



Policy No. 84
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Council Policy Statement

Category:

Specific Subject: Development Project Public Involvement Policy

PURPOSE

To help ensure applicants proposing certain development projects are aware of and have considered input from interested and affected stakeholders prior to project consideration by city decision makers. The policy is intended to supplement and not replace or conflict with legal noticing requirements or any other required public involvement for development applications.

BACKGROUND

This policy provides a framework for project applicants to identify potentially interested and affected members of the public; provide additional opportunities for input; and report public input and how it was considered to city staff, stakeholders and city decision makers during the public hearing process.

A. EARLY PUBLIC NOTICE

The following requirements apply to **all** applications that require approval by the Planning Commission or City Council.

Mailed Notice

Applicants are required to send a public notice within 30 days of submittal of development applications. The early public notice shall be sent via first class U.S. Postal Service and include:

- A brief description of the proposed project, such as:
 - Project name
 - Address and nearest cross streets
 - The proposed use, number of dwelling units, project features, etc.
 - Building square footage(s)
 - Maximum height
- The applicant name, contact person, telephone number and email address.
- 8-1/2" x 11" site plan and building elevations.
- How the public can provide input.

Noticing Area

The applicant shall send the early public notice to:

- Property owners within a 600 foot radius of the subject property according to the latest equalized assessment rolls current as of the date of the application. If the 600 foot radius yields fewer than 20 properties, the project applicant shall extend the radius until 20 or more properties are reached.
- The homeowners association of which the subject property is a part (if any). Notice shall be mailed to both the property management company and HOA board of directors.
- Occupants within a 100 foot radius of the subject property in the Coastal Zone.

Project Sign

The project applicant shall post a project notice sign on the project site within 30 days of the application date. The project sign shall:

- Utilize a template provided by the City of Carlsbad.
- Be posted in the most publicly visible location on the subject property.

The project applicant shall sign and submit an affidavit that the notice was prepared and mailed and that the project notice sign has been posted in accordance with this policy.

B. ENHANCED STAKEHOLDER OUTREACH

Significant development applications require additional stakeholder outreach as described below.

1. Applicability

In addition to what is described in Section A, applicants shall complete enhanced stakeholder outreach for private or public entity development applications that require a discretionary permit approval by the Planning Commission or City Council and include any of the following:

- Residential development consisting of 50 or more residential lots or residential units
- Non-residential or mixed-use development project (residential and non-residential uses in the same building or on the same site) for a total of 50,000 square feet or more of habitable space
- A Conditional use permit (excludes Minor Conditional Use Permit)
- A development project that requires a variance (excludes minor variance)
- A development project that requires a General Plan amendment, zone change, a master plan or specific plan
- A development project that requires a major amendment to a master plan or a specific plan. (excludes minor amendment)
- A development project that requires an amendment to the Habitat Management Plan

The provisions of this policy shall not apply to permit applications for streamlined approval pursuant to SB35 (Gov. Code 65913.4).

2. Procedure

- **Notification:** The applicant shall, at a minimum, mail to the same parties listed in Section A, an invitation to participate in one or more outreach activities as described in Section B-3 below. The city encourages additional forms of notification (electronic, door-to-door, etc.) and notification to additional interested and affected parties. The invitation may be combined with the notice described in Section A at the applicant's discretion.
- **Stakeholder List:** In addition to those parties required to be notified in Section A of this policy, the project applicant shall maintain a contact list of all other parties who have requested to be notified about the project status and future opportunities for input. Notification requests may be made directly to the project applicant and/or to the city Planning Division, in which case such requests will be forwarded to the applicant for purposes of complying with this policy.
- **Timing:** The project applicant is required to follow the procedures of this policy following project application submittal. The application will be deemed incomplete until the requirements of this policy have been met. The applicant may choose to begin soliciting public input prior to the application submittal, however outreach conducted prior to submittal does not satisfy the requirements of this policy.
- **Documentation:** The project applicant shall document the public involvement that occurred, including information such as:
 - Copies of all noticing and informational materials provided to the public, noting the method and date of distribution.
 - Sign in sheets listing names of participants in outreach meetings, workshops or other events.
 - Stakeholder database.
 - Copies of comment cards, survey results, emails, letters and other comments submitted to the applicant.
 - A summary of the input received and the responses to those who participated in the public involvement, if any.
- **Completion:** Compliance with policy is fulfilled when noticing and outreach activities are concluded, and a written outreach report is filed with the city and accepted as complete by the City Planner. The development application will be deemed incomplete until the requirements of this policy are met.

