

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 03/30/09		Item Number: <u>A-2</u>	
AGENDA ITEM: Discussion of Public Notification and Community Involvement in the Development Processes.			
Contact Person/Dept.:		Phone Number:	
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Fiscal Impact: Yes ☐ No ☒ General Fund: Yes ☐ No ☒			
Public Hearing: ☐		Action Item: ☒	
Attachments: ☒			
Public Notification: This Town Hall meeting has been announced at City Council Meetings, quarter-page advertisements have been placed in the Culver City Observer and the Culver City News on March 12, 19, and 26; information signs were placed in 17 areas in Culver City Parks; the Official Notice of the Meeting was placed on City service counters and on the City's website; Three E-Mail notifications Utilizing the Master E-Mail Notification List were sent between March 2 and March 26, 2009; Master E-Mail Notification List (03/25/09); Mailed notice to all Culver City Homeowner Groups, Public Speakers at Planning Commission and City Council Meetings regarding development projects over the past year (03/19/09)			
Department Approval:		City Attorney Approval:	
Martin R. Cole (03/25/09)		Carol Schwab (by H. Baker)(03/25/09)	
Sol Blumenfeld (03/25/09)			
Chief Financial Officer Review:		City Manager Approval:	
Jeff Muir (03/25/09)		Jerry B. Fulwood (03/25/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council receive this report on the City's public notification and community involvement in the development processes and direct staff as deemed appropriate. <u>BACKGROUND:</u> The City Council has, on a number of occasions, expressed its strong interest in ensuring the City's public notification process provides accurate information to interested persons on a wide variety of City subjects. Also, at its January 26, 2009 meeting, the City Council received a staff report on City processes for obtaining public input on discretionary development projects and the requirements of other cities related to public notification and public outreach. The Council directed staff further research the matter to develop possible strategies that may be applied to the City. Both matters were scheduled for discussion at this evening's meeting in order to provide additional input from both the City Council and the community on these two important topics.			

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Staff will be presenting this report with the aid of a PowerPoint slideshow.

To facilitate the discussion of these two related topics, staff is presenting one staff report divided into two major themes: (I) General Public Notification and (II) Public Notification and Involvement in the Development Process.

DISCUSSION:

I. GENERAL PUBLIC NOTIFICATION

The City of Culver City has been an advocate of involving the community in the City's decision making process. In fact, surveys of our surrounding cities show that Culver City provides significantly more notification than the minimum legal requirements and the practices in place in other area cities. While the City's public notification process has not been without some challenges, the City exceeds the minimum requirements of State and other applicable law in reaching out to the community and providing notice of items to be discussed by the City Council, the Redevelopment Agency, other City Commissions, Boards, and Committees, and staff.

On December 3, 2007, the City Council unanimously adopted the following motion:

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER GROSS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2007-R077 ESTABLISHING THE PUBLIC NOTIFICATION POLICY, WITH THE FOLLOWING AMENDMENT: INCLUDE A REQUIREMENT THAT IT IS THE RESPONSIBILITY OF RESIDENTS TO KEEP THEIR ADDRESS CURRENT WITH THE CITY BY NOTIFYING THE CITY IF THEY MOVE OR CHANGE THEIR EMAIL ADDRESS.

A copy of the staff report from that meeting and City Council Policy 2007-002 is attached for the Council's ease of reference.

Since the adoption of City Council Policy 2007-002, the City Clerk's Office has been adding all e-mail addresses received from Speaker Cards to the City's Master E-Mail Notification list. As a result, the list has grown from some 700 addresses to approximately 920 addresses today. Even though the public notification process has improved with the adoption of City Council Policy 2007-002, the City Council has continued to express some concern over the reliability of the City's Public Notification Process.

