



MEMORANDUM

TO: PLANNING COMMISSION

FROM: Terry Blount, AICP, Planning Manager

DATE: September 8, 2009

RE: Project Site Public Hearing Posting Requirements

BACKGROUND AND INTRODUCTION

At a previous meeting, the Planning Commission requested that a discussion regarding project site posting requirements be agendized. The request was specific to the posting requirements for projects requiring public hearings before the Commission and to the postings that are made on-site.

The City's existing site posting requirements are not taken from the City's Municipal Code as there are none. They are a combination of state mandated requirements and City policy. Currently, the on-site posting consists of the hearing notice, which 8 ½' x 11", posted on an 11" x 17" piece of brightly-colored poster board. The notice is attached to a stake and is then posted by staff at the project site adjacent to the public right-of-way. For larger project sites two signs are posted in different locations.

DISCUSSION

It was the general consensus of the Commission that the current site postings were too small in size and that other cities, such as Pleasant Hill, had site postings that were more visible and thus more useful to the general public in terms of drawing attention to them. Staff surveyed three nearby cities, Pleasant Hill, Concord, and Berkeley, and the City of West Hollywood regarding their on-site posting requirements. The following are the results:

Pleasant Hill

Currently Pleasant Hill does not require project sites to be posted. The A-frame signs that can be seen around town are notices for public hearings that apply to a large-area or City-wide such as a proposed zoning map or ordinance change.

Concord

Concord requires that the applicant pay for and post a notice that the staff prepares. The notice is very similar to the one used in Martinez in terms of its construction and content, but is slightly larger in size at 17" x 23" (see Attachment A). The applicant can attach the notice to something at the site, for example a fence or a wall, as long as it is close enough to the sidewalk or street that the public can easily read it. On vacant lots it must be

posted on a stake placed in the ground, as is done in Martinez.

Berkeley

The City of Berkeley bases its site posting requirements on the project size. Large-scale development projects require a 4' x 4' site posting, with smaller-scale projects requiring a 3' x 2' site posting. The applicant is required to prepare the poster or have it made. The poster contains information about the project and has specific locations where the details of the public hearing are posted (see Attachment B). As in Concord, there are specific requirements regarding where it can be posted on the site to ensure that it is easily viewed by the public.

West Hollywood

West Hollywood requires that sites of projects that require public hearings before the Planning Commission be posted with a sign that is 4' x 3'. Staff provides the applicant with a PDF of the public notice and requires them to have it blown up and then mounted onto poster board of the required size. The board with the notice is then posted by the applicant at the project site (see Attachment C), again in a location easily viewed by the public.

The main variables to consider regarding site postings are:

- Size, construction material, and color;
- Formatting and information;
- Responsibility of who constructs the posting (staff or applicant); and
- Responsibility of who erects the posting at the project site (staff or applicant).

RECOMMENDATION

Review information provided and give feedback and direction to staff.

ATTACHMENTS

- A. City of Concord Site Posting Requirements
- B. City of Berkeley Site Posting Requirements
- C. City of West Hollywood Site Posting Requirements



Public Notification Process for Hearings and Neighborhood Meetings

Welcome to the City of Concord. The Permit Center involves the Planning, Engineering, and Building Divisions and the City Clerk's Office. When a proposed project requires a public hearing, tenants and property owners in the surrounding area must be notified of the meeting. It is very important that neighbors are informed of the meeting to allow them the opportunity to participate and ask questions. This handout is provided to explain the notification process and assist you in fulfilling the requirements of your application. The checkmarks (☑) indicate items you must accomplish to have a complete application for a public hearing. If you have questions about your application or the notification process, please contact the Planning Staff at (925) 671-3152 for assistance.

If a project requiring a public hearing and public notification is located near or within a property containing a multi-tenant building or center, all owners and tenants/occupants of the multi-tenant building or center must be notified of the hearing.

Notification is sent to all property owners and tenants within a specified distance from the property line boundaries of the project site. Notification distances listed below depend upon the type of application. If an application comes under more than one category, the more extensive standard applies. If more than one application is being processed at one time, the larger notification area (radius) applies. City staff will determine the required notification area. Applicants are responsible for postage exceeding 100 mailed notices, and payment for this postage is due to the City prior to a public hearing.

