How to Review a Development Proposal

Mike Moore
Planning and Building Director
City of Mill Valley

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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