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Creation of a Staff Working Group on the Public Notification Process:

To address the City Council's concerns, the City Manager directed the Assistant City Manager/City Clerk to form a staff working group on public notification. This working group contains at least one representative from each City department. The working group discussed the current processes used by departments for public notification, and suggestions made by City Council Members, the Community and staff were reviewed. As a result of this effort, the working group has proposed solutions to the concerns voiced by both the City Council and the general public related to public notification. These recommendations are presented below:

A. Format of Public Notification Items

The format for public notification items could range significantly from Department to Department and sometimes within Divisions of the same Department. Some examples of common public notification items include:

- (1) The City Standard Postcard
- (2) A larger postcard for unusual items
- (3) Glossy Tri-Fold Postcard for rare items
- (4) Legally Required Letter Notification
- (4) Quarter Sized Newspaper Ad
- (5) Half Sized Newspaper Ad
- (6) Full Page Ad
- (7) Culver City Living
- (8) Focused E-Mail Notification
- (9) Master E- Mail Notification
- (10) Posting at City Hall
- (11) Posting at All City Buildings
- (12) Posting at City Parks

The City chooses from a "menu" of individual public notification items and, from time to time, may order a "combination plate" that involves a number of the above items. While this provides the City with a number of options, it was found that the application of these items varied amongst City Departments. Therefore, one component of the proposed enhancements to the Public Notification Process is to provide a City-wide standard for public notification that meets the following criteria:

- (1) A consistent baseline of notification;
- (2) Similar topics, regardless of Department of origin, shall be noticed in a similar fashion; and,

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(3) The Public Notification Process needs to be consistent, reliable, efficient, and identifiable.

B. Consistency

At a recent Council meeting, Councilmember O'Leary mentioned a concern that the current process may not provide consistently reliable results. To address this concern, staff is proposing both a standard level of public notification based upon a distribution list (either electronic or physical) that will produce consistent results.

C. Reliability

A reliable system of public notification will require participation by both staff and the community. Staff's role is to provide reliable notification to those members of the community that either request it or are legally required to receive it. The community's role is to either provide to the City their contact information or to access the general information provided by the City either in person (at the City Clerk's Office) or electronically (via the City's website). Additionally, a reliable system balances the desire of individual community members to be provided with notice and the ability of staff to reliably manage the notification system. To address these items, staff proposes to provide a number of topics to which individuals can subscribe (either via e-mail or postal mail). To maintain the reliability of the system, it is proposed the number of individual topics be no more than 20.

D. Efficiency

The City Council has been contacted by members of the community who have both (1) not received a desired notice, or (2) received multiple notices on the same topic. To address these concerns in a fiscally prudent way, staff proposes that rather than employ a more costly (and potentially less effective) "blanket" noticing system, that the focus be on increasing subscription to the City's e-mail and postal mail notification systems.

For the Council's information, following are the costs associated with different kinds of public notification:

(1) The City Standard Postcard	\$10,000
(2) A larger postcard for unusual items	\$4,000
(3) Glossy Tri-Fold Postcard for rare items	\$6,000
(4) Quarter Sized Newspaper Ad	\$230
(5) Half Sized Newspaper Ad	\$380
(6) Full Page Ad	\$1,050
(7) Focused E-Mail Notification	\$0

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(8) Master E- Mail Notification	\$0
(9) Posting at City Hall	\$50
(10) Posting at All City Buildings	\$100
(11) Posting at City Parks	\$500

In lieu of more frequent “Citywide” notifications (which cost in excess of \$10,000 per notification), staff proposes to provide a quarterly notification sign up effort. This would involve publishing a full page ad in the local papers and to include similar information in every edition of Culver City Living. The ads would be augmented by a link on the City’s website and the use of flyers posted at service counters throughout City buildings. The sign-up effort would provide the community with information on how to sign up for the City’s notification systems. Further, a suggestion has been made to allow an annual renewal of the sign-up notification. Staff recommends this.

Based upon the very low cost, rapidity, and environmentally friendly nature (no paper is used, nor does the delivery of e-mail involve to consumption of fossil fuels) associated with e-mail, staff continues to recommend that e-mail be the City’s preferred method of courtesy public notification. For those who do not have easy access to e-mail, staff continues to recommend the maintenance of a postal address notification list. However, the City Council may wish to establish a modest fee to cover postage and other related costs for this service.

Environmental sensitivity is also part of being efficient. As included in City Council Policy 2007-002, the City encourages interested parties to sign up for electronic notification. Electronic notification is cost and resource efficient, allows for broad-based and rapid notification, and any duplicates can be deleted without use of paper or impacting landfills. Staff recommends continuing this practice. This would be in addition to the minimum legal requirements for public notification.

