



# City of Chula Vista

## Legislation Details (With Text)

**File #:** 16-0135 **Name:** Council Policy 400-02  
**Type:** Consent Item **Status:** Passed  
**In control:** City Council  
**On agenda:** 5/10/2016 **Final action:** 5/10/2016  
**Title:** RESOLUTION NO. 2016-069 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO COUNCIL POLICY NUMBER 400-02 ON PUBLIC PARTICIPATION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Item 6 - Attachment 1 - Draft Proposed Policy, 2. Item 6 - Attachment 2 - Draft Strikeout Policy, 3. Item 6 - Resolution

Date	Ver.	Action By	Action	Result
5/10/2016	1	City Council	approve	Pass

RESOLUTION NO. 2016-069 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO COUNCIL POLICY NUMBER 400-02 ON PUBLIC PARTICIPATION

### RECOMMENDED ACTION

Council adopt the resolution.

### SUMMARY

On May 26, 2015, City Council made a referral to staff to propose a policy, or propose changes to an existing policy, regarding outreach to community members concerning large development and other potentially controversial projects under consideration. This proposed revision to Council Policy 400-02 responds to this referral.

### ENVIRONMENTAL REVIEW

#### Environmental Notice

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required

#### Environmental Determination

The Development Services Director has reviewed the revised Council Policy for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review of the policy is required.

### BOARD/COMMISSION RECOMMENDATION

Not applicable

## **DISCUSSION**

As part of the public hearing process for a recent development project, concerns were raised by members of the public about not being made aware earlier in the City review process about the proposal. At the conclusion of the public hearing on the project, Council expressed interest in having staff explore ways to improve on the public's participation in development review. In response, staff is proposing an update to the current Council Policy 400-02 (Attachment No. 1).

Current Council Policy and the Chula Vista Municipal Code (CVMC) provide for public noticing of all development project related applications, project decisions, and public hearings to property owners that are within 500 feet of the proposed project. Staff both mails these public notices and posts them on the City's website. The notices are also sent electronically to the City's Always Notice list of individuals that request to receive all development related notices. Where required by the CVMC, staff also places notices in the local newspaper prior to public hearings.

In addition to the public notice, the Council Policy currently requires an additional public meeting to be held about the development project under two conditions. The first is when significant public interest in the project is received in response to the notice of application sent early in the review process. This response can be in the form of phone calls, emails, or other contacts received from concerned members of the public. The second condition for holding an additional public meeting is when the CVMC requires all of the permits or approvals associated with the development project to be consolidated to a single decision-making body.

This additional public meeting is conducted typically after the first review of the project by staff is completed. The meeting is generally set in the vicinity of the proposed project and is publically noticed by mail to property owners within 500', by email to the Always Notice list, and by posting on the City's website.

Staff is proposing to expand these conditions of the council policy in two significant ways. The first is to expand the types of planning and development applications that would require the additional public meeting. Any project that would include a General Plan Amendment (GPA); a new or amended General Development Plan (GDP); a new or amended Sectional Planning Area plan (SPA); a new or amended Specific Plan (SP); a new or amended Precise Plan (PP); or that includes a rezone would require the additional public meeting outlined in the Council Policy. The second condition would require expanded public notice for this additional public meeting so that any Home Owners Association (HOA) whose boundaries are within 1,500 feet of the proposed project would receive notice of the public meeting. This additional notice would be sent to both the HOA's management entity and HOA's current president.

These two new approaches will provide additional and more comprehensive opportunities for public involvement in significant planning and development projects throughout the City.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, *et seq.*).

Staff is not independently aware, and has not been informed by any City Councilmember, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods, and a Connected Community. This amendment to Council Policy 400-02 responds to Strategy 5.1 by encouraging residents to engage in civic activities related to planning and development.

### **CURRENT YEAR FISCAL IMPACT**

No impact as costs for public meetings and noticing are borne by the development project applicant.

### **ONGOING FISCAL IMPACT**

No impact as costs for public meetings and noticing are borne by the development project applicant.

### **ATTACHMENTS**

Attachment No. 1 - Proposed Council Policy No. 400-02

Attachment No. 2 - Council Policy (Strikeout/Underline)

Attachment No. 3 - Council Resolution