100 Feet *(Generally requires one mailing)*

- Large Family Day Care Homes
- Appeals of the above

300 Feet *(Generally requires one mailing)*

- Residential projects, including minor subdivisions (one to four lots) and major subdivisions (of five to 24 lots/units), up to 24 units or lots
- Office projects to 10,000 square feet
- Commercial and Industrial projects to 20,000 square feet
- Variances
- Historic landmark determinations
- Design Review Board (only when first discretionary action)

- Appeals of any of the projects listed immediately above
- Projects not listed under “100 feet, 400 feet, or 500 feet”

400 Feet (*Generally requires one mailing*)

- Antennas and wireless communications facilities
- Appeals for antennas and wireless facilities

500 Feet (*Generally requires two mailings*)

- General Plan Amendments
- Specific Plans and Specific Plan Amendments
- Municipal Code Amendments
- Rezonings
- Prezonings
- Residential projects, including subdivisions, over 24 units or lots
- Office projects over 10,000 square feet
- Commercial and Industrial projects over 20,000 square feet
- Appeals of any of the projects listed immediately above

Posting of the Project Site

- ☑ The City will provide you with a poster containing the necessary information. The poster(s) must be picked up from the City offices at least 12 days prior to the hearing. The cost of each poster(s) is the applicant’s responsibility, see the City’s fee schedule. The project applicant is responsible for placing a poster within eye level in a clearly visible location on each frontage of the property ten (10) days prior to the hearing. On vacant lots it may be necessary that you use large stakes which you will have to obtain yourself. You must place the notice five (5) feet from the property line or sidewalk, so that interested parties will be able to read the notice. On corner vacant lots, please check with our Engineering Division to make sure that the notices are not visibility hazards. In existing buildings they can be located inside large windows or outside on the building’s exterior. The project applicant must certify the project site was posted for all 10 days so the posters must be checked daily and should be weatherproofed if necessary.
- ☑ Following action on your project, you must remove the poster(s) within 7 days. Posting on utility poles, light poles, trees, or in the public right-of-way is prohibited.
- ☑ Submit the “Certification of Posting of Notice” (attached) by 5:00 PM, on the day of the hearing. If the certification form is not provided before the hearing, the item will not be heard.

Neighborhood Information Meetings

One of the most important steps in the notification process is communicating the specific details of a proposed project to the residents, property owners, and business operators in the vicinity of that project. The City strongly encourages the project applicant to organize a neighborhood meeting. This is very important because it is your opportunity to provide accurate information to your neighbors about the proposed project before there is a hearing, and it allows the neighbors to get more involved in the project as well. You must inform the Planning Division of the date, time and place of the meeting so the staff planner can attend the meeting. The following information is offered as a guide for successful neighborhood meetings.

When? The neighborhood meeting should be held as early as possible in the development review process, either before or immediately following the filing of an application. Depending on the attendance at the first neighborhood meeting and / or the comments received, it may be necessary to hold more than one such meeting. The Project Planner will make that determination. Evening meetings are usually the most suitable for residential projects. Day meetings are usually more suitable for commercial projects so that business operators surrounding the project will be more likely to attend. City staff can work with you to schedule an appropriate meeting place and time. Meeting notices should be mailed out 14 days in advance.

Where? You are responsible for securing a convenient location in or close to the neighborhood such as a local public facility, church, school, restaurant, or recreation building.

Who should be notified? The same residents, tenants and / or business owners who will be notified of the public hearing will also be notified of the neighborhood meeting. For example, if your development proposal requires a 300 foot mailing radius for the public hearing, the addresses within the same 300 foot radius shall be notified of the neighborhood meeting. If the radius is 500 feet, neighborhood mailing will be 500 feet. The same requirement applies to all mailing radii.

Will City staff attend the meetings? A representative from the City staff must attend the meeting, preferably the Project Planner, and will provide introductions and relevant information regarding the hearing process, hearing dates, and any other general information. The applicant is responsible for presenting the development proposal.

How should people be notified? City staff will prepare the neighborhood meeting notice and mailing. Please coordinate, at least 3 weeks in advance, with the City Planner to establish a date, and place for the meeting.

Public Notification Checklist

The project applicant should check to see if the items listed below have been completed:

- Neighborhood Meeting scheduled and conducted.
- Certification of Posting of Notice (to be turned in by project applicant no later than 5:00 PM on the day of the public hearing).

