



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

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**DATE:** February 8, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan Grogan, City Manager

**PREPARED BY:** Pamela Wu, Community Development Director

**SUBJECT:** Receive Report and Provide Direction Regarding Proposed Amendments to Public Noticing Procedures for Development Projects

**BACKGROUND:** The purpose of the study session is to provide City Council information on current public noticing requirements for various projects and to seek direction on amending the existing procedures for public noticing, particularly larger development projects.

Consistent with state law, the City of San Bruno provides public notification for residential and commercial development projects and rezonings as described in San Bruno Municipal Code (SBMC) Section 12.132. Generally, hearings by the Architectural Review Committee (ARC), Planning Commission or City Council are noticed in the following ways:

- Publication of public hearing agendas in the newspaper at least 10 days prior to the hearing.
- Mailing of Public Notices to property owners within 300-ft for applicable entitlement approvals.
- Public Notice by at least  $\frac{1}{4}$  page in the newspaper or placing an insert into a general mailing to affected owners of a proposed rezoning action that will be affecting more than 1,000 property owners.
- Mailing of Public Notices to property owners within 300-ft or, alternatively, noticing in the newspaper and property posting of hearing notices in 3 places for use permits, architectural review permits, planned unit permits, variances and appeals at least 10 days prior to the public hearing.
- Mailing of Public Notice to anyone who has requested notification.

Below is a listing of typical types of notification provided for various types of projects:

### *Residential Projects*

New single-family residences, residential additions that trigger a development threshold and small multi-family residential projects (six units or less) require review by the

Architectural Review Committee (ARC). A Public Notice is mailed 10-days prior to the hearing to property owners within 300-ft. If the ARC decision is final, a Public Notice is also published in the newspaper. If a residential project is also required to be reviewed by the Planning Commission, an additional notice is sent to property owners within 300-ft and a notice is published in the newspaper. The public hearing agenda is posted at City Hall and on the Department website at least 72 hours prior to the meeting. Per the new fee schedule, applicants pay \$1,678 for costs associated with complying with the public noticing requirement, in addition to applicable planning review fees.

### *Accessory Dwelling Units*

Due to recent state law changes, the review of Accessory Dwelling Units (ADU's) is subject to ministerial building permit process only. Public notification is not required, and not provided for these units.

### *Small Commercial Projects*

Small commercial projects which require review by the Architectural Review Committee (ARC) and/or the Planning Commission are noticed 10-days prior to the hearing to property owners and tenants within 300-ft. This includes Conditional Use Permits for new uses in existing commercial spaces. If the ARC decision is final, a notice is published in the newspaper. If a commercial project is also required to be reviewed by the Planning Commission, an additional notice is sent to property owners within 300-ft and a Public Notice is published in the newspaper. Public hearing agenda is posted at City Hall and on the Department website at least 72 hours prior to the meeting. Per the new fee schedule, applicants pay \$1,678 for costs associated with complying with the public requirement in addition to application fees, or, if it is an application type requiring a developer's reimbursement account deposit, costs associated are paid through the account deposit.

### *Transit Corridors Specific Plan Projects/Bayhill Specific Plan*

Projects within the Transit Corridors Plan area are required to submit for a pre-application review whereby the applicant is required to host a community meeting to gain project input. The city often assists by providing the mailing list that are used throughout the entitlement process. By policy, a larger radius of 600-ft has been used to inform property owners, residents and tenants of the project. A similar 600-ft radius was used throughout the Bayhill Specific Plan and YouTube Phase 1 development project process. Noticing or mailing list preparation fees are paid through developer funded deposit accounts.

**DISCUSSION:** The City Council requested a discussion of public noticing requirement due to concerns expressed about the possible need for additional notification of various types of projects. Consistent with state law (Specifically Government Code 65091, Planning and Zoning statutes), Chapter 12.132.010 of the SBMC requires mailing of

notices of public hearings to property owners within 300-ft of the site of a proposed planning action at least 10 days prior to a public hearing. Both the state statute and the Municipal Code allow for additional notice of a hearing in such manner as deemed “necessary or desirable.” Many local jurisdictions in California mirror the state law requirements in their Municipal Codes but have also developed notification procedures which increase notification for certain types of applications.

In addition to noticing, the Planning Department maintains information on the city website of major development projects or planning initiatives, such as the Bayhill Specific Plan, where information and documents can be accessed by the public. Individuals can request to be added to mailing lists for future projects by contacting the project planner even if they are not within 300’ or 600’ of the project site.

