

CITY OF MOUNTAIN VIEW**ENVIRONMENTAL PLANNING COMMISSION****STAFF REPORT**

WEDNESDAY, SEPTEMBER 5, 2018

5. PUBLIC HEARINGS**5.1 Request for Zoning Text Amendments to Chapter 36 (Zoning Ordinance) of the City Code to Update the Gatekeeper Process and Noticing Requirements****RECOMMENDATION**

That the Environmental Planning Commission (EPC) recommend that the City Council approve Zoning Text Amendments to Chapter 36 (Zoning Ordinance) of the City Code related to an update to the Gatekeeper process and noticing requirements (see Exhibit 1—Resolution for Approval of Zoning Text Amendments).

PUBLIC NOTIFICATION

The Commission's agenda is advertised on Channel 26, the agenda and this report appear on the City's Internet website, and a notice for the item was published in the newspaper. A City Council meeting will be held regarding the proposed Zoning Text Amendments and interested parties will be notified.

BACKGROUND**Environmental Planning Commission Public Hearing**

On March 7, 2018, the EPC held a public hearing to recommend updates to the Gatekeeper process and other minor code amendments to Council. At this meeting, the EPC recommended approval of the updates to the Gatekeeper process and other minor code amendments, with some additional noticing requirements (see Exhibit 2—[City Council Report March 27, 2018](#)). The EPC recommended increasing the noticing requirements for Gatekeeper hearings to a minimum five hundred foot (500') radius for project sites less than two (2) acres and seven hundred fifty foot (750') radius for project sites greater than two (2) acres. They also recommended modifying the noticing time from a minimum of ten (10) days to fourteen (14) days before the Gatekeeper hearing.

City Council Public Hearing

On March 27, 2018, the City Council reviewed the EPC recommendations and adopted an ordinance related to an update of the Gatekeeper process and other minor Code amendments (see Exhibit 3—[Ordinance](#)). The ordinance included the City Council's direction to only exempt from the Gatekeeper process project sites with more than one (1) zoning district, under two (2) acres in total size, and owned by a single entity, if the proposed change is consistent with one of the site's existing land use designations or land use types. At this hearing, Council requested that staff return in the fall with additional draft Code amendments related to expanded noticing procedures and timelines for all public hearings, not just Gatekeepers.

At the second reading hearing for the Ordinance on April 24, 2018, Council directed staff to also study and bring back additional Gatekeeper exemption options for consideration in the fall which pertain to project sites less than two (2) acres in size, proposed for industrial to residential conversion, which may not be split-zoned.

ANALYSIS

In response to Council's direction at the March 27, 2018 and April 24, 2018 hearings, staff proposes the following amendments to the Gatekeeper process and noticing requirements. A summary of these amendments can be found in Exhibit 4—Summary of Draft Amendments.

Noticing Requirements

The current public hearing noticing requirements require that a written notice be mailed to property owners within a three hundred foot (300') radius of the project site a minimum of 10 days before the hearing. Based on Council direction, staff has prepared draft amendments which would require a notice be mailed to all property owners and tenants within a five hundred foot (500') radius for project sites less than two (2) acres and seven hundred fifty foot (750') radius for project sites greater than two (2) acres. This would be the requirement for all public hearings, including Administrative Zoning, Environmental Planning Commission, and City Council hearings.

Staff analyzed the potential costs associated with the increased noticing areas and found that the average total cost per project for a 300' notice is \$275. This cost varies depending on the location of the project site in the City and how many

properties surround it. If the noticing radius was increased, the total average noticing cost per project for a 500' radius would be \$400 and \$570 for a 750' notice. Noticing costs are billed to project applicants as part of their cost recovery accounts or are inclusive of the standard application filing fees.

Staff does not recommend the increase of the noticing period from 10 days to 14 days and this change is not included in the draft amendments. In staff's experience, the 10-day noticing time is appropriate for noticing and has been effective in allowing adequate time for notification to residents of hearing dates and an increase to this timeline will reduce the expeditious scheduling of projects for public hearings.

Gatekeeper Exemption

Based on Council direction, staff proposes an additional Gatekeeper exemption which would be applicable to industrial parcels, which are less than two (2) acres in size and abut existing residential properties, which are proposed for residential land use conversion. This is different than the other recently adopted exemption which pertains specifically to split-zoned properties less than two (2) acres in size which propose to change to one of the site's existing land use designations or types.

Exemptions to the Gatekeeper process does not exempt applicants from the Zoning Map Amendment or General Plan Land Use Designation Amendment processes which go through a planning permit process including a public hearing with the Environmental Planning Commission and City Council for decision. These exemptions only allow applicants to proceed with a Planning application for these changes without the Gatekeeper hearing and would still need to meet all the City requirements and public hearing procedures for the amendment(s) and associated development project.

ENVIRONMENTAL REVIEW

The action to modify Chapter 36 for minor updates to the zoning text is exempt from CEQA.

NEXT STEPS

Following a recommendation from the EPC at this public hearing, the proposed amendments and EPC's recommendation will be presented at a City Council public hearing tentatively scheduled for October 16, 2018.

CONCLUSION

Staff recommends that the EPC recommend Council approve the proposed amendments to the Gatekeeper process and noticing requirements.

ALTERNATIVES

1. Recommend approval of the Zoning Text Amendments with modifications.
2. Request additional information from staff and continue the item.
3. Recommend disapproval of the Zoning Text Amendments.

Prepared by:

Diana Pancholi
Senior Planner

Approved by:

Stephanie Williams
Acting Zoning Administrator

DP/7/CDD
807-09-05-18SR

- Exhibits:
1. Resolution for Approval of Zoning Text Amendments
 2. [City Council Report March 27, 2018](#)
 3. [Existing Ordinance](#)
 4. Summary of Draft Amendments