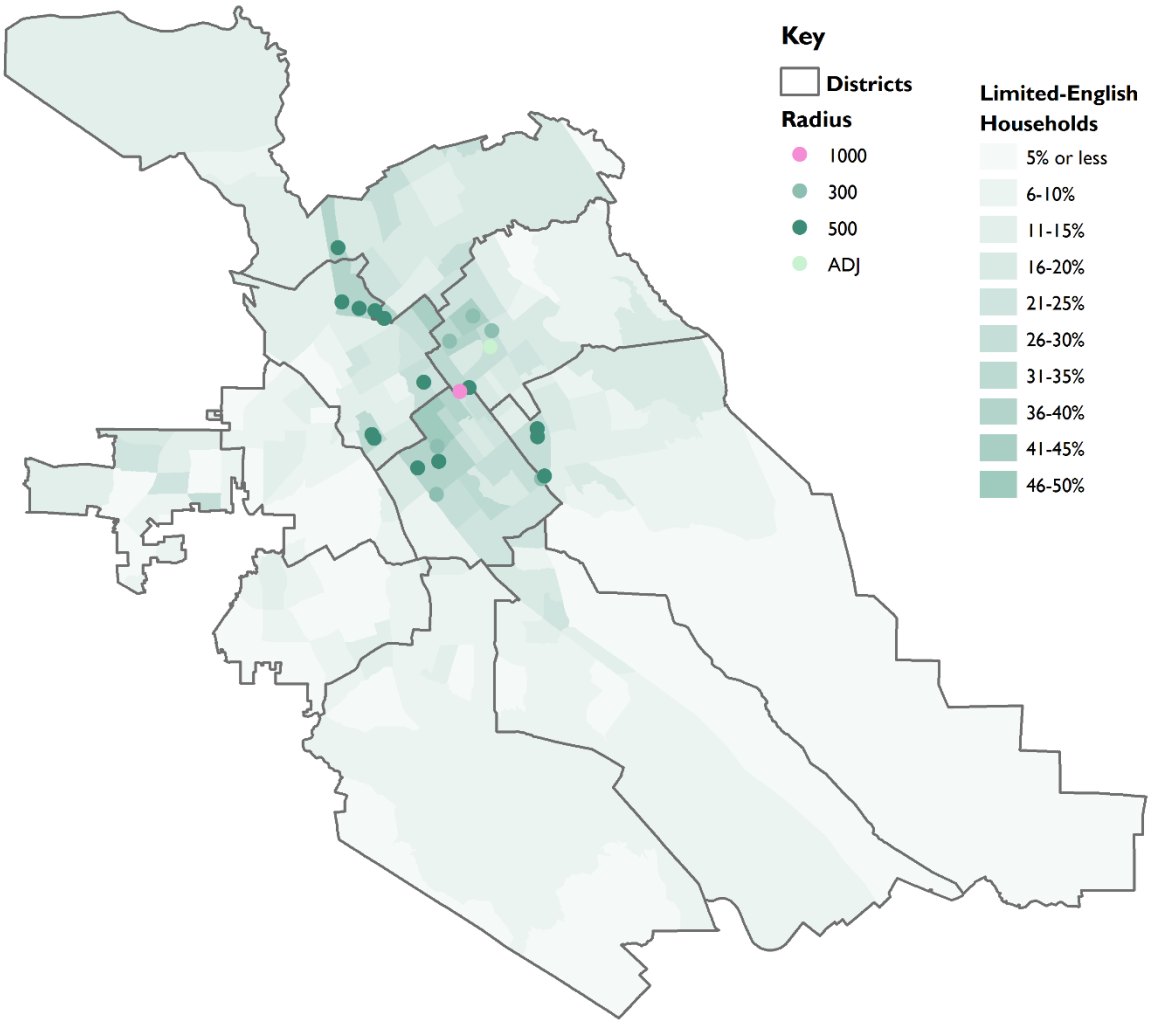
[13] Data based on the U.S. Census Bureau's American Community Survey 2017 1-year estimates (Table DP02).

[14] Under Policy 6-30, notices for large proposals should have a full language translation, while full translation of notices for significant community interest proposals should be provided upon request of a neighborhood group.

[15] The project was an application to construct a three-story, 137,215 square-foot self-storage facility with a caretaker unit and office in a light industrial area near Story Road.

[16] Data based on the U.S. Census Bureau's American Community Survey 2017 5-year estimates (Table S1602). "Limited English speaking" means a household in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

Exhibit 8: In FY 2017-18, Just 28 Development Projects Occurred in Census Tracts Where at Least a Quarter of Households Were Limited English Speaking



Source: Auditor analysis of Planning mail logs and Census data (American Community Survey 2017 5-year estimates, Table S1602). ADJ represents adjacent noticing.

Note: Only projects in tracts with at least 25 percent limited English speaking households are shown.

