

Discussion Item #1 Public Noticing, continued

BACKGROUND AND PURPOSE

The Planning Commission has identified the need to publicly notify residential rental tenants of proposed developments in their neighborhoods (in addition to property owners). This is to increase public awareness and involvement at a time of much growth and change. Additional needs identified are to notify property owners and tenants within neighboring jurisdictions for projects located adjacent to the City Limits, and, to provide greater language translation in notices. In 2015 the Policies and Procedures Committee directed staff to study ways to implement these goals. In 2017 staff reported back to the Committee on various alternatives and implications responsive to this (Attachment A). At that time the Committee provided feedback to staff which was helpful in furthering this effort.

Since that time, staff has begun notifying property owners in neighboring jurisdictions as a matter of practice albeit through a somewhat cumbersome process that involves applicants. Additionally staff has considered Committee feedback; culled all notification requirements within the Oakland Planning Code; surveyed use of contemplated processes among neighboring jurisdiction's Planning agencies; met with City GIS (geographic information system) and IT (information technology) staff to discuss needs and confirm current capabilities; met with vendors of appropriate software packages to view services and receive estimates consulted with administrative management staff regarding purchasing procedures; and discussed a work program.

Staff requests the Committee consider the following work program:

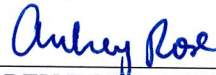
- The Planning and Building Department purchase a subscription to confirm suite numbers of multi-family apartments buildings (not condominiums, which is already covered) and property owners within neighboring jurisdictions. The purchase is necessary to provide a function that cannot currently be performed by staff given available technology. The purchase can be handled jointly with other City departments for cost sharing as well as the potential for some overlapping collaborations to avoid duplication of work;
- Incorporate notification of tenants (postcard to "Occupant," for example), and, other jurisdictions' property owners and tenants using previewed technology in conjunction with current Code-required processes (300' / 17 days). All notification is to be handled by City staff;

- Cease to involve applicants in the current or proposed noticing process, in order to avoid inconvenience to applications and cumbersome monitoring by staff;
- Increase language translation in existing and future notification processes;
- Study additional costs to be incurred by technology subscription and additional staff labor, and consider adjusting notification fees accordingly (currently, \$1,105.00); and,
- Issue a Zoning Code Bulletin by the Zoning Manager to formally outline the process.
- Staff to present next steps / implementation under a Director's Report at an upcoming Planning Commission hearing.

RECOMMENDATIONS:

Staff recommends the Policy & Procedures Committee consider this information; direct staff on a course of action or to return with additional information.

Prepared by:



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Reviewed by:


ROBERT MERKAMP
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Approved for forwarding to the Policy & Procedures Committee:


DARIN RANELLETTI, Deputy Director
Planning Bureau

ATTACHMENTS

A. April 19, 2017 Staff Report

Discussion Item #1 Public Noticing**BACKGROUND AND PURPOSE**

Staff was asked by the Policies and Procedures Committee at their April 2015 meeting to explore the possibility of providing greater notice to the residents of Oakland, particularly to tenants near development sites. Also, the City Attorney's office has informed us that we need to provide notice to at least all property owners within our standard mailing radius, even when that radius crosses the City of Oakland's boundary. Currently, our regulations require two steps: A) the City shall provide written notice to all property owners within 300 feet of the outer boundaries of the subject property and B) the City shall cause a bright yellow 2'x3' sign to be placed on the site to provide additional notice of the project to tenants and other passer-bys. Currently, the City does not keep a database of apartments or their addresses and has no information on properties outside the City limits.

In reviewing this, the City has sought to determine how other jurisdictions address this question and found a good deal of variability. Some cities do not provide notice to tenants, citing similar limitations such as software. The City of San Jose for example, does notice tenants as well as homeowners, by using a commercial software program called MapInfo which is apparently effective at this. An initial check of this software shows it has promise but that it would also require the City to seek competitive bids and would need to go through our IT department.

The City of Berkeley appears to follow a different procedure. They do notice tenants but their process is more manual and labor intensive and involves staff visiting sites in the area to document the number and addresses of apartments. This approach may be workable in a city like Berkeley, which is smaller in both population and geography but we're concerned that this method would be too impactful on our staffing resources, particularly if we're going to continue to sustain the volume of permits we are currently receiving. However, this cost could be covered by revising permit application fees.

Another approach has also been tried lately, in response to a large project on the City's border. At this point, it was identified our technology did not enable us to provide notice across our jurisdictional boundary. The City asked the applicant to do the work on finding the correct addressing information and providing it to us to complete the mailing. We now require applicants to do this on all proposals where there are property owners in other jurisdictions who are within 300' of the mailing radius of a project. One solution to this topic might be to simply require our applicants to provide the mailing labels for each project that comes in. Currently they pay a fee of \$1,105.00 and we handle the rest of the process internally. The City sees pros and cons to this approach. It effectively externalizes a good deal of the labor involved in the production of mailings, although some of that time would come back to us as we'd have to QC the mailing submittal for accuracy.

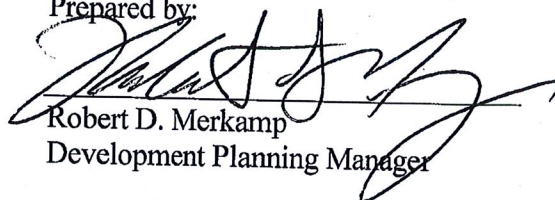
In summary, the City has found broadly four different categories for public noticing of tenants and adjacent jurisdictions:

- A) Notice property owners only,
- B) Invest in software that can provide the required noticing,
- C) Manually identify tenant sites and properties in adjacent jurisdictions,
- D) Require project sponsor to provide the data.

From staff's perspective, options B and D would be the most advisable paths forward if we were to change the scope of our notification system from what exists today. Searching for a technological answer allows us to control the process, allows us to notify tenants as well as owners and tenants and should also allow us to provide notice across City borders as the systems are not concerned with data for just one jurisdiction. A drawback to this is the City would need to seek a competitive bid for software vendors offering this service and would need to work closely with our IT department, a separate agency within Oakland. This is doable but is also likely to be a slow process to implement. One other concern we must acknowledge is that by increasing the scope of our mailings, we're increasing the size of those mailings and impacting the ability of our personnel to work on other tasks. Our staffing levels are still recovering from the depths of the recession; we're still understaffed compared to that time period due to a cycle of retirements. Option D is also appealing as it should reduce the overall workload on our staff by shifting some of that labor onto our applicants. The PPC should bear in mind that when we say "overall workload" it means we'll be moving the workload from support staff who oversee all the aspects of the mailings, including identifying property owners who should receive notice, it will shift additional workload to the case planner who would be expected to perform a quality check on the labels themselves.

Today staff would like further feedback from the Policies and Procedures Committee on the methods outlined above as well as other techniques individual committee members might be aware of. City staff sees many benefits to expanding our public noticing in general and reaching a more complete set of our residents than we currently do. We recognize these benefits while being mindful of our human and technological limits; we will closely consider those factors before deciding on that course of action.

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