

## Neighborhood Contact Code Update PSC Work Session on 8/28/18

Topic	Potential Amendments Identified by PSC	Text to be adopted (highlighted text shows divergence from original proposal)
<b>1. Thresholds for Notice and Meeting</b>	<p>Testimony was submitting requesting that the thresholds for the notice and the meeting revised, both upward and downward and with different threshold variables.</p> <p><b>Choices</b></p> <ul style="list-style-type: none"> <li>A: Lower thresholds</li> <li>B: Raise thresholds</li> <li>C: No change – keep notice threshold at 10K and meeting threshold at 25K</li> </ul>	
<b>2. Meeting Requirements</b>	<p>Commissioner Smith proposed an amendment that would revise the meeting requirements to:</p> <ul style="list-style-type: none"> <li>• Include in the list of recipients of the notes from the meeting: business association and meeting attendees who provide an email or postal address</li> <li>• Specify that the meeting must be held within the boundary of the district neighborhood coalition</li> <li>• Add requirement that the meeting be scheduled at a time that does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting by agreement with the neighborhood association</li> </ul> <p><b>Staff Response</b></p> <ul style="list-style-type: none"> <li>• Staff can support the first part of the amendment, though we prefer that the “who provide an e-mail or postal address” language be removed. It could create confusion over who provided an email or postal address that BDS would be unable to resolve.</li> <li>• Staff can support the second part of the amendment.</li> <li>• Staff do not support the third part of the amendment. It could create confusion over which neighborhood association counts, which meetings count, what “scheduled” means, and what “by agreement” means.</li> </ul> <p><b>Choices</b></p> <ul style="list-style-type: none"> <li>A: Adopt the amendment to add specificity in code</li> <li>B: Encourage BDS to provide strong support to applicants and members of the public to make the meetings successful.</li> <li>C: No change</li> </ul>	<p><b>33.705.020.B.</b></p> <p><u>3. Meeting. The applicant must schedule and attend one public meeting. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association and any meeting attendees who provide an e-mail or postal address before an application for a land use review or building permit can be accepted. The meeting must:</u></p> <ul style="list-style-type: none"> <li>a. <u>Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs B.2. and B.3.</u></li> <li>b. <u>Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the neighborhood coalition in which the proposed development is located;</u></li> <li>c. <u>Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 9 a.m. and 6 p.m. on Saturday or Sunday and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting by agreement with the neighborhood association; and</u></li> <li>d. <u>Be open to the public.</u></li> </ul>
<b>3. Purpose</b>	<p>Commissioner Rudd proposed an amendment to the purpose statement of the Neighborhood Contact process to replace the words “the community” with “members of the community”</p> <p><b>Staff Response</b></p>	<p><b>33.705.010 Purpose</b></p> <p><u>The neighborhood contact process provides an opportunity for people who live, work or otherwise pass by a development site to learn about a project before construction begins. The neighborhood contact steps provide an opportunity for members of the community to provide feedback to the property owner or developer on the design and other aspects of the development. In most cases, the neighborhood contact steps involve a sign posted on the site, but in some larger development scenarios, the property owner or</u></p>

	Staff can support the proposed amendment.	<u>developer will be required to host a public meeting. While the neighborhood contact outreach steps are required prior to submitting for a land use review or building permit, any feedback provided to the property owner or developer is informal and non-binding. By engaging with members of the community early, prior to applying for a review or permit, the property owner or developer has an opportunity to tailor the proposal in response to community comments, ideas or concerns.</u>
<b>4. Sign Content</b>	<p>Commissioner Spevak proposed an amendment to require that the sign specify by-right vs discretionary status of project.</p> <p><b>Staff Response</b> Staff do not support the proposed amendment. The intent of the Neighborhood Contact requirement requires that it take place early enough in the development process that the applicant can reasonably consider making changes to the project in response to feedback. During this early period, the applicant may not know whether the project will require a discretionary review process, and the specificity is not appropriate.</p> <p><b>Choices</b></p> <p><b>A:</b> Adopt the amendment to add specificity in code <b>B:</b> Encourage BDS to provide clear information on the sign about the way that development projects might proceed. <b>C:</b> No change</p>	<p>Add to sign requirements in <b>33.705.020.A.2.e</b> and <b>33.705.020.B.2.f</b></p> <p><u>(7) Information about whether the proposed development is anticipated to use a by-right development permitting process or a discretionary process.</u></p>
<b>5. Time Limit on Exemptions</b>	<p>Commissioner Spevak proposed an amendment to establish a time limit for the LU exemption in the base zones.</p> <p><b>Staff response</b> Staff do not support the proposed amendment. There is a three-year time limit on land use reviews that already applies. If a development project reapplies after the land use review expires, it is considered to be a new development proposal, and the exemption from Neighborhood Contact would no longer apply. Adding an additional time limit is confusing.</p>	<p><b>33.110.050.A.2</b> <b>33.110.050.B.2</b> <b>33.120.050.A.2</b> <b>33.120.050.B.2</b> <b>33.130.050.A.2</b> <b>33.130.050.B.2</b> <b>33.140.055.A.2</b> <b>33.140.055.B.2</b> <b>33.150.060.B.1.b</b> <b>33.150.060.B.2.b</b></p> <p><u>Exemption. If the proposed development has already fulfilled the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements unless more than two years has passed since the land use review became final. If more than two years has passed since the land use review became final, the neighborhood contact requirements must be met.</u></p>
<b>6. Online Access to Information</b>	<p>Commissioner Smith proposed an amendment to revise the purpose and requirements of the Neighborhood Contact process to include:</p> <ul style="list-style-type: none"> <li>• Adding online accessibility to the purpose statement</li> <li>• Requiring the applicant to provide information to an online tool</li> <li>• Requiring that the submitted information be made available as a web page, as an open data set, and in a subscription format</li> </ul> <p><b>Staff Response</b> BPS and BDS staff do not support this amendment. While we support the policy direction in general, the zoning code regulates development and is not the right tool to set administrative procedure for BDS.</p>	<p><b>Choice A: Commissioner Smith’s Proposed Amendment</b></p> <p><b>33.705.010 Purpose</b> <u>The neighborhood contact process provides an opportunity for people who live, work or otherwise pass by a development site to learn about a project before construction begins. It makes the same information accessible online to interested community members. The neighborhood contact steps provide an opportunity for the community to provide feedback to the property owner or developer on the design and other aspects of the development. In most cases, the neighborhood contact steps involve a sign posted on the site, but in some larger development scenarios, the property owner or developer will be required to host a public meeting. While the neighborhood contact outreach steps are required prior to submitting for a land use review or building permit, any feedback provided to the property owner or developer is informal and non-binding. By engaging with the community early, prior to applying for a review or permit, the property owner or developer has an opportunity to tailor the proposal in response to community comments, ideas or concerns.</u></p>

