



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kim Walesh

**SUBJECT:** AUDIT OF DEVELOPMENT  
NOTICING

**DATE:** April 17, 2019

Approved D. D. SyL

Date 4/18/19

## SUPPLEMENTAL

### RECOMMENDATION

Refer the potential update of the City Council's Public Outreach Policy for Pending Land Use and Development Proposals (Policy 6-30) to the 2020 Council Policy Prioritization Process.

### REASON FOR SUPPLEMENTAL

To clarify that an appropriate next step, should Council be interested in a comprehensive update to Policy 6-30, is a referral to the 2020 Council Policy Prioritization Process.

### ANALYSIS

The Council's Public Outreach Policy establishes the baseline for public outreach on development activities, encouraging early communication between City staff, applicants, and the public.

The Audit of Development Noticing reviewed the effectiveness of implementing outreach for new development, including notice radius, timing, and language accessibility. While the Audit concludes that the City appears to have complied with many requirements of Policy 6-30, the Audit notes that the Policy (last revised 15 years ago in 2004) is due for an update.

The Administration absolutely agrees that an update of Council Policy 6-30 is important, both to address the specific issues identified in the audit and other potential improvements. However, updating the policy would be a significant undertaking, requiring significant commitment of staff and/or consultants, a budget allocation, and community outreach.

Should Council wish to consider updating the Policy, it would be appropriate to refer this item to the 2020 Priority Setting Session. The Administration will be strongly recommending prioritization of this policy work.

Below is the information requested on the Early Response Consideration Form.

**1. *Is the recommendation related to work already in the existing department workplan?***

A Policy Update would likely be managed by partnership between PBCE and the City Manager's Office, and would involve the City Attorney's Office. The recommendation is not related to work already in the PBCE or City Manager's Office of Intergovernmental, Policy, and Administration workplans. PBCE already has the largest list of Council Policy Priorities of any department on its workplan.

**2. *Staff time required? (including research and policy/ordinance development and implementation)***

A Policy Update is estimated to require a minimum of one FTE in staff or equivalent consulting services for at least one year.

**3. *What is the magnitude of effort involved?***

Staff would review current practices, best practices from other jurisdictions, seek input from the residents, the development community, and community groups and explore their ideas. This would include considering a range of potential new outreach tools, tech and non-tech. Staff would explore solutions to Audit Recommendations #1 (concerning notices and posting), Recommendation #3 (interpretation services guidelines), Recommendation #4 (additional guidance on mailing radii and permit types), and Recommendation #5 (online information).

**4. *When will the department have capacity to address the recommendation?***

The department has a very significant backlog of prioritized Council policy work. If prioritized and if resources are allocated in the FY 20-21 budget, the target date for completion would be December 2021.

/s/  
KIM WALESH  
Deputy City Manager  
Director of Economic Development

For questions, please contact Kim Welsh, Deputy City Manager/Director of Economic Development at (408) 535-8177 or Rosalynn Hughey, Director of Planning, Building and Code Enforcement at (408) 535-7900.