Duplication of notices has also been an area of concern. When the City issues its own notices utilizing the City’s records, duplication can be minimized. However, the City and others (developers) sometimes use third-party vendors who provide their own mailing lists. In those cases, the City does not control the source of address information and the incidents of duplication may be higher. When possible, the City does use its internal notification system to produce the addresses.

E. Identifiable

There has also been a concern expressed related to the need to insure the official notices of the City are readily identifiable as an “OFFICIAL NOTICE”. Therefore, staff has proposed that all Official Notices of the City, whenever possible, would include the following:

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- A statement signed by the City Clerk that the notice is “OFFICIAL NOTICE.”
- The use of an identifiable symbol(s) - staff will provide an example as part of the PowerPoint presentation

Use of the City Seal is controlled solely by the City. Unauthorized use is a violation of the Culver City Municipal Code (CCMC). Using the Seal along with other identifiable symbol(s) and/or statement by the City Clerk would be a quick and easy way for members of the community to know that what they are receiving is an official City notice.

Also, it has been mentioned that some notices can be enhanced by providing a more descriptive comment rather than something in ‘legalees.’ Sometimes, there may be certain language that is legally required; however, staff can also add more descriptive wording.

Sending Notice vs. Receiving Notice:

Staff also wishes to comment briefly on the difference between sending notice and receiving notice. Using a reliable and consistent process, the City can insure that notices are sent. However, the City cannot guarantee any individual notice is received by the intended recipient because delivery is accomplished via cyberspace the United States Postal Service (both of which are often reliable but not guaranteed).

Administrative Process:

Should the City Council determine to implement these recommendations, staff will amend its administrative processes to include an enhanced public notification disclosure in the appropriate box on the standard staff report or to use a standard attachment to staff reports that will very clearly indicate what address lists were used for the notification process. Names of e-mail and postal distribution lists will be included; however, individual email and postal addresses will not be included. Additionally, staff will have access to lists used in the notification process during Council meetings to allow staff to respond to comments which state that a particular person was not sent a notice.

Use of the City’s PEG Channel

The upcoming unveiling of the new and improved Channel 35 (CCTV 35), the City’s government channel, will include a public notification portion of the slide show which

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will be broadcast on CCTV 35 when live or rebroadcast meetings are not being shown.

Payment for Notices Related to Specific Projects

As part of the staff working group process, it was discovered that the City currently bears the cost of notification for development applications. Staff recommends the City Council direct staff to prepare a fee that would be applied to developments that would offset the costs of staff-produced public notification. If directed, staff will include this proposed fee in the fees and charges schedule, which is scheduled to be heard by City Council in early May.

II. PUBLIC NOTIFICATION AND INVOLVEMENT IN THE DEVELOPMENT PROCESS.

Current Process for Discretionary Permits

The City has certain statutory requirements related to public notification for public hearings which are tied to the Permit Streamlining Act (Government Code Sections 65920, *et seq.*) and the City's Zoning Code. The intent of the Permit Streamlining Act is to ensure a fair and expeditious review and disposition of discretionary permit applications. The following is the State mandated timeline for project review and disposition:

1. 30 days from the date of application submission to review and accept a project application as complete or the application is automatically deemed to be complete.
2. Maximum 180 days from the date of application submission for projects that are exempt from environmental review or require a negative declaration.
3. Maximum of one year from the date of application submission for projects requiring an EIR with statutory requirements for preparation and circulation of the EIR.

All time periods are maximums and the permitting agency should approve or deny a project in a shorter period whenever possible pursuant to Government Code Section 65953 of the Permit Streamlining Act. What this means is that the City cannot arbitrarily decide when or how long to take in reviewing and reaching a disposition on development permit applications. Importantly, these statutory requirements for processing also further ensures public review and input when a project requires environmental review, including the preparation of an environmental impact report or other environmental document, as the statutory time limits of permit streamlining are integrated with those for environmental review.