City staff is responsible for the following:

- Providing posters to the project applicant to post at the project site. The cost/fee for posters is \$12.00 each.
- Providing notices and mailing the notice to all property owners and all tenants within the notification area for both the neighborhood meeting and public hearing.
- Printing the notice in the newspaper (if necessary).
- Posting the agenda at City Hall.
- Assisting the project applicant on organizing a neighborhood meeting.
- Attending the neighborhood meeting.



CERTIFICATION OF POSTING OF NOTICE

Application Name _____

Application Number _____

Project Parcel Number(s) _____

Project Street Address _____

Where a hearing concerns specific property, one (1) notice provided by the City shall be posted in a clearly visible location on each frontage of the subject property. Notice(s) shall be posted by the project applicant at least ten (10) days prior to the hearing or public hearing. The project applicant must insure the notice is maintained in good condition and must replace the notice within one (1) working day if it has fallen or has been removed, vandalized, or destroyed. All signs shall be installed on a wooden stake or inside or outside on the exterior of the existing structure. Posters are to be removed by the project applicant within seven (7) days following final City action on the project application. Posting of signs on utility poles, light poles, or in the public right-of-way is prohibited.

By signing below the project applicant certifies under penalty of perjury that the property has been posted at the indicated addresses at least ten (10) days prior to the public hearing.

***Said posting was completed on _____;
at the following locations:***

_____,
_____, ***and***
_____.

The project applicant further certified under penalty of perjury that the notice(s) was/were field checked on each working day, and if necessary, replaced.

PROJECT APPLICANT OR REPRESENTATIVES' NAME
(Print or Type)

CERTIFICATION DATE

PROJECT APPLICANT OR REPRESENTATIVE'S
SIGNATURE

REPRESENTATIVE'S ADDRESS
(If different from Project Applicant)

REPRESENTATIVE'S TELEPHONE
(If different from Project Applicant)



PUBLIC HEARING

Silverleaf Residential Subdivision (UA 09-002)

You are hereby notified that on Wednesday, April 15, 2009 at the hour of 7:00 p.m. in the Council Chambers, 1950 Parkside Drive, Concord, California, the **Planning Commission** will conduct a public hearing to consider the following application affecting a parcel within 300 feet of property you own or rent.

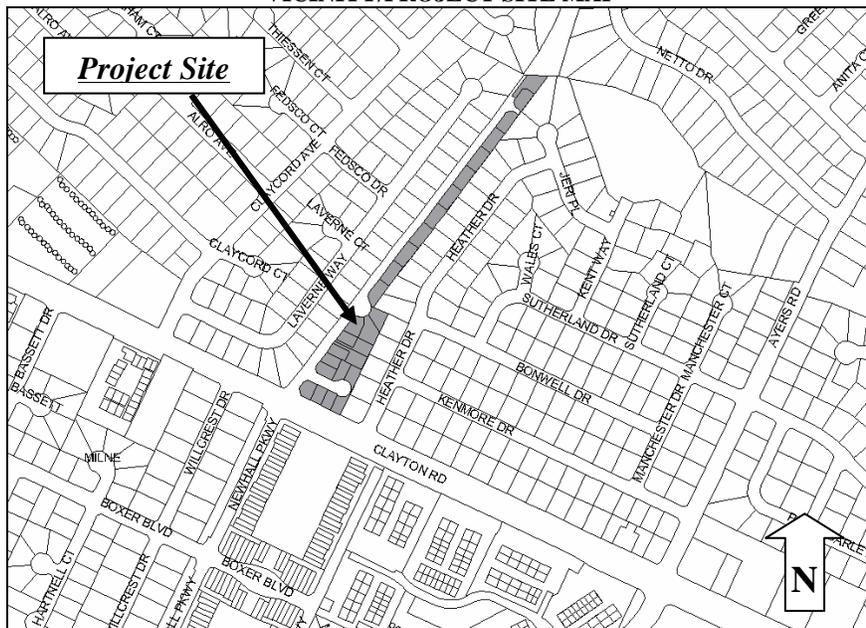
Application for a Use Permit Amendment to modify a Condition of Approval regarding the affordable housing requirements at the Silverleaf Subdivision located on Clayton Road opposite Newhall Parkway. The General Plan designation is Low Density Residential; Zoning classification is PD (Planned District); APN's 116-370-017 and 116-370-019.