According to Planning staff, written translations of the hearing notice occur by request or if the on-site notice elicits substantial interest from limited English speakers. This practice is in part because Policy 6-30 requires that translation services be paid by either the applicant or the "requesting neighborhood group." Other jurisdictions pay for translation services out of municipal funds.[17] It should

[17] Out of the 11 jurisdictions we benchmarked, five provide interpreters at public hearings or meetings by request. San Francisco's Language Access Ordinance requires departments to provide interpreters upon request if requested at least 48 hours before the meeting, at the expense of the City. Long Beach allocates City funds to both written translation and oral interpretation and provides interpreters for public meetings if requested at least 24 hours in advance. Oakland provides interpreters if requested 48 hours in advance.

be noted that Policy 6-30 allows neighborhood groups that cannot afford to pay for translation to appeal to the Planning Director for financial assistance.

Planners Encounter Challenges in Providing Interpreters

As for interpreters at public hearings and community meetings, the City's Language Access Policy specifies:

> *Departments shall take reasonable steps to include translation services at meetings where it is generally known participants will require such services.*

Policy 6-30 does not include guidance on when interpretation services should be provided. Also, planners report that lack of familiarity with the languages spoken within each neighborhood makes it difficult to know what language services to provide. Even when a planner has identified the appropriate language, securing an approved interpreter can be a cumbersome process that requires planning ahead.

The City Has Tools to Identify Dominant Languages in Neighborhoods

The City's Office of Immigrant Affairs and the Department of Public Works have posted an online language map of the City.[18] The map displays the concentration of language speakers in each census tract by number and proportion of the population. Using this tool could help planners identify major languages in an area.

The Office of Immigrant Affairs is currently exploring options to create a more efficient, centralized system for accessing language translation and interpretation services. Such a system would make it easier for departments to secure translators and interpreters in a timely and cost-effective manner.

Utilizing these tools could help planners effectively identify projects needing translated hearing notices, as well as provide interpretation services for hearings when necessary.

[18] See https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=6b54bafdabb0426d95dbfbe47bbdb379. The map is based on data from the U.S. Census Bureau's 2011-2015 American Community Survey 5-year estimates and Department of Public Works GIS data.

Recommendation #3: Planning should propose updates to Council Policy 6-30 and develop and implement procedures to:

A. Proactively identify projects and dominant neighborhood languages to ensure hearing notices are properly translated,

B. Include guidance on when interpretation services for hearings should be provided, and

C. Remove the requirement that requesting parties pay for the translation of hearing notices, and determine an appropriate funding source.

Finding 3 Further Improvements Can Enhance Public Outreach

Summary

Policy 6-30, which was last revised in 2004, should be updated to provide clearer guidance for some permit types, as well as to set goals for increasing the availability of online information prior to public hearings and community meetings. Planning should also utilize more plain language in its hearing notices and develop an online guide describing the purpose and goals of the planning process, which can help elicit timely and meaningful community input. Finally, to facilitate future policy updates, the City should collect feedback on its public outreach on an ongoing basis and use that information to inform periodic policy updates.

The City's General Plan Sets Goals for Public Engagement Processes

The City's General Plan,[19] last amended in 2018, is the City's official policy on future development. It also lists broader community engagement goals, including to "maintain and implement the City's Public Outreach Policy [6-30]," and to:

- Provide a transparent process for public engagement;
- Resolve community concerns in advance of a public hearing on a topic;
- Ensure the work of government is inclusive of the community; and
- Regularly evaluate how effectively public information is provided and modify methods, techniques, or practices as needed to respond more effectively.

Policy 6-30 echoes these goals, emphasizing the need for a predictable process:

> *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.*

Policy 6-30 Could Provide Clearer Guidance for Some Permit Types

Our review of the City's noticing process identified several ways in which the process is not always predictable, in part because Policy 6-30 is outdated. As noted

[19] http://www.sanjoseca.gov/DocumentCenter/View/474

in the Background, the policy has not been updated since 2004. As a result, not all project types or radii are accurately reflected in the policy.

For example, a recent change to the Municipal Code revised hearing requirements for tree removals such that only adjacent neighbors require notice (as opposed to the 300-foot minimum for very small proposals).[20] While Planning has implemented this change in practice, it is not reflected within Policy 6-30. City Council also recently approved the creation of two new zoning types (Urban Village Commercial and Urban Village Mixed Use) which are not yet reflected in Policy 6-30.

In addition, Policy 6-30 explicitly calls out some permit application types but not others (though planners generally default to a standard radius of 500 feet) (see Exhibit 9).[21] Also, some of the "special uses" listed for additional outreach, like 'entertainment' and 'dancehall' are vague or no longer regulated under the City's zoning code. Finally, under Policy 6-30, all permit types that could potentially be large or significant community interest projects may also be considered standard. This lack of clarity can be confusing and create a disconnect with community expectations.

[20] Tree removal notices accounted for about 70 of the roughly 400 projects in FY 2017-18.

[21] Our review of FY 2017-18 projects also found that about 50 projects, or 12 percent of project notices, pertained to permit types not explicitly specified in the policy. This includes appeals, public projects, general plan, conditional use permit amendments, special use permit amendments, and historic preservation permit amendments.