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CCMC Chapter 17.630 “Public Hearings and Administrative Review” (Attachment No. 1) outlines the City’s legal noticing and hearing requirements for discretionary project applications. There are three types of legally required notices (See Table 6-2): All projects require a 21 day mailed notice prior to the hearing or decision date; for certain projects, the project site is required to be posted 21 days in advance of the hearing date; and some projects require a 14 day published notice in advance of the hearing date. CCMC Chapter 17.630 further outlines the procedures for mailed, posted and published notices. Finally, the Chapter outlines provisions of various levels of decision making from the administrative level (Community Development Director) to the Planning Commission and City Council.

In addition to statutory requirements, staff and the City Council have instituted other measures recently that go beyond the legal minimum requirements for conducting public outreach. These include: (1) extending the area for mailed public notification from a radius of 300’ to 500’ (to the end of the block) and (2) expanding the discretionary application submittal requirements to include a Public Participation Plan. (Please see Attachment No. 2 – Discretionary Project Review Process/Community Involvement).

Finally, there are internal review processes and deadlines for discretionary permits. The following outlines the internal staff review and preparation schedule from once an application is deemed complete to the public hearing:

Step		Timing
1	Application Submitted	Day 1
2	Internal Staff Review	+7
3	Project First Notice Letter Mailed	+10
4	Project Review Committee (PRC) Meeting	+14
5	Application Completeness Determination and CEQA Determination	+30
6	Draft CEQA document (Negative Declaration or Categorical Exemption) due to Senior Planner	+42
7	Draft Public Notice due to Senior Planner	+60
8	Draft CEQA document due to Planning Manager	+49
9	Draft Public Notice due to Senior Planner	+56
10	Final Public Notice due to Admin.	+63

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	Staff	
11	21 day Public Notice Mailed/Posted/Published	+70
12	Draft Staff Report due to Senior Planner	+70
13	Draft Staff Report Due to Planning Manager	+75
14	Final Report for Copying to Admin. Staff	+78
15	Packet Delivered to Planning Commission	+81
16	Public Hearing	+91

As outlined above, it takes approximately 90 days to get an item to a public hearing following application submittal. If the project is not deemed complete within 30 days, then whatever time is needed to deem the application complete is added to the 90 days. In addition, if the project requires an environmental impact report, up to 270 days can be added to the process.

The process for reaching out earlier to the public can be established as a requirement in the application and processing of development permits as outlined in Attachment No. 2. The public outreach can be formalized with the requirement that a developer submit a Public Participation Plan for certain classes of projects that must be approved prior to deeming a project application complete and commencement of processing. The Plan can identify the number of meetings or other types of outreach, date, time and location of meetings or other outreach method and the number of expected participants. The Public Outreach Plan can be used by Commission or Council as part of the review during deliberations and may ultimately help achieve consensus on the project.

Non-Discretionary Projects

For non-discretionary projects that are not governed by the Government Code noticing requirements and the Permit Streamlining Act, the Council may want to consider lengthier and a more elaborate public vetting process. These may include:

- Designing a Public Outreach Process as part of the project
- Preparing a Visioning Program to identify goals, policies and objectives
- Linking public input suggestions to an action plan

Part of the decision making on what type of outreach to use turns on whether the interest is to get a deeper sense of public values, ranked preferences and most favorable design, or merely to obtain consensus on some or all parts of a project or plan. The use of one method as opposed to another is therefore a function of time,

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budget and the desired outcome. As indicated in the January staff report on this matter, the intent should not merely be to provide information, but to ensure that the outreach method relates to the type of project so that it is usable. If a proposed discretionary development comports with the Zoning Code and the General Plan, it does not make sense from a public outreach standpoint to identify **whether** the project should be constructed but rather **how** the project should be constructed. Recent focus by the Planning Division to create a better fit between a project and the neighborhood through implementation of design guidelines may help achieve this objective.

Possible Strategies

Other methods for obtaining public comment to address larger planning issues may include stakeholder interviews, surveys, workshops, charrettes, press releases, blogs, speaker series, forums newsletters, public information displays and informal kaffe klatches, block meetings and homeowner meetings. The methods for alternative outreach for non-discretionary projects are summarized on Attachment No. 3 comparing the outreach method with the expected outcome.

The City has also gathered public input by establishing advisory committees. These committees vary in purpose and can provide valuable advice.