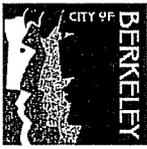
For further details contact Francis B. McVey, Interim Housing Manager, City of Concord Planning and Economic Development Department at (925) 671-3455.

Dated: April 3, 2009

Deborah Raines, AICP
Planning Manager

VICINITY/PROJECT SITE MAP





Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
Email: Planning@ci.berkeley.ca.us

I.E. PROPOSED DEVELOPMENT PROJECT SIGN REQUIREMENTS

(Updated October 14, 2004) *Effective November 15, 2004*

A. Sign Criteria

1. All **Large Scale Development Projects** –require the 4 ft. x 4 ft. signs.

A Large Scale Development Project: a project in a non-residential district with (1) \geq three stories, (2) an affordable housing Density Bonus, (3) FAR \geq 2.00, and (4) \geq 10,000 sq. ' gross floor area.

2. All other projects that do not meet these specifications must post the 3 ft. x 2 ft. sign.

B. Sign Preparation and Formatting

1. Construct poster of a rigid material that can withstand all weather conditions.
2. Use a standard yellow color for background.
3. Use only the following font types: Times New Roman, Century School book, or Arial.
4. Install sign prior to submitting project application to the City.
5. Sign must include the following information:
 - Project information (including address, description, and applicant contact information),
 - City of Berkeley contact information¹,
 - drawing of proposed development, and
 - space for public meeting notices (including 8 ½ in. x 11 in. plastic sleeves).
6. The Planning Department may require the applicant to alter "Project Information" after receiving the application. Photographic evidence of this change is required before the City will consider the project application complete.

C. Mounting Instructions

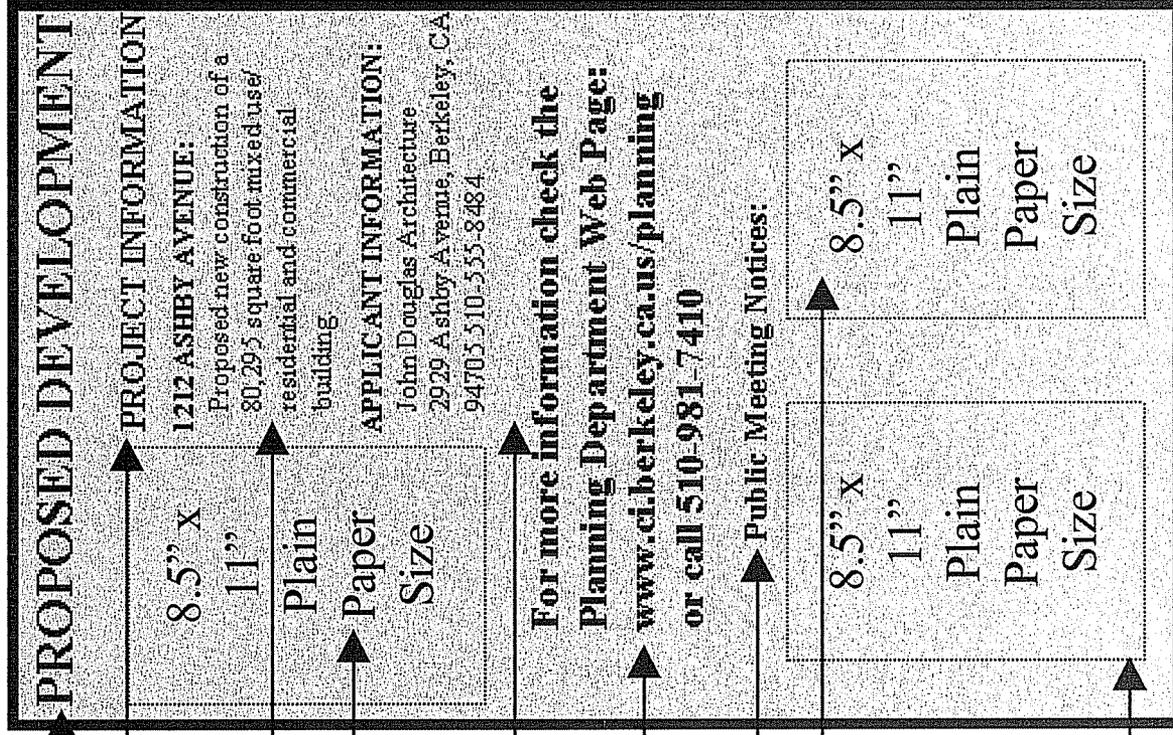
1. Mount the sign on a post to the ground or a wall within 5 feet of the front property line.
 - For 3 ft. x 2 ft. signs, mount so the bottom edge of the poster is 42 inches from the ground.
 - For 4 ft. x 4 ft. signs, mount so the bottom edge of the poster is 36 inches from the ground.
2. Install one sign on each side of the property that abuts a street (i.e. corner lots will have at least two signs).
3. Include a photograph of the signs as installed in your project application; include a person or measuring stick in the photo to provide scale. Indicate date and address on the photo.
4. It is the applicant's responsibility to maintain the signs consistent with these specifications for the life of the project, or until advised by the Planning Department to remove or alter the sign.