<p>Choice B is revised to more effectively implement the desired outcome from the original proposal. It specifies which entity is responsible for making information available and removes reference to administrative rules and the open data ordinance. The information provided on the sign must be in the zoning code and cannot be in an administrative rule, and reference to the open data ordinance is legislative intent behind the code, not the regulation itself. The reference to the open data ordinance can be included in the commentary supporting this amendment.</p> <p>Choice C provides a mechanism to get BDS the information that would be needed for online publication of information, while retaining flexibility for how that is done.</p> <p><b>Choices</b></p> <p><b>A:</b> Adopt Commissioner Smith’s proposed amendment  <b>B:</b> Adopt staff-revised version of A  <b>C:</b> Adopt staff-preferred approach  <b>D:</b> No change</p>	<p><b>New 33.705.020 (A) (3), duplicated as new 33.705.020 (B) (3), with existing 33.705.020 (B) (3) renumbered to (4):</b></p> <p><b>3. Online Access:</b></p> <p><b>a.</b> Applicant must provide the same information required for the sign, or as otherwise defined by administrative rule, to an online tool.</p> <p><b>b.</b> Submitted information will be available as a web page, as an open data set under the auspices of the City’s Open Data Policy (ORDINANCE No. 188356) and in a subscription format such as an RSS feed or an e-mail subscription.</p> <p><b>Choice B: Staff Revision of Choice A</b></p> <p><i>Add to 33.705.020.A Neighborhood Contact I</i></p> <p><b>3. Online Access:</b></p> <p><b>a.</b> The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:</p> <p>(1) The name, telephone number, and email address of the applicant;</p> <p>(2) The address of the site of the proposed development;</p> <p>(3) A summary of the proposed development; and</p> <p>(4) A site plan that includes the proposed development.</p> <p><b>b.</b> The Bureau of Development Services must make the information required by Subparagraph A.3.a available as a web page, as an open data set, and in a subscription format such as an RSS feed or an e-mail subscription.</p> <p><i>Add to 33.705.020.B Neighborhood Contact II</i></p> <p><b>4. Online Access:</b></p> <p><b>a.</b> The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:</p> <p>(1) The name, telephone number, and email address of the applicant;</p> <p>(2) The address of the site of the proposed development;</p> <p>(3) A summary of the proposed development; and</p> <p>(4) A site plan that includes the proposed development.</p> <p><b>b.</b> The Bureau of Development Services must make the information required by Subparagraph B.4.a available as a web page, as an open data set, and in a subscription format such as an RSS feed or an e-mail subscription.</p> <p><b>Choice C: Staff-Preferred Approach</b></p> <p><b>33.705.020.A Neighborhood Contact I.</b> Neighborhood contact I requires the following notification and posting steps:</p> <p><b>1.</b> Notification. The applicant must contact the Bureau of Development Services, neighborhood association, district neighborhood coalition and business association within whose boundaries the proposal is located via email or mail. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. The Bureau of Development Services will electronically publish the submitted information. The email or letter must contain the following information:</p> <p><b>a.</b> The name, telephone number and email address of the applicant;</p> <p><b>b.</b> The address of the site of the proposed development;</p> <p><b>c.</b> A summary of the proposed development; and</p>
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<p><b>7. Staff Amendments</b></p>	<p>Staff propose a set of amendments (attached) correcting omissions and inconsistencies and clarifying implementation.</p> <p><b>Choices</b></p> <p><b>A:</b> Adopt all staff amendments  <b>B:</b> Pull amendment(s) off the list for discussion and adopt the rest as a set  <b>C:</b> No change</p>	<p><i>See attached list</i></p>