

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
August 19 2003**

SUBJECT: RESPONSE TO CORRESPONDENCE ON THE TIMING FOR PLANNING COMMISSION
REPORTS AND PUBLIC NOTIFICATION

Recommendation:

That the Planning Commission receive and file this report.

Background:

The Planning Commission received correspondence dated July 13, 2003 critical of the time provided to review project reports in advance of the project hearing and requesting an additional five days of notification and specification of the days and hours the Planning Division is open to review plans, and the posting of project hearing information on the City's web site, listing the Department fax number, web site address and hearing notices. The correspondence also requests that the recommendations and resolutions be prepared 10 days prior to the hearing put in the file and posted on the web site and advanced notice of the agenda and continuances.

Analysis:

There are several factors that affect the timing for report production, public notification, and agenda preparation including statutory permit review requirements, public notification regulations, Planning Commission workload, Department workload and inconsistency or deficiency of plans.

Permit Streamlining Act

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 to review and accept a project application or the application is automatically deemed to be complete.
2. Maximum 180 days for project that are exempt from environmental review or require a negative declaration.
3. Maximum of one year 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 Section 65953 of the Permit Streamlining Act. What this means is that the City cannot capriciously decide how long to take in reviewing and making disposition on development permit applications. Importantly, these statutory requirements for environmental review also further ensures public input and review when a project requires an environmental impact report or a negative declaration and the time limits of permit streamlining are integrated with the environmental review time limits.

Public Notice

Section 65090 of the Government Code requires that public hearing notice shall be given in at least one newspaper of general circulation within the jurisdiction at least 10 days prior to the hearing or if there is no such newspaper at least 10 days prior to the hearing in at least three public places within the jurisdiction. The City does both of these forms of notification (with an additional two days of newspaper notice beyond state requirements) and in addition provides a public mailing to all affected property owners within a 300 foot radius 12 days prior to the hearing. Therefore the City goes well beyond the requirements of the law for notification by providing three forms of project notice to the public for an extended period. This also means that the City is compelled to hear a project somewhat close to the published date of the advertisement which affects project report production and hearing schedules.

Based on the statutory requirements related to the timing for project applications; the required period for public notification in advance of the hearing; the required timing to fully research projects, check project plans and prepare all staff reports for all the projects considered at the Planning Commission meeting, the required timing to publish the entire Planning Commission agenda packet and respond to questions from the public during this period, and the Commission policy to receive the Planning Commission agenda packet and all staff reports at the same time that these materials are distributed to the public for review, there is no conceivable way to provide staff reports in advance of the current publishing date. Given the above it is also not possible to prepare recommendations 10 days prior to hearings as the correspondence suggests, since report production cannot be further compressed.

Alternately, instead of compressing the schedule, the City could extend the review process by five more days as suggested, but this would unfairly delay the applicant and be inconsistent with the intent of the Permit Streamlining Act. If consideration is given to the typical continuances for a project and the required appeal periods prior to final discretionary approval it already takes several months of review prior to final project disposition. That is why the City tries to maintain a six week timeline for project applications exempt from environmental review (as shown on the attached schedule).

Beyond the statutory requirements for timely project review and the real limitations of staff to produce the Planning Commission agenda in any less than 30 days, it is important to note that the city actively solicits public input and public comment. First, the City issues a public notice at the initial review of a project under environmental review to invite public comment. This public notice policy during environmental review is rare among cities and ensures public comment at the earliest stage of a project application for all projects not exempt from environmental review. For a non-exempt project, this means that the public is invited to comment no less than 7 weeks prior to the final hearing date. (See attached schedule.) The notice is posted at the site and consists of a large day-glow poster clearly delineating the proposed project application, location of the hearing and inviting *any and all persons interested in the matter to appear and be heard at the time of the hearing or provide written comments to the Community Development Department.*

Unfortunately, it not possible to post the agenda 30 day in advance of the hearing as suggested, because the agenda often changes during report production due to incomplete applications or plans or significant changes to the project that require a new public notice or a continuance. Similarly, continuances often result as a consequence of analysis of the project when project deficiencies are discovered. They are not simply made by the project applicant as suggested in the correspondence. Therefore advanced notice is not possible.

Proposed Additional Notification and Actions

Staff will implement the following good suggestions in the correspondence to promote public participation:

- Revise the public notice to include the Community Development Department operating hours, fax number and web site address under the section “for further information” to assist individuals who want to visit the department to review the project file, speak with a planner or review the web site. (See attached sample).
- The public notice will also be posted on the City’s web site.
- Ensure the web site is current with all Code sections and updated as required.

Sol Blumenfeld, Director
Community Development Department

Attachments

1. 2003 Planning Commission schedule
2. New public notification wording on mailed and published notice.