D. Sign Examples

1. Examples of 4 ft. x 4 ft. and 3 ft. x 2 ft. signs follow:

¹ Information provided below on attached sample signs.

Sign Format for Proposed Development Projects (3 ft. x 2 ft. format)



Reads: "PROPOSED DEVELOPMENT"

Reads: "PROJECT INFORMATION"

Project address and project description

Insert drawing or elevation of project here

Applicant information: address & phone number

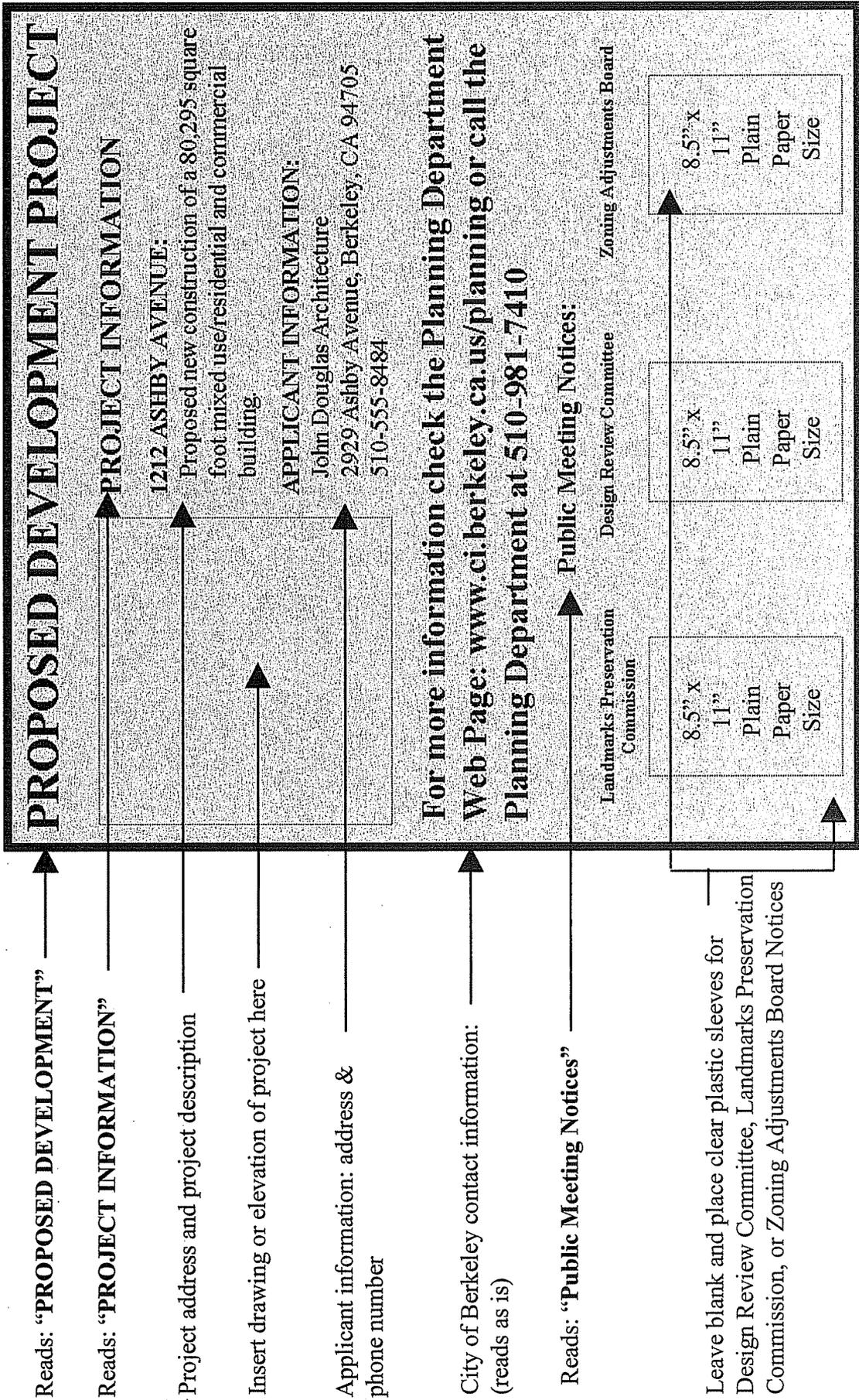
City of Berkeley contact information: Reads as is