Exhibit 9: Matrix B of the Outreach Policy Does Not Offer Clear Guidance

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)
Applications				
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/Amend-ment		✓		
Special Use Permit[3]		✓		
Tentative Map		✓		
Historic Permit	✓	✓		
Tree Removal Permit	✓			
Variance/Exception[3]		✓		
Special Uses *(minimum 500 feet radius)*				
Alcohol, off-site sales		✓	✓	✓
Dancehall		✓	✓	✓
Entertainment		✓	✓	✓
Poolroom/billards		✓	✓	✓
Private club or lodge		✓	✓	✓
Theatre, indoor		✓	✓	✓
Drinking establishment		✓	✓	✓
Hospital		✓	✓	✓
Residential care facility		✓	✓	✓

Notes:

1. ***The Director will determine when modifications to the radius are required.***
2. ***The designee(s) of the relevant Neighborhood Group, Neighborhood Advisory Committee, or Community Organization should receive a Notice of those Proposed within their area(s) of interest.***

Source: Council Policy 6-30. See also Appendix A.

Early contact with neighborhood groups (as discussed in Finding 2) will alleviate some of this disconnect. The City can further make the policy more explicit or exception-based (i.e., 500 feet for all permits except tree removals and single family permits, unless requested by a neighborhood group or Council office) and should at the least update the policy to match the revisions within the Municipal Code. These changes would make the process more transparent and predictable, in line with the goals of the General Plan.

Recommendation #4: To clarify expectations on noticing practices, Planning should propose changes to Council Policy 6-30 to provide additional guidance on mailing radii and permit types.

Policy 6-30 Emphasizes Outmoded Communications

It should be noted that mailing postcards may not be the most effective way to reach people interested in new developments. Based on our survey, neighborhood association members most commonly heard about new developments through social media, such as Nextdoor (see Appendix C).

To this end, the City can improve accessibility of online information, which can allow it to better resolve concerns in advance of a public hearing. As currently written, Policy 6-30 emphasizes outmoded, static means of communication, in particular mailed notices and on-site displays.[22] While mailed and on-site notices reference sjpermits.org, planning documents (such as renderings and building plans) are not typically posted online until *after* the permit is approved.[23]

Residents indicated that improvements to sjpermits.org and additional information, including plans, would help inform their engagement. One resident wrote:

> *It is really hard without more of the specifics about what the planned development is going to be used for/or an estimate of size and space for me to understand enough to have an opinion. More detailed information/artist renderings being included in the first notice would be great!*

Currently, most plans are only available for viewing in hard copy at City Hall during business hours.[24] Detailed information is generally not available online until a week before the hearing, when the agenda is posted.[25]

Policy 6-30 states:

> *As this policy is implemented, additional information that could facilitate the public outreach goals of this Policy should be*

[22] It should be noted that this is in large part due to the state requirements for mailing notices and newspaper publishing. San Francisco is lobbying the legislature to change the newspaper requirements and reduce required mailing radii.

[23] The process of imaging documents for posting online can take months. One project we reviewed did not have documents posted five months after its approval by the Planning Commission.

[24] Some documents and plans may also be available by email if interested parties contact the project manager. In addition, Planning has webpages for some urban village plan areas or signature projects.

[25] Draft permits, including staff analyses, but not including renderings or plans, are linked to Director's Hearing agendas, which are posted online a week before the hearing. Staff memoranda linked to Planning Commission and City Council agendas often include staff analyses and plans.

> *implemented, as staffing is available (e.g., project information packets with drawings may be posted on the website).*

With the Department in the process of updating its Integrated Permitting System to accept electronic plan submittal, it expects to post project plans earlier in the public review process. An update to Policy 6-30 offers the opportunity for the City to set more specific goals for increasing the availability of online information (such as plans or project renderings) prior to a public hearing or community meeting.

Recommendation #5: Planning should propose changes to Council Policy 6-30 to set goals to increase the availability of online information prior to a public hearing.

Hearing Notices Can Incorporate More Plain Language

Under Policy 6-30, notices should clearly describe the project in concise and plain terms, and limit (or explain) technical terms. Most notices we reviewed did not use plain language or explain technical terms (e.g., "legal non-conforming," etc.).

The Neighborhoods Commission and residents who responded to a survey on the noticing process criticized the use of technical language. For example, one resident wrote:

> *The notices are way too wonky. If you're an insider then you understand things like negative declarations of something or the run on boilerplate... it's just a mess. We need plain English notices so that folks can understand what the issues are.*

There is no legal requirement for using technical terms in public hearing notices.[26] Some benchmark jurisdictions are moving toward more accessible language. For example, San Francisco uses plain language descriptions in its online tools and follows certain guidelines, such as replacing "CEQA" with "environmental review."[27] Sacramento also has guidelines and templates for its planning staff to create plain language descriptions (see Exhibit 10).