Survey of Other Cities

Staff previously surveyed the Cities of Santa Monica, West Hollywood, Los Angeles, Beverly Hills and Burbank regarding their methods for development related public notification and community involvement which is summarized on Attachment No. 4. The methods for involving the public during development hearings are very similar among the surveyed cities, with the exception of Los Angeles which, due to that city's size, utilizes a Neighborhood Council system. Each Council District in Los Angeles contains approximately 250,000 people and the neighborhood councils serve, on the average, between 20,000 and 40,000 people, so instituting a more decentralized form for project review was deemed essential in order to make the process more accessible to the public.

Conclusions

In summary, the methods for encouraging public participation in the development process vary widely depending upon the goals and desired outcomes. Encouraging the public to attend meetings on the Housing Element or some other long-range planning project involves a broader effort aimed as much at visioning and identifying goals, as it does in obtaining consensus. Alternatively, development projects that comport with the Zoning Code and General Plan require much greater focus on

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consensus building during the hearing process and less on community visioning and goals.

In crafting its process for community involvement in the development process, the City should direct resources to achieving greater public input by focusing on the desired outcomes. For development permit processing, the methods for public outreach can range from a series of informal decentralized neighborhood meetings to formal hearings, forums or workshops. Merely issuing more public notices or mailings or publishing ads earlier in the project review process cannot guarantee more public input. Further, while the design of the public notification may help make understanding a complex development project easier and the process more accessible to the public, it cannot ensure more participation during hearings.

The process for reaching out earlier to the public should become a requirement in the application and processing of development permits. One model that the Council may want to consider is to require that the developer submit a Public Participation Plan which must be approved prior to deeming a project application complete and commencing with processing the application. The Plan can identify the number of meetings or other types of outreach, date, time and location of meetings or other outreach method and the number of expected participants. The Plan can be used by Commission or Council as part of the review during deliberations and may ultimately help achieve consensus on a project.

The City has embraced long term sustainability and environmentally sensitive practices. Cost efficiency of moving to an e-mail based system in public notification can also help advance these environmental goals.

In summary, the Council should consider the following recommendations for early public outreach and public notification:

- Targeted outreach to specific entities
- Evaluating outreach options relative to stated goals (consensus vs. goal setting)
- Pursuit of sustainable/green vision for notification within a specified period.
- Public notification postings and placement to maximize visibility
- Public Participation Plan for all major discretionary projects
- Early mandatory notification for all development projects.

III. Next Steps

This evening, staff is requesting general input from the City Council and community on the topics presented. The City Council may determine it wishes to provide

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direction this evening. As part of that direction, the City Council may wish to consider the following:

- Determine additional information/input is desired and direct staff to schedule a further meeting (Vice Mayor Silbiger has suggested a workshop format to allow for a more interactive discussion)
- Direct staff to prepare City Council Policies based upon the input/direction received this evening and return to the City Council at a future date for discussion and potential adoption of such policies.
- Direct staff to retain the current policies/procedures.

FISCAL IMPACT:

Discussion of this topic does not create a fiscal impact. However, based upon any modifications the City Council may deem necessary, additional notification and staff coordination efforts would have an associated cost. These costs could be significant and will be presented with a future staff report and be based upon the direction the City Council may deem appropriate to provide this evening.

In Fiscal Year 2007/2008, a total of \$215,000 was expended from the primary public notification related accounts (i.e. printing and binding; postage and delivery; and advertising and public relations). For Fiscal Year 2008/2009, \$350,000 has been budgeted and \$155,807 has been expended through February 2009 in public notification related accounts. It should be noted that the above costs do not include additional staff time, paper (if the notices are produced internally by the Graphics Division), or additional maintenance costs associated with more copies being generated by the City's printers and copiers.

NOTES:

1. The League of Cities has reported on new efforts to initiate civic participation in Western Cities magazine -- Civic Participation 2008, authored by Terry Amsler, Program Director for the Institute of Local Government' Collaborative Governance Initiative.

ATTACHMENTS:

1. CCMC Chapter 17.320
2. Discretionary Project Review Process/ Community Involvement Matrix
3. Methods for Alternative Outreach for Non-Discretionary Projects

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4. Summary Table of Other Cities Requirements
5. Staff Report and City Council Policy 2007-002 (Public Notification)

MOTION:

That The Council:

Receive and file the report and direct staff as deemed appropriate.