3. Methods

The project applicant shall choose one or more methods that will give interested and affected members of the public a meaningful opportunity to provide input. A minimum 10 day notice in advance of an outreach event shall be given to stakeholders to ensure they have a reasonable opportunity to participate. Additionally, a minimum 10 days shall be given following an outreach event, such as a meeting, for stakeholders to provide comments and for comments to be collected by the applicant. The applicant may choose from among the methods below to

solicit public input with the goal of enabling the greatest number of stakeholders to provide meaningful input.

- A public meeting or open house held at a time and location accessible to most stakeholders.
- A project website that enables the public to learn about the project and understand how to provide input.
- An onsite meeting or information booth at or near the project site.
- A mailed informational packet with postage-paid mail-back comment form or survey.

Face-to-face meetings and open houses on or near the project site at times most likely to maximize participation (such as evenings and weekends) are encouraged. Other techniques may be acceptable, but the applicant should consult with the City Planner first before undertaking any activities not listed.

Regardless of method(s) used, at minimum, the applicant must provide:

- A project description (with graphics) sufficiently detailed but easy for a layperson to understand.
- An explanation of what permits are being sought.
- The expected timeframe and/or phasing of project construction.
- A description of the review/approval process.
- Project contact name and information.
- A description of how the public can provide input directly to the project applicant.
- The city project ID and city project planner and contact information.

4. Report

The project applicant shall submit an outreach report to the city's project planner assigned to the project documenting:

- The outreach that was conducted.
- Who was invited to participate and who did participate. This shall include at a minimum the notification of parties described in Section A, and stakeholders who requested to be on the stakeholder list. A typewritten list of all names and addresses of these parties and stakeholders shall accompany the report for city use for public hearing notification.
- A summary of issues discussed and what resulted from the discussion. Redundant or similar comments received multiple times may be summarized.
- What commitments were made or follow-up actions would be taken, if any.

The project applicant's written outreach report shall be kept as part of the city's project file. The project applicant shall provide a copy of the report (in print or electronic form) to any stakeholder that requests a copy of it. In addition, a copy of the report may be obtained from

the city, once accepted as complete. City staff shall include in the staff report to the Planning Commission or City Council a brief synopsis of the project applicant's outreach activities and results as documented in the outreach report, and may include the outreach report as an attachment.

5. Notes on Stakeholders and Noticing

Stakeholders who become aware of a project application after the project applicant has conducted early stakeholder outreach may still request to be notified regarding the project from city staff. However, the outreach report is not required to be updated once it has been accepted as complete by the city. It is at the project applicant's discretion whether to engage in additional stakeholder outreach once the requirements of this policy have been met.

Regular noticing by the city for public hearings is not a part of this process and would commence when the application is deemed complete and is scheduled for public hearings by city staff. Additionally, public notice and review requirements under other local ordinance, state or federal law are independent of and not fulfilled by the outreach requirements of this policy. This would include, but is not limited to requirements under Carlsbad Municipal Code, the California Coastal Act, the California Environmental Quality Act, or the National Environmental Policy Act.

6. Administration

The City Planner shall be responsible for administering this policy. The City Planner is authorized to create and modify forms, hand-outs and guidelines as he or she deems appropriate to effectively administer this policy.

The Planning Division shall maintain a list of applications subject to this policy and keep records of individuals and organizations who request to be notified of such applications, and shall furnish such records to project applicants for purposes of complying with this policy.

Within two years of the initial effective date of this policy, the City Planner shall review and report to the City Council as to its effectiveness, and provide a recommendation whether to continue the policy in its current or modified form. This policy shall remain in effect until modified or rescinded by the City Council.