[26] State law (§ 65854) requires the notice to include: date, time, place of public hearing; hearing officer or body; and general explanation of property and matter under consideration. The City does not require legal descriptions beyond state law.

[27] CEQA, an abbreviation of the California Environmental Quality Act, is frequently referenced in planning documents.

Exhibit 10: Sacramento Employs Specific Plain Language Guidelines and Templates

Project Description Template
A request to [modify, expand, construct, operate, waive, subdivide, etc] a _____ square foot, _____ # of stories, _____ # of acres into ____ # of lots (type of lots such as single family, commercial, industrial, condominium, etc,) on ___ # of developed/undeveloped acres in the _____ zone. (Council District) APN: 000-0000-000.

Source: Sacramento Department of Community Development Plain Language Guidelines.

Moreover, incorporating more plain language into project descriptions can make it easier to provide multi-lingual translations for fully translated notices, as translators do not need to translate legal or technical jargon.

Recommendation #6: Planning should develop and implement plain language guidelines for mailed and on-site public hearing notices.

Information on the Planning Process Can Help Elicit Timely and Meaningful Community Feedback

Residents, neighborhood association members, and planners have indicated a need for clarity on the development review process. For those who have not had experience with it, the planning process can be confusing. For example, some attendees at Planning Director's Hearings expressed surprise that the decision was made at the end of the hearing, not long after they voiced public comment.[28] Survey responses also showed that some residents are not aware that attendance at a hearing is not necessary to contribute public comment. Earlier comments, by email or phone, are often more useful to planners and written comments are also made part of the public record, just as an in-person comment.

Both planners and community members benefit from public comments that provide concrete recommendations and suggestions, or are related to policy clarifications specific to the project at hand. While members of the community are welcome to voice concerns about broader issues such as neighborhood affordability, planners may not be able to address concerns about neighborhood housing prices at a hearing on a second-story addition to a single family home, for example. Planners will, however, be able to act on specific comments, like the addition is too tall or too close to an adjacent property, by changing the conditions of that permit (for example, increasing required distance between the development and property lines or ensuring that the architectural design conforms to the neighborhood). Educating

[28] It should be noted that in the Director's Hearings we observed, staff were responsive to public comments and made changes to permit conditions based on public comments made at or before the hearing.

residents on what makes a public comment actionable could help planners better respond to feedback from the public, and in turn, ensure that the public's concerns are addressed.

Currently, Planning's website lists several resources for applicants, such as checklists, planning brochures, and development policies.[29] Information for residents interested in participating in the planning process is limited, however. Making a resident-oriented resource available and easy to find – as well as in multiple languages – on the Planning website could help lead to a more inclusive and constructive planning process.[30]

Recommendation #7: Planning should create a plain language, online guide for residents in multiple languages that outlines objectives of the public hearing process and provides direction for submitting public comments (before or during a hearing).

The City Should Regularly Evaluate Effectiveness of Outreach

Finally, to support the City's goals of making the work of government inclusive of the community and ensuring regular evaluation and modification of outreach efforts, the City should establish a mechanism to allow for regular community input.

For example, San Francisco's Department of Planning uses an outreach feedback form (see Appendix D) to inform future improvements to its engagement strategy. The form asks public hearing and community meeting attendees to rate items such as "The event was a valuable use of my time," and "I felt my input was heard and will be used by staff." The form also collects information on how attendees heard about the meeting ("Flyer, SF Planning website, Community Group, email," etc.).

Planning could use a similar feedback tool inform periodic revisions to its outreach policies and practices.

Recommendation #8: Planning should establish a mechanism (such as an online form) for community feedback on the public notice/hearing process to inform future process improvements and periodic updates to Council Policy 6-30.

[29] The Planning Division website can be found at http://www.sanjoseca.gov/index.aspx?NID=1725.

[30] The Planning Division currently has a 47-page Community Guide to Planning in San José, last updated in 2005. It is also available in Spanish.

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Conclusion

The Planning Division mails tens of thousands of hearing notices each year about development proposals. While largely meeting the radii and timing requirements of mailing notices within Policy 6-30, it should be noted that not all permit types are identified in the policy, and some types generate more community interest than others. Planning can improve controls to ensure on-site notices are displayed timely. The City can also improve how it engages with neighborhood associations and provides access for limited English speaking communities. The City, in addition, should update Policy 6-30 to reflect current noticing requirements and community expectations surrounding the availability of online information. Finally, the City can enhance public outreach by using more plain language in hearing notices, create an online guide to inform residents about the planning process, and develop a mechanism to gather community feedback for future improvements.

RECOMMENDATIONS

Finding 1: Planning Prepares and Mails Tens of Thousands of Hearing Notices

Recommendation #1: Planning should propose updates to Council Policy 6-30 that set realistic goals for the timing of on-site notices, and require evidence of on-site posting prior to setting a hearing date.

