



THE DEVELOPMENT PROCESS

WHAT HAPPENS BEFORE &
AFTER THE PUBLIC
HEARING

MODERATOR:

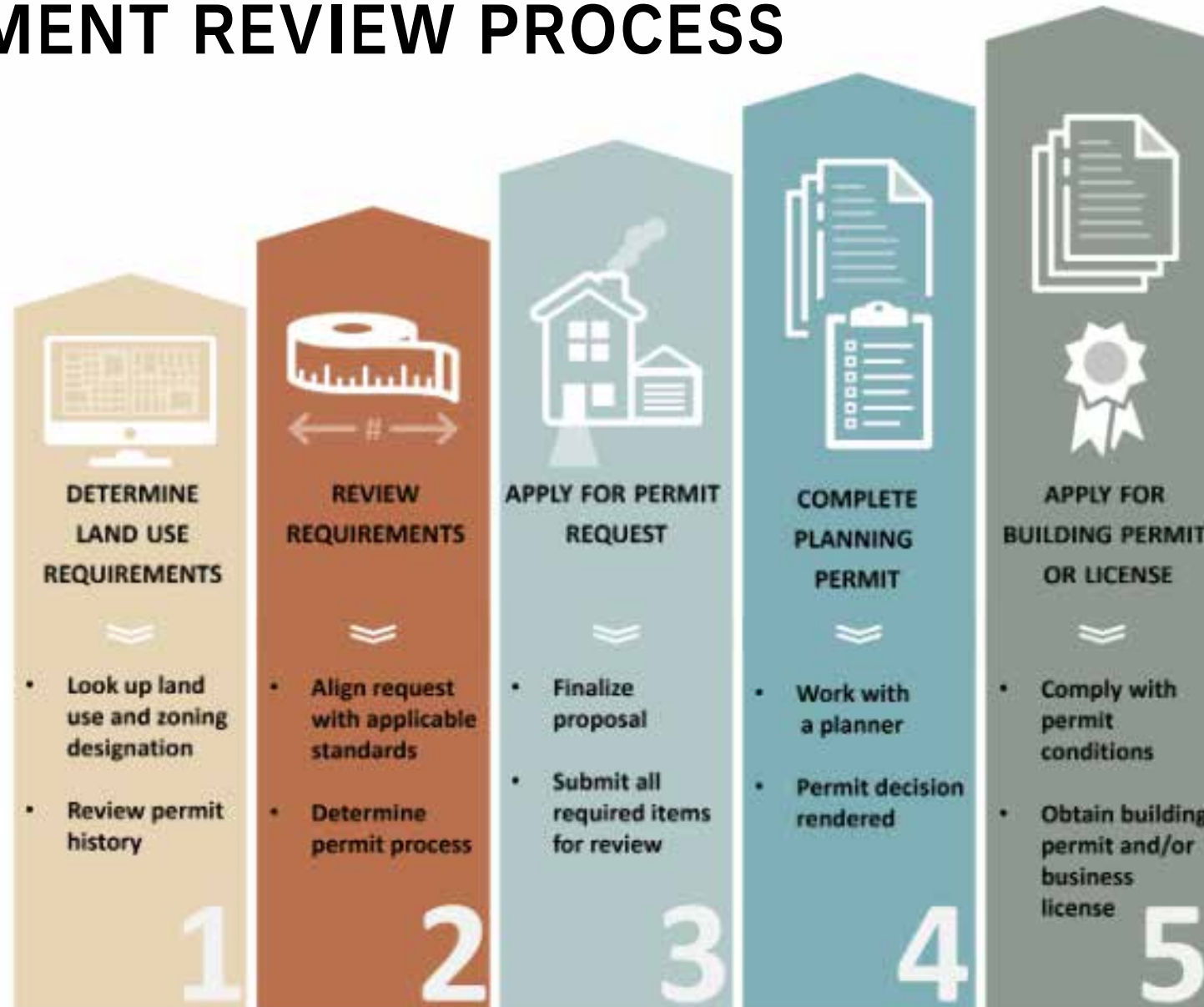
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City of Brea

DEVELOPMENT REVIEW PROCESS



VARIES FROM CITY TO CITY



REGULATORY FRAMEWORK

STATE REGULATIONS:

- Permit Streamlining Act
- California Environmental Quality Act (CEQA)
- Housing Crisis Act (SB-330)
- Housing Accountability Act (HAA)
- Density Bonus Law
- AB130/SB131 (CEQA Infill Exemptions)



REGULATORY FRAMEWORK

LOCAL REGULATIONS:

