



DATE: March 24, 2015

AGENDA ITEM # 11

TO: City Council
FROM: James Walgren, Community Development Director
SUBJECT: Open Government Policy

RECOMMENDATION:

- A. Accept the Design Review Commission recommendation regarding proposed expansion of single family two-story residential project noticing boundaries, and direct staff accordingly
- B. Accept the Planning and Transportation Commission recommendations regarding proposed expansion of commercial, multiple-family and mixed-use project noticing boundaries and use of building story-poles, and direct staff accordingly

SUMMARY:

Estimated Fiscal Impact:

Amount: None

Budgeted: Not applicable

Public Hearing Notice: Not applicable

Previous Council Consideration: September 9, 2014, December 9, 2014 and January 13, 2015

CEQA Status: Not applicable

Attachments: None

BACKGROUND

The City Council objectives of an Open Government Policy are to: 1) facilitate the ability of Los Altos residents to be fully and equally informed participants in their local government, by providing complete and timely information that empowers them to engage thoughtfully with the City Council; and 2) to provide more transparency and greater access to information by going beyond the minimum legal requirements specified in the Brown Act, and by defining specifically what will and will not be disclosed in response to Public Records Act requests.

When the City Council discussed and considered open government strategies, additional noticing requirements and the use of building story-poles for development projects were contemplated. On December 9, 2014, the Council discussed several items to refer to the Design Review Commission and the Planning and Transportation Commission for consideration, including: 1) a 1,000-foot project notification boundary for all mailed notices; 2) increased delivery time for mailed notices – from being mailed within 10 days to being received within 10 days; and 3) larger property postings.

At the January 13, 2015 City Council meeting, as part of the approval of the Open Government Policy, the Council modified its direction to have the Design Review Commission consider increasing project public noticing in general, and to have the Planning and Transportation Commission consider a 1,000-foot notification boundary and the use of building story-poles for all multiple-family, commercial and mixed-use projects.

DISCUSSION

Expanded Project Notification Area

Design Review Commission

The Design Review Commission considers single-family design review applications for two-story development and variances within the single-family zoning districts. The notification boundary for two-story design review projects includes up to the approximately 12 immediately surrounding properties, which typically include at least the two properties on either side of the subject property, the five properties across the street, and the three properties behind. These noticed properties coincide with the properties considered in the City's Neighborhood Compatibility Worksheet for defining the neighborhood context. These properties also represent the properties most affected by the design review project in terms of visual impacts and privacy impacts.

The City's notification boundary for variances from the single-family zoning code is 500 feet. This exceeds the State-mandated 300-foot radius for public hearings and is consistent with other City of Los Altos planning notifications that require public hearings. At the February 4, 2015 Design Review Commission meeting, the Commission unanimously agreed to recommend maintaining the current notification boundaries. The Commission was concerned about broadening the notice boundary area because it would not be consistent with the primary review concern of potential privacy impacts to adjacent homeowners. They also felt it could conflict with, and potentially confuse, the City's definition of relevant properties for the neighborhood character boundary.

The Design Review Commission concurred that the City should use a larger 11-inch by 17-inch format for design review and variance property postings. The format for the larger notices is being developed and will be implemented in the near future. The new format will allow for building elevations to be presented as well and a draft example will be available at the March 24, 2015 meeting.

Planning and Transportation Commission

The Planning and Transportation Commission (PTC) considers multiple-family, commercial and mixed-use project design review applications use permits and subdivisions. These applications require a 500-foot notification boundary, which in the case of public hearings exceed the State's 300-foot notification requirement. At the February 5, 2015 PTC meeting, the Commission considered a 1,000-foot project notification boundary. The Commission recommended 6-0 (Vice Chair Junaid absent) to recommend maintaining the 500-foot notification boundary as it was found to include an appropriate number of properties affected by a project and was sufficient to generate public comment from those properties most affected. Along with the newly established property posting requirements (in more detail below), the posted notice was found to be sufficient to broaden the notice to those interested in a particular property.

The Commission concurred with expanding the size of the notices posted on properties for multiple-family, commercial and mixed-use projects. Rather than the three-foot by six-foot format recommended by Council, the Commission recommended the use of a slightly larger four-foot by six-foot format to accommodate graphics. The format for the larger notices is being developed and will be implemented in the near future.

Notice Wording and Timing

Current development project noticing describes the nature of the application, provides project planner contact information and follows State-mandated requirements for public hearings. Plain language is used to describe projects so that the description is understandable to the public, although there are times when legal language needs to be included by statute. Further, with private development projects, it is difficult to determine a project's duration because of the many variables a private developer may face. Both Commissions recommended no changes to the notice wording.

The City's practice is to mail notices 14 days in advance of a meeting to ensure that they are received within 10 days. Both Commissions agreed that this practice meets the Council's stated objectives.

Building Story-Poles

At the February 19, 2015 PTC meeting, the Commission unanimously agreed (7-0) to recommend against the use of building story-poles. The Commission indicated that the current practice to use photo-simulated renderings was more effective and appropriate in describing a project's visual effects in multiple-family and commercial environments. The Commission was concerned about the visual appearance of story-poles and their limited capacity to convey accurate information.

Summary

The City will initiate the expanded posting requirements pursuant to this report discussion. The Community Development Director has the authority to refine application submittal requirements. As discussed separately in the March 24, 2015 building photo-simulation report, the City will continue to require enhanced computer generated photo-simulation renderings of new commercial, multiple-family and mixed-use projects, and will also evaluate requiring computer-generated building-massing studies in the context of the larger project area.

FISCAL IMPACT

None

PUBLIC CONTACT

Posting of the meeting agenda serves as notice to the general public