Finding 2: The City Should Improve Mechanisms for Reaching Neighborhood Associations and Limited-English Speaking Communities

Recommendation #2: To ensure neighborhood associations are properly notified about new development proposals:

A. The Administration should develop a list and map of neighborhood association contacts and create a mechanism for associations to add and update contact information.

B. Planning should use this list and map to proactively notify neighborhood groups on proposed developments to involve interested parties early in the development review process.

Recommendation #3: Planning should propose updates to Council Policy 6-30 and develop and implement procedures to:

A. Proactively identify projects and dominant neighborhood languages to ensure hearing notices are properly translated,

B. Include guidance on when interpretation services for hearings should be provided, and

C. Remove the requirement that requesting parties pay for the translation of hearing notices, and determine an appropriate funding source.

Finding 3: Further Improvements Can Enhance Public Outreach

Recommendation #4: To clarify expectations on noticing practices, Planning should propose changes to Council Policy 6-30 to provide additional guidance on mailing radii and permit types.

Recommendation #5: Planning should propose changes to Council Policy 6-30 to set goals to increase the availability of online information prior to a public hearing.

Recommendation #6: Planning should develop and implement plain language guidelines for mailed and on-site public notices.

Recommendation #7: Planning should create a plain language, online guide for residents in multiple languages that outlines objectives of the public hearing process and provides direction for submitting public comments (before or during a hearing).

Recommendation #8: Planning should establish a mechanism (such as an online form) for community feedback on the public notice/hearing process to inform future process improvements and periodic updates to Council Policy 6-30.

APPENDIX A
Council Policy 6-30

City of San José, California

COUNCIL POLICY

TITLE PUBLIC OUTREACH POLICY FOR PENDING LAND USE AND DEVELOPMENT PROPOSALS	PAGE 1 of 8	POLICY NUMBER 6-30
EFFECTIVE DATE November 16, 1999	REVISED DATE September 21, 2004	
APPROVED BY COUNCIL ACTION	November 16, 1999; September 21, 2004	

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 be sent to all property owners within a 300-foot radius of a development site a minimum of ten (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 a high degree of interest either at a local of City-wide level. The Director should make the decision to designate a proposal as being 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 applications.

Source: www.sanjoseca.gov/DocumentCenter/View/3892

"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 NAC's 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 predicable 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 José encourages all applicants to work with staff on 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.

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 (10) 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 ten (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 proposed 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.

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 (2) weeks should be allowed for the actual noticing of the community meeting prior to the meeting date to give appropriate 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 proposed 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 the 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 to 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.

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 Notification should be employed within ten (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.
- Mailed Notice:
  - → *Timing.* Public Hearing Notices should be mailed a minimum of two (2) 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 a 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 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 publications, 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.

→ *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 Continues 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 (2) weeks are subject to the Public Hearing Notice requirements under Section 4 above (located on page 4), 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 (located on page 4).
- In-Person Notifications: 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.
- 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 José recognizes the importance of the Internet in providing self-service information to the public 24 hours a day, seven (7) 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 José 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 performs research and queries from a list of maps of the City of San José.

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).

MATRIX A: Modes of Outreach

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

Legend:

✓ ESSENTIAL

♦ DESIRABLE

• MAY BE APPROPRIATE

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)
Applications				
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/Amend-ment		✓		
Special Use Permit[3]		✓		
Tentative Map		✓		
Historic Permit	✓	✓		
Tree Removal Permit	✓			
Variance/Exception[3]		✓		
Special Uses *(minimum 500 feet radius)*				
Alcohol, off-site sales		✓	✓	✓
Dancehall		✓	✓	✓
Entertainment		✓	✓	✓
Poolroom/billards		✓	✓	✓
Private club or lodge		✓	✓	✓
Theatre, indoor		✓	✓	✓
Drinking establishment		✓	✓	✓
Hospital		✓	✓	✓
Residential care facility		✓	✓	✓

Notes:

1. ***The Director will determine when modifications to the radius are required.***
2. ***The designee(s) of the relevant Neighborhood Group, Neighborhood Advisory Committee, or Community Organization should receive a Notice of those Proposed 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.

APPENDIX B

Development Noticing Policies and Practices in Benchmarked Jurisdictions[1]

Jurisdiction	Noticing Radius[2]	Neighborhood Associations List[3]	On-site Required[4]	Notifies Tenants	Community Meeting Requirement	Fee Structure	Plain English Guidelines
San José	300-1000 ft		Y	Y	Y	Fixed + Variable (based on radius)	
Campbell	300 ft					Fixed	
Cupertino	300 ft		Y	Y		Fixed	
Long Beach	750 ft[5]		Y	Y		Fixed	
Los Angeles	500 ft	Formal system of neighborhood groups[3]	Y	Y			
Milpitas	300-1000 ft		Y	Y	Y	Fixed	
Mountain View	300 ft	Y	Y	Y		Fixed	
Oakland	300 ft		Y				
Sacramento	300 ft	Y[3]	Y			Fixed	Y
San Diego	300 ft	Formal system of neighborhood groups	Y	Y	Y	Fixed	
San Francisco	300 ft	Y[3]	Y	Y	Y	Fixed + Variable	
Sunnyvale	500-2000 ft	Y	Y	Y	Y	Fixed (based on radius)	
State Requirement	300 ft	Not required	Not required	Not required	Not required	Fees may not exceed the estimated reasonable cost of providing the service	General explanation of property and matter under consideration

Source: Auditor analysis of municipal codes, interviews, and other policy documents.