- General Plan
- Specific/Area/Precise Plan(s)
- Zoning Code

TYPES OF REVIEW

By-Right or Ministerial Approvals

- Project meets all development standards and zoning regulations

Administrative Approvals

- Common Projects Reviewed: Single-Family Dwellings, improvements under a specified size threshold. (Minor Design Review Permits, etc.)
- Typical Administrative Review is completed by Planning Staff or the Zoning Administrator

TYPES OF REVIEW

Discretionary Approvals

- Common Projects Reviewed: Multi-Family Developments, Commercial Developments, improvements over a specified size threshold. (Major Design Review Permits, Conditional Use Permits, Variance, Coastal Development Permits, etc.)
- Typical Discretionary Review is completed by Design Review Board and/or Planning Commission



BEFORE THE HEARING

Before the Submittal:

- What, Where, How long, How much?
- *Ugh..... Another three-story townhome?*

Application Submittal:

- It needs to be complete
- State law now limits on the number of times a housing application can be considered incomplete

BEFORE THE HEARING

Application Review, Revise, Review, Revise:

- It needs to be consistent with General Plan and Zoning (unless it's Builder's Remedy)
- City Departments, Regional/State Agencies
- Limited number of reviews



BEFORE THE HEARING

Application Review, Revise, Review, Revise, Review

- **Getting to YES** – It's a process!
- It's also a partnership with the applicant & neighbors: *How can we tweak this?*... balancing what the owner/market wants, the code allows, and what the community desires
- Where can staff push?
- **CEQA** – It can be a LONG and expensive process but changing with new streamlined exemptions like AB130

BEFORE THE HEARING

Application Review, Revise, Review, Revise, Review

- With housing projects, California law allows a number of ways to deviate from:
 - Zoning requirements
 - Objective Standards
 - Design standards
- If utilizing Density Bonus Law, housing projects are entitled to receive unlimited waivers to these standards
- Relationship building is important to creating collaboration (with all the new laws, that's all staff really has)



CASE STUDY

Case Study – City of Campbell Tap Room

Initial Pre-application



Project Features:

- 6,643 SF Beer pub / Tap Room
- 3 Stories with a rooftop patio

Reviewed by Planning Commission



Modifications / Challenges

- Fire Code – Rooftop Access
- Construction Costs
- 2,900 SF
- 2 Stories

BEFORE THE HEARING

CEQA

- Is the document complete? Did circulation happen? Were all comments responded to?

Meeting Notice

- Coordinating public hearing notices with CEQA notices
- New 20-day notice requirements for Planning Commission review of ordinances

BEFORE THE HEARING

Scheduling / Cancellations

- There are too many items on the agenda / First Come, First Served
- The applicant is out of town
- We don't have a quorum

The Packet

- Scramble to address last minute public input
- Technology Glitches



AT THE HEARING

Tips from Staff (for a smooth process)....

- Use staff as a resource before the hearing (ask questions!)
- Staying within the four corners of the project and findings required
- Thinking of a different motion / modification?
 - Plan for potential changes in advance
 - Contact Staff so they can run through process / requirements with City Attorney



AFTER THE HEARING

Is Planning Commission final approval?

- Conditions of Approval
 - Enable staff to continue working with the applicant on specific aspects of the project
 - May include other agreements like Inclusionary Housing Agreement
 - CEQA Mitigations
- Appeal Period
- Tracking Annual Review requirements



AFTER THE HEARING

Did Planning Commission make a recommendation?

- Scheduling, Noticing and Packet Preparation start all over again
- Coordination with City Clerk's office
- If the Commission approved a Tentative Map, the Final will likely come to City Council for approval

AFTER THE HEARING

Impact Fees

- Depending on the City, sometimes these are paid at the building permit stage or at Certificate of Occupancy
- Big ticket item in greenfield cities

Permits issued, construction begins

- Sometimes paused due to issues in the field or funding

Building finals

- All conditions of approval met
- All departments sign “blue card”
- Final payments to City received



CASE STUDY

CITY OF BREA

Brea Plaza Residential – 2021 Project



Project Features:

- 161 Units approved (Original: 220 = 189 + 15 co-living)
- 13,800 SF – Commercial Addition (Original: 21,355 SF)
- 394 Parking Spaces 4-story (Original: 3 level = 397 spaces)
- 83 feet in height (Original: 89 feet in height)
- Additional benefits: \$25K to local park, \$75K to local schools

Brea Plaza Residential - 2024 Project



Project Features:

- 120 units approved (Density Bonus Application)
- 15,520 SF – Commercial Addition
- 95 Parking Spaces 2-story
- 64 feet in height
- No additional Community Benefits

CITY OF BREA

Lessons/Keys:

- Balancing listening to community concerns vs. developer