Reads: "Public Meeting Notices"

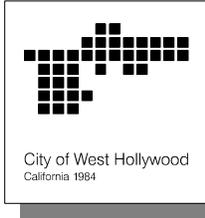
Leave blank and place clear plastic sleeves for Design Review Committee, Landmarks Preservation Commission, or Zoning Adjustments Board Notices

Sign Format for Proposed Large Scale Development Projects

(4 ft. x 4 ft. format)



I.E. Pre app Sign-Large (10/5/04)



For: Applicant
Re: Posting Notice on Site (Instructions)

When a land use permit, entitlement, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with state law or as otherwise required by the West Hollywood Zoning Ordinance.

A display board containing notice shall be posted at the subject parcel at least 28 days before the initial hearing and 10 days before any appeal hearing. The applicant is responsible for the preparation, installation and maintenance of the posted notice.

The sign shall always reflect the correct hearing date, and shall remain in place until the decision on the application becomes final. The sign must be removed after that date.

 City of West Hollywood California 1984	CITY OF WEST HOLLYWOOD NOTICE OF PUBLIC HEARING PLANNING COMMISSION
	CONDITIONAL USE PERMIT (CUP) 000-000 AND ALL OTHER APPLICABLE PERMITS
PROPOSAL:	PROJECT DESCRIPTION
APPLICANT:	NAME OF APPLICANT, COMPANY NAME
SITE ADDRESS:	ADDRESS OF SUBJECT SITE
HEARING DATE:	DATE OF HEARING
PLACE OF HEARING:	WEST HOLLYWOOD PARK AUDITORIUM 647 N. SAN VICENTE BLVD. WEST HOLLYWOOD
FOR INFORMATION:	PLEASE CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (323) 848-6475 AND ASK FOR THE PROJECT PLANNER

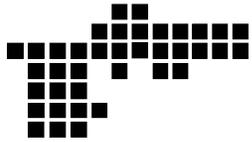
sample

Sign Posting Requirements:

- 1) Notice mounted on a display board.
- 2) Sign dimensions: minimum of 4' (length) x 3' (height).
- 3) The sign shall be located not less than 1 foot, nor more than 10 feet inside the property line.
- 4) The top of the sign must not be higher than 8' from the ground.
- 5) **Sign must be posted on or before January 22, 2009.**

Attached you will find a reduced copy of the required notice for your project. Please leave me a message at (323) 848-6874 or email fcontreras@weho.org to confirm that the sign has been posted. Also, send me the completed notarized Affidavit of Posting included in this packet.

~Francisco J. Contreras, AICP



City of West Hollywood
California 1984

CITY OF WEST HOLLYWOOD NOTICE OF PUBLIC HEARING PLANNING COMMISSION

- PERMITS:** DVP 007-050 and TTM 007-020
- PROPOSAL:** Construction of a seven-unit condominium project on vacant land, including one on-site affordable dwelling unit, with affordable housing and green building incentives. Also adoption of a Negative Declaration pursuant to CEQA Guidelines Section 15070.
- APPLICANT:** Enrique Melcer for 1257 Detroit, LLC
- SITE ADDRESS:** 1257 Detroit Street, West Hollywood, CA
- HEARING DATE:** Thursday, February 19, 2009 at 6:30pm
- PLACE OF HEARING:** West Hollywood Park Auditorium
647 N. San Vicente Blvd.
West Hollywood, CA
- FOR INFORMATION:** Contact the Project Planner: Francisco Contreras, AICP
Department of Community Development (323) 848-6874