



**TO:** Chair and Members of the Public Engagement Commission  
**FROM:** Peter T. Imhof, Planning and Environmental Review Director  
**CONTACT:** Anne Wells, Advance Planning Manager  
**SUBJECT:** New Zoning Ordinance: Public Noticing Requirements

**RECOMMENDATION:**

Provide input to the City Council regarding:

1. The reliance on mailed notice for citywide projects in the City of Goleta; and
2. The appropriateness of providing newspaper notice in lieu of mailed notice for projects that would require more than 1,000 mailed notices.

**BACKGROUND:**

The Public Engagement Commission (PEC) is an advisory board with the purpose of increasing public engagement in City governance. Though not within the PEC's formal scope of responsibility, the City Council asked staff to seek the PEC's input on a related matter involving the City's New Zoning Ordinance (NZO).

In its consideration of the New Zoning Ordinance, the Planning Commission expanded requirements for public noticing of proposed development projects. The Planning Commission recommended the following noticing provisions to the City Council:

- C. **Notification Requirements.** At a minimum, public notice must be provided in the following manner:
  1. ***Mailed Notice.*** The City must provide notice by First Class mail for public hearings and for all Zoning Permits or other actions requiring notification pursuant to the Coastal Act.
    - a. ***Time Period.*** At least ten days before the date of the public hearing or before an action on the application could be taken if there is no hearing.
    - b. ***Recipients.***
      - i. The applicant and the owner of the subject property;
      - ii. Any person or group who has filed a written request.
      - iii. All property owners of record of property within 500 feet

- of the exterior boundaries of the subject parcel(s);
  - iv. Tenants of the subject parcel(s) and tenants within 500 feet of the exterior boundaries of the subject parcel(s).
  - v. Additional recipients for projects within the Coastal Zone:
    - (1) The California Coastal Commission.
    - (2) All persons who have filed a written request for notice of projects in the Coastal Zone.
- 2. **Newspaper Notice.** Newspaper notice is required for all public hearings. The City must publish a notice in at least one newspaper of general circulation within the City at least ten days before the date of the public hearing.
- 3. **On-Site Posted Notice.** One or more posted notice is required on the project parcel(s) for all proposed development except Zoning Clearances. Notice must be provided on the site of the proposed project in the form of a City-issued placard as follows:
  - a. *Number and Location.*
    - i. At least one poster must be posted on each property line facing a public right-of-way. The Director may require additional posted notices, if necessary.
    - ii. Posted notices must be located at the property line or within ten feet from the property line and at a height accessible for the public to read.
  - b. *Time Period.* For at least the 15 days immediately preceding the date of the public hearing or Director action, if required.
  - c. *Size.* On-site posted notice signs shall be:
    - i. Residential Districts. Eight square feet.
    - ii. Non-Residential Districts. 32 square feet.
- 4. **Electronic Notice.** Notice shall be provided for public hearings by electronic means, including emailed notice, posted notice on the City's website, and any other means determined by the Director. Any persons or organizations may request electronic notice.
- 5. **Additional Notice for Drive-Through Facilities.** For drive through facilities, blind, aged, and disabled community members and groups must be noticed.
- 6. **Story Poles.** All development over 20 feet in height, except for single-unit dwellings, shall require story poles.
- 7. **Press Release.** For projects proposing 10,000 square feet or more of structural development, a press release shall be issued at the time of notice for the first Conceptual Review by the Design Review Board.

It is important to note that these noticing provisions would be the *codified* requirements for public notice of development projects within the City of Goleta. In other words, these noticing requirements would be the minimum actions that the City is *required* to take regarding public notice. Nothing precludes the City from providing wider public notice by

additional means. However, the City would not be able to reduce the minimum required noticing steps.

While the Planning Commission's recommendation expanded noticing requirements, its recommendation removed a provision in the City's current zoning ordinances and in State law that enables notice to be provided by a display advertisement of at least one-eighth page in at least one newspaper of general circulation, where the number of owners to whom notice would otherwise be mailed or delivered is greater than 1,000. This allowance for newspaper notice is an *enabling* provision and does not preclude the City from providing mailed notice or notice through other means.

## **DISCUSSION:**

The allowance to provide notice by display advertisement in the paper in lieu of providing mailed notice is most often utilized when the City is considering a project that would require citywide notification, such as a General Plan or zoning amendment. Planning staff's concern is that, by removing the newspaper notice allowance, the City would incur significant cost for noticing such items as new zoning regulations and General Plan amendments. The cost of citywide mailed notice would run to the multiple tens of thousands of dollars for such items, which generally require at least two, and often three, separately noticed hearings. Moreover, other new required notice steps, in particular, electronic notice by email and website posting, are effective in reaching a large number of Goleta residents and would augment newspaper notice. Given these considerations, staff has suggested, contrary to the Planning Commission's recommendation, that the City Council consider proposed NZO revisions to retain the mailed notice allowance to align with the current standards and practice.

During discussion of this topic at the City Council meeting on November 5, 2019, the City Council heard and discussed a variety concerns regarding and ideas for providing effective public notice and recognized that people access information in different ways. Before City Council gave staff further direction on whether to reinstate the current allowance for newspaper notice in lieu of large mailings, it asked for input from the Public Engagement Commission on the following:

- 1) the reliance on mailed notice for information regarding opportunities for public input on citywide projects in the City of Goleta, and
- 2) the appropriateness for an option to provide newspaper notice in-lieu of mailed notice for projects that would require more than 1,000 mailed notices.

Staff is seeking the Public Engagement Commission's feedback on these items and will provide Council with a summary for their consideration at a continued public hearing on the NZO scheduled for December 3, 2019.

## **Approved By:**



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Kristy Schmidt  
Assistant City Manager