

RESOLUTION NO. 19-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE UPDATING THE ZONING ORDINANCE RELATED TO ADDITIONAL NOTICING

WHEREAS, on February 26, 2019 the City Council of the City of Hercules discussed the current noticing process and wanted to clarify what is already allowed by the California Government Code Section 65090 and wanting to bring that clarity to the City's Zoning Code; and

WHEREAS, according to Zoning Ordinance Section 13-52.200, City Council action can request the Planning Commission to consider an amendment to the Zoning Ordinance at a public hearing; and

WHEREAS, at February 26, 2019 Regular Council Meeting, the City Council provided a framework of policy modification they would like to see considered to ultimately incorporate into the Zoning Ordinance; and

WHEREAS, it can be seen with certainty that there is no possibility that the Amendment may have a significant effect on the environment and is thus categorically exempt from the California Environmental Quality Act ("CEQA") [State CEQA Guidelines Section 15061(b)(3)]; and

WHEREAS, the Planning Commission did hold a properly noticed public hearing on March 18, 2019 to consider Council's direction to modify the Noticing provisions of the Zoning Ordinance requiring a Zoning Text Amendment, and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth;

NOW, THEREFORE, BE IT RESOLVED:

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Planning Commission, based on its independent judgment and analysis, finds that there is no substantial evidence that the Amendment will have no significant effect on the environment based on the whole record before it.
3. After due study, deliberation, and public hearing, the Planning Commission finds and determines that the Zoning Text modification is:
 - a) consistent with the General Plan
 - b) would not be detrimental to the health, safety, welfare, and public interest of the City, and
 - c) is internally consistent and does not conflict with the purposes, regulations and required findings of the Zoning Ordinance.
4. The Planning Commission recommends that the City Council approve an Ordinance approving and adopting Zone Text Amendment ZTA 19-01 updating the Zoning Ordinance related to noticing per the attached document (Exhibit A).

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF HERCULES on this 18th day of March 2019, by the following votes:

AYES: Galieva, Morrison, Rubio, Sacramento, and Tolley

NOES: None

ABSENT: None

ABSTAIN: None

Irena Galieva, Chairperson

ATTEST:

Holly P. Smyth, AICP
Planning Director & Planning Commission Secretary

Exhibit A - Proposed Modification to Hercules Municipal Code (Zone Text Amendment 19-01)

EXHIBIT A

Proposed Modifications to Hercules Municipal Code (Zone Text Amendment 19-01)

Sec. 13-44.200 (3) and (4) -Application Processing and Hearing Notice

3. Written notice of the hearing shall be mailed or delivered to all property owners within 300 feet of the property subject to the hearing not less than 10 days prior to the public hearing. ~~The list of owners within 300 feet along with adequate mailing labels to notice the required public hearings shall be prepared by the applicant and shall accompany the application using for this purpose the last known name and address of owners as shown in the current tax assessor's records.~~ Additional notice may be required by the Planning Director when in a particular case circumstances warrant such additional notice. Such additional notice may include but is not limited to: extending mailed notice to beyond 300 feet of the property; providing notice to tenants in addition to the notice required to be provided to property owners, and; utilizing additional means of notification in addition to mailed notice.

Whenever the Planning Director decides in his or her discretion to require additional notice, the reason for imposing the additional notice shall be provided to the applicant, and shall be included in any staff report to the Planning Commission and City Council.

4. Post the notice of public hearing not less than 10 days prior to the public hearing in at least 3 public places within the boundary of the City including 1 area directly affected by the proceeding.

If the number of property owners to be notified exceeds 1,000, the City may in lieu of mailing notices provide notice by placing a display advertisement of at least one-eighth page in length in at least 1 newspaper of general circulation within the City and post notice of the hearing not less than 10 days prior to the public hearing in at least 3 public places within the boundary of the City including 1 area directly affected by the proceeding.

The public notice shall include the date, time, and place of public hearing, the name of hearing body, a general explanation of the matter to be considered, and a general description in text or diagram of the location of the property subject to the hearing. The notice should also include a statement that any interested person is invited to appear to address or object to the application in question and a statement of appeal procedures and time limits. [Ord. 515 § 2, 2018; ZO § 44.200.]