



How to Review a Development Proposal

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“Police Power”

The legal basis for all land use regulation:

“to protect the health, safety and welfare of its residents.”



Decision Framework . . .

- Federal
 - National Environmental Protection Act
 - Endangered Species Act
 - Clean Water Act
 - Clean Air Act
 - Federal Emergency Management Agency
 - Secretary of the Interior Standards
 - Federal Court Decisions



Decision Framework . . .

- State
 - Planning and Zoning Law
 - Subdivision Map Act
 - California Environmental Quality Act (CEQA)
 - Permit Streamlining Act
 - Ralph M. Brown Act
 - Political Reform Act
 - Mitigation Fee Act
 - State Court Decisions



Decision Framework . . .

- Local
 - General Plan
 - Zoning Ordinance
 - Other Plans and Ordinances
 - Design Guidelines
 - Environmental Guidelines
 - Application Submittal Requirements



Typical Development Review Process

- Staff/Applicant Meeting(s)
- Application Submittal
- Completeness Review
- CEQA Assessment/Determination
- Public Notice
- Staff Report and Recommendation
- Public Hearing/Decision/Appeal
- Post Approval Condition and Mitigation Monitoring



Decision-Making Roles & Responsibilities

- Staff
 - Guide
 - Coordinate
 - Facilitate
 - Analyze
 - Interpret
 - Recommend
 - Monitor



Decision-Making Roles & Responsibilities

- Planning Commission
 - Assess
 - Compare
 - Check
 - Evaluate
 - Consider
 - Discuss
 - Act



Decision-Making Roles & Responsibilities

- Public
 - Engage
 - Evaluate
 - Reflect
 - Understand
 - Support



Reviewing an Application

- Read
- Reflect
- Ask
- Be Prepared to Act
- Keep an Open Mind



The Packet

- Staff Report
- Environmental Assessment/Determination
- Plans and Elevations
- Tentative Map
- Colors and Materials
- Other Supplemental Information



So Many Questions; So Little Time . . .

- Technical
- Procedural
- “Big Picture”



Technical

- Consistent with General Plan and Zoning Ordinance?
- Efficient access and parking?
- Compatible with surrounding neighborhood/uses/structures?
- Appropriate and feasible environmental mitigations?
- Conditions address all issues?



Procedural

- Properly noticed?
- Brown Act compliance?
- Political Reform Act compliance?
- Appropriate and constructive public participation?
- Decision consistent with applicable law?
- Clear, well-supported findings?



“Big Picture”

- Are community needs being met?
- Does the project enhance the community today and in the future?
- Does the decision reinforce a sense of place and community?
- Was the decision thoughtful, fair and consistent?
- Did the process and decision advance the quality of the working relationship between staff, the Planning Commission and the public?



Conclusions

- Hard Work
- Teamwork
- The Last Word (the City Council)



Resources

- Barkley, "Curtin's California Land Use and Planning Law", Solano Press Books, 2010.
- Institute for Local Self Government, "Understanding the Basics of Land Use and Planning", 2010.
- Institute for Local Self Government, "Understanding the Basics of Land Use and Planning: The Nuts and Bolts of Project Review", 2010.
- Institute for Local Self Government, "Understanding the Basics of Land Use and Planning: Glossary of Land Use and Planning Terms", 2010.