[1] For benchmarked jurisdictions, blank values do not necessarily indicate that the jurisdiction does not engage in a particular practice, only that we were unable to verify that they did so.

[2] For projects with state-required noticing. San José also conducts outreach for projects that don't require noticing by state law (e.g., tree removals), but with noticing radii lower than 300 feet.

[3] Engages in early notification of neighborhood groups in the development review process. San José currently does not have such an early notification procedure in place.

[4] For all benchmarked jurisdictions, on-site noticing requirements are phrased as X number of days from hearing date. San José's Policy 6-30 requires on-site notices to be posted 10 working days after the application date.

[5] Long Beach uses a 1,000-foot noticing radius for city or institutional projects.

Language Accessibility in Benchmarked Jurisdictions[6]

Jurisdiction	Bilingual Phone Number Serviced by City Staff	Interpretation Services Provided by Request at Public Meetings	Translated Note on Notice	Translated Notice[7]
San José	Y	Y	Y (Spanish and Vietnamese)	
Campbell	Y			
Cupertino		Y		
Long Beach				
Los Angeles	Y	Y	Y (Spanish)	
Milpitas	Y	Y		
Mountain View	Y			
Oakland				
Sacramento	Y		Y (multiple languages)	
San Diego		Y		
San Francisco	Y	Y	Y (Tagalog, Mandarin, Spanish)	
Sunnyvale				

Source: Auditor analysis of municipal codes, interviews, and other policy documents.

[6] For benchmarked jurisdictions, blank values do not necessarily indicate that the jurisdiction does not engage in a particular practice, only that we were unable to verify that they did so.

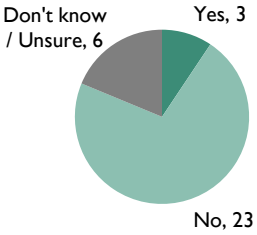
[7] Listed as a potential requirement for large and significant projects in Policy 6-30, but we did not find any fully translated notices in project files we reviewed.

APPENDIX C

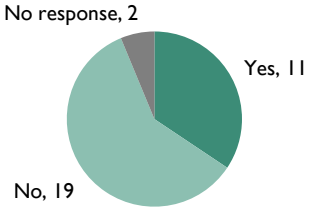
Select Results From Survey of Neighborhood Association Members

We sent an email survey to 120 members of neighborhood associations and homeowners associations in San José. We obtained this partial list of contacts for neighborhood associations that had applied for grants from the Department of Parks, Recreation and Neighborhood Services. As of January 25, 2019, we received 32 responses (response rate: 27 percent).

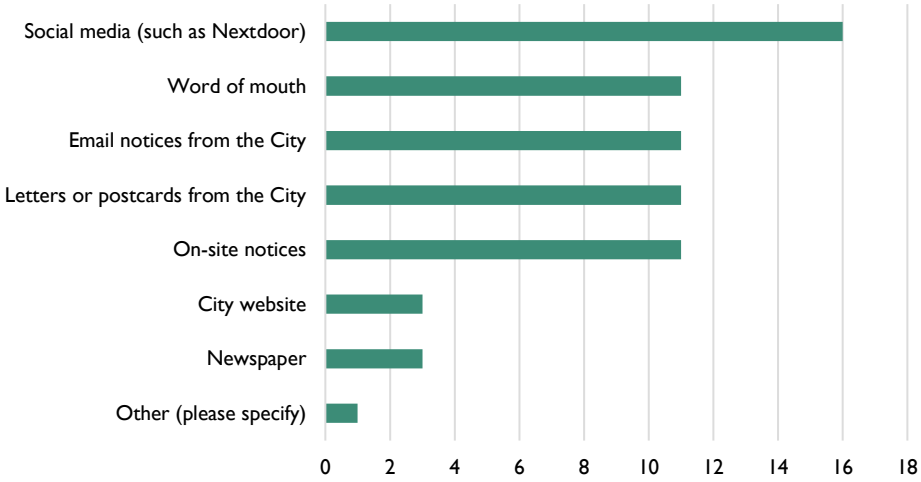
Received a notice in the past month



Feel they have an opportunity to participate in the development review process



How do you typically learn about new developments?



Note: The "other" specified was "neighborhood meetings and Facebook page."

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APPENDIX D

San Francisco Planning Department's Community Outreach Feedback Form

SAN FRANCISCO
PLANNING DEPARTMENT

GENERAL FEEDBACK FORM

In our continuous effort to work more effectively with the community, the San Francisco Planning Department would appreciate your comments about today's meeting.

