



STAFF REPORT TO THE CITY COUNCIL

DATE: March 18, 2019

TO: Members of the City Council

SUBMITTED BY: Holly Smyth, AICP, Planning Director

SUBJECT: Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-01 related to Noticing Requirements

RECOMMENDED ACTION:

Conduct a public hearing and consider waiving the First Reading and introducing an Ordinance approving Zone Text Amendment #ZTA 19-01 amending Hercules Municipal Code 13-44.200 – Application Processing and Hearing Notice.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

On March 18, 2019 the Planning Commission held a public hearing and adopted the attached Planning Commission Recommending Resolution #19-01 (Attachment 2), which reflects recommended modifications to Hercules Municipal Code Section 13-44.200. In addition to some areas that Council wanted modified, the Planning Commission provided additional suggested modifications to a) remove the owner list being provided by the applicant and b) add the posting at 3 locations to public places for all projects, not just ones with more than 1,000 notifications, to reflect normal internal processes being followed.

DISCUSSION:

City Council last talked about this item at their regular meeting of February 26, 2019, where they referred the item to the Planning Commission to clarify that the authority to provide additional noticing pursuant to California Government Code Section 65090 be spelled out in more specific terms in Section 13-44.00 of the Hercules Municipal Code.

The attached draft Ordinance (Attachment 1) incorporates the recommendations of the Planning Commission, city staff, and the City Attorney for Council's consideration. The two additional suggested changes by the Planning Commission have been highlighted in yellow. These changes reflect the City's current general practice, and staff believes that specifying the change related to posting at three locations which reflects current practice would not be problematic. However, at this time staff does not recommend the second change proposed by the Commission to delete the requirement that the owner provide the mailing list. While our current practice is to generate the list internally, there may be reasons in the future to require the owner to do so. While we can always continue to waive this requirement, the provision should remain in place in the event we are in the future unable to generate the list internally for any reason.

ATTACHMENTS:

- 1 Draft Ordinance amending HMC Title 13-44.200 with Exhibit A
- 2 Planning Commission Recommending Resolution #19-01