For single-family residential additions, staff finds that the 300’ notification to property owners is sufficient. Interest in residential additions or new residential structures is generally only expressed by nearby or adjacent property owners.

For larger development projects within the Transit Corridors Specific Plan (TCP), or larger infill residential sites, use of a 600-ft radius has been useful for larger projects and can be affirmed by the City Council as a desired policy. Since the TCP allows for greater height of structures often in close proximity to lower density residential zones, additional notification of these development allows the project to be reviewed by a larger audience.

Staff also surveyed surrounding jurisdictions for public noticing requirements, and the following table summarizes their requirements (all include publication of public notice requirement in newspaper 10 days prior, where required):

<b><i>Jurisdiction</i></b>	<b><i>Single Family Residential</i></b>	<b><i>Small Multi-family and commercial</i></b>	<b><i>Large projects</i></b>
South San Francisco	300-ft	300-ft	300-ft
Millbrae	300-ft + adjacent neighbor comment	300-ft	300-ft
Pacifica*	500-ft	500-ft	500-ft
Burlingame	300-ft	300-ft if less than 5 units or 10,000 sf; 500-ft if over	500-ft extended to end of blocks plus small, 8 ½”x 11” site posting(s).

\*Site posting at 3 locations if project is in the coastal zone.

In considering larger new development projects or planning efforts in San Bruno in the near future, additional noticing considerations can be made for the following types of developments:

- All TCP projects that are adjoining or adjacent to any existing residential or commercial uses;
- Redevelopment of the Engvall school site;
- Redevelopment of the Crestmoor school site; and
- Larger rezoning or planning efforts on sites greater than 5 acres in size.
- Projects under 5-acre in size but contains building over 10,000 s.f. or more than 6-units (such as the vacant site at the Crossings).

With these development types in mind (and possibly other larger projects that are not listed above), staff recommends the following public notice radius in addition to the required newspaper publication requirement:

Development Project Type	Current radius requirement	Proposed Amendments
<b>Single Family Residential</b>	300-ft radius from subject site	None
<b>Small Multi-family (&lt;6-units) and commercial (&lt;10,000 sq. ft. in size)</b>	300-ft radius from subject site	None
<b>Projects under 5 acres in size but with proposed building size over 10,000 sq. ft. or 6+ residential units</b>	300-ft radius from subject site	500-ft radius from subject site
<b>All projects withing the TCP</b>	600-ft radius from subject site (for larger projects that are subject to pre-app only	600-ft radius from subject site for all project types
<b>Redevelopment of School Sites, 5 acre or larger sites</b>	300-ft radius from subject site	1,000-ft radius from subject site

In addition to the noticing requirements above, staff has been communicating the project status via social media to increase community awareness of larger projects.

The following table summarizes the public notice radius requirements for all types of projects, with the updated notification requirements shown in bold:

Development Project Type	Policy/Requirement
Single Family Residential	300-ft radius from subject site
Small Multi-family (<6-units) and commercial (<10,000 sq. ft. in size)	300-ft radius from subject site
<b>Projects under 5 acres in size but with proposed building size over 10,000 sq. ft. or 6+ residential units</b>	<b>500-ft radius from subject site</b>
All projects in the TCP area	600-ft radius from subject site
<b>Larger rezoning or planning efforts on sites greater than 5 acres or larger in size</b>	<b>1,000-ft radius from subject site</b>

Next steps: If the City Council decides to modify noticing requirements, the next steps would be to 1) adopt a resolution and 2) direct staff to update the TCP preapplication checklist and other application materials.

**FISCAL IMPACT:** An increase in notification requirements would lead to additional staff time and publication costs which may not be recoverable for smaller fixed-fee residential and minor commercial applications unless the current fee of \$1,678 is re-evaluated and possibly increased. However, since larger applications are processed through a developer reimbursement agreement deposit account, additional noticing costs are passed on to the applicant. Costs for additional noticing for city-initiated projects or plans would be borne by the city.

**ENVIRONMENTAL IMPACT:** The City Council study session is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

**ALTERNATIVES:** Receive the report and discuss the city's public noticing policy. The City Council can direct staff to return at the next meeting with a noticing policy as outlined above and shown in the attached draft resolution (Attachment 1). Alternatively, the Council can receive report and direct staff to make no changes to the current public noticing requirement.

**ATTACHMENTS:**

1. DRAFT City Council Resolution 2022