Please indicate the strength of your agreement with each statement below:

	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
The event was a valuable use of my time.	❑	❑	❑	❑	❑
The purpose of the event was clear.	❑	❑	❑	❑	❑
The event was the right length of time.	❑	❑	❑	❑	❑
If you disagreed with the above question, the event length was…	❑ too short.			❑ too long.	
I felt comfortable voicing my ideas.	❑	❑	❑	❑	❑
I felt that my input was heard and will be used by staff.	❑	❑	❑	❑	❑
The format of the event was effective.	❑	❑	❑	❑	❑
The facilitators were effective.	❑	❑	❑	❑	❑
The materials and activities were appropriate.	❑	❑	❑	❑	❑
I am likely to participate again/stay involved with this project.	❑	❑	❑	❑	❑
Overall, I was satisfied with the event.	❑	❑	❑	❑	❑

Gender: ❑ Male ❑ Female ❑ Other ❑ Decline to State

Age: ❑ under 18 ❑ 18-35 ❑ 36-54 ❑ 55-65 ❑ over 65

Are you a resident of San Francisco?
❑ Yes ❑ No

Race/Ethnicity:
❑ African American / Black
❑ Asian
❑ White
❑ Native American Indian
❑ Native Hawaiian or other Pacific Islander
❑ Latino (of any race)
❑ Two or more races
❑ Other: _____

What is your total household income?

1

SAN FRANCISCO
PLANNING DEPARTMENT

If yes: My ZIP code: _____ My Neighborhood: _____	❑ $30,000 or less ❑ $50,000 or less ❑ $75,000 or less ❑ $100,000 or less ❑ More than $100,000

How did you hear about today's meeting?

____ Flyer	____ SF Planning website	____ Community Group
____ email	____ Newspaper	____ Friend, Colleague or Relative
____ Newsletter	____ Social Media (Facebook/Twitter)	____ Other: _____

Additional Comments:

_____

_____

_____

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CED AGENDA: 3/25/19
ITEM: D (5)

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: SHARON ERICKSON
CITY AUDITOR

FROM: Rosalynn Hughey
Director, PBCE

SUBJECT: **SEE BELOW**

DATE: March 14, 2019

Approved Kim Walesh Date 3/15/19

SUBJECT: RESPONSE TO THE AUDIT OF DEVELOPMENT NOTICING: ENSURING OUTREACH POLICIES MEET COMMUNITY EXPECTATIONS

BACKGROUND

The Audit of Development Noticing was added to the City Auditor's Fiscal Year 2018-2019 Work Plan at the request of the Neighborhoods Commission. The purpose of this Audit is to review the effectiveness of outreach for new development, including notice radius, timing, and language accessibility.

The Administration has reviewed the "Development Noticing: Ensuring Outreach Policies Meet Community Expectations" report and agrees with all eight recommendations. This memorandum captures the Administration's response to each recommendation, an overview of the work required to fully implement the recommendations, and the target dates for implementation.

The Administration thanks the City Auditor's Office for identifying areas where the Planning Division of the Department of Planning, Building and Code Enforcement (PBCE), in partnership with the City Manager's Office, can further strengthen its public outreach process for private development proposals.

The Administration recognizes that Council Policy 6-30: Public Outreach Policy for Pending Land Use and Development Proposals, which establishes a baseline protocol for public outreach on development activities, is dated (last revised 15 years ago in 2004) and due for review and update. While this audit focused on the effectiveness of policy implementation, several of the recommendations point to the need to invest in fundamental review and overhaul at some time to better meet community expectations.

Consistent with other priority-setting processes, the City Council adopted a new framework for the Administration's response to Audit recommendations in May of 2015. As with other priority processes, the green, yellow, and red light system is used to convey the Administration's

operational readiness to undertake workload demands as well as identify budgetary issues that may impact implementation of recommendations.

RECOMMENDATIONS AND ADMINISTRATION'S RESPONSE

Finding 1: Planning Prepares and Mails Tens of Thousands of Hearing Notices

Recommendation #1: Planning should propose updates to Council Policy 6-30 that set realistic goals for the timing of on-site notices, and require evidence of on-site posting prior to setting a hearing date.

Administration's Response: The Administration agrees with this recommendation.

Yellow, *depends on budget allocation* – Currently, Council Policy 6-30 requires on-site notices to be installed within 10 days of Planning application. It is the current practice of the Planning Division to e-mail applicants an electronic copy of the on-site Notice of Development Proposal sign approximately 30 days from an application's filing date, and to confirm evidence of on-site posting by the time a project submits revised plans. Council Policy 6-30 needs to be updated to reflect more realistic goals and standard practices, which would allow staff to complete an initial review of a project and accurately reflect the project description for the on-site notice. As part of updating Council Policy 6-30, staff would review current City practices, best practices from other jurisdictions, and seek input from the development community and public to make a recommendation to the City Council relating to on-site notices.

The implementation of this recommendation is dependent on staffing resources to update the Council Policy. While updating Council Policy 6-30 is important, the Department already has a significant list of Council Policy Priorities and directives on its workplan. The Department does not recommend piecemeal changes to the Policy; instead, a comprehensive approach that includes community engagement is appropriate. A Policy update could be managed by partnership between PBCE and the City Manager's Office, and is estimated to require one FTE in staff or equivalent consultant services for approximately one year.

Target date for completion: December 2021 (if budget provided in FY 2020-21)

Finding 2: The City Should Improve Mechanisms for Reaching Neighborhood Associations and Limited-English Speaking Communities

Recommendation #2: To ensure neighborhood associations are properly notified about new development proposals:

A. The administration should develop a list and map of neighborhood association contacts and create a mechanism for associations to add and update contact information
B. Planning should use this list and map to proactively notify neighborhood groups on proposed developments to involve interested parties early in the development review process.

Administration's Response: The Administration agrees with this recommendation.

Green – There is a definite need to improve communication with neighborhood associations for development noticing and other city purposes. Currently, various City departments and Council offices may have some neighborhood association information obtained through separate efforts, but it isn't comprehensive, up to date, or widely accessible. PBCE, for example, has some information in a GIS layer from 2008, and a neighborhood boundaries map from 1999. The Administration will identify a project lead and work with various departments and Council Offices to create a comprehensive list and map of neighborhood associations and contacts for all City departments to use. The Planning Division could then use this information to proactively notify neighborhood groups early in the development review process. This recommendation will also benefit various other Citywide outreach efforts.

Target date for completion: June 2020

Recommendation #3: Planning should propose updates to Council Policy 6-30 and develop and implement procedures to:

A. Proactively identify projects and dominant neighborhood languages to ensure hearing notices are properly translated,
B. Include guidance on when interpretation services for hearings should be provided, and
C. Remove the requirement that requesting parties pay for the translation of hearing notices, and determine an appropriate funding source.

Administration's Response: The Administration agrees with this recommendation.

Yellow, *full implementation requires budget allocation; partial implementation possible.*

The full implementation of this recommendation is dependent on staffing resources to update the Council Policy to address when interpretation services for hearings should be provided. The Planning Division will coordinate with the Department of Public Works' Technology Services Division to integrate its "languages map" as part of the Integrated Permitting System (IPS) upgrade currently underway. Budget resources are needed for on-going maintenance and data management for the "languages map." The Planning Division fee schedule will be updated to require applicants to pay for the translation of hearing notices and other interpretation services.

Target date for completion: December 2021 for full implementation

Finding 3: Further Improvements Can Enhance Public Outreach

Recommendation #4: To clarify expectations on noticing practices, Planning should propose changes to Council Policy 6-30 to provide additional guidance on additional mailing radii and permit types.

Administration's Response: The Administration agrees with this recommendation.

Yellow, *depends on budget allocation* – Council Policy 6-30 needs to be updated to reflect the wide array of Planning permit types and clarify minimum standard mailing radii. The implementation of this recommendation is dependent on staffing resources to update the Council Policy.

Target date for completion: December 2021 (if budget provided in FY 2020-21)

Recommendation #5: Planning should propose changes to Council Policy 6-30 to set goals to increase the availability of online information prior to a public hearing.

Administration's Response: The Administration agrees with this recommendation.

Yellow, *depends on budget allocation* – The Planning Division will continue to provide online information for major projects with significant community interest. The increased availability of online information will be achieved as part of the IPS upgrade currently underway. The full implementation of this recommendation is dependent on staffing resources to update Council Policy 6-30.

Target date for completion: December 2021 (if budget provided in FY 2020-21)

Recommendation #6: Planning should develop and implement plain language guidelines for mailed and on-site public notices.

Administration's Response: The Administration agrees with this recommendation.

Green – The PBCE Communication Manager will coordinate with the City Manager's Office and the City Attorney's Office to develop plain language guidelines. The Planning Division will continue to refine its templates for mailing notices and on-site public notices to incorporate plain language.

Target date for completion: December 2019

Recommendation #7: Planning should create a plain language, online guide for residents in multiple languages that outlines objectives of the public hearing process and provides direction for submitting public comments (before or during a hearing).

Administration's Response: The Administration agrees with this recommendation.

Green – The new IPS public portal will provide the recommended information in Vietnamese and Spanish.

Target date for completion: July 2020 (dependent on IPS public portal upgrade currently underway)

Recommendation #8: Planning should establish a mechanism (such as an online form) for community feedback on the public notice/hearing process to inform future process improvements and periodic updates to Council Policy 6-30.

Administration's Response: The Administration agrees with this recommendation.

Green – The Planning Division will develop a form to solicit feedback from community meeting and public hearing attendees, and gather this feedback to inform future improvements to the Council Policy.

Target date for completion: June 2019

COORDINATION

This memorandum was coordinated with the Department of Public Works and the City Attorney's Office.

/s/
ROSALYNN HUGHEY
Director, PBCE

For questions please contact Rosalynn Hughey, Director, PBCE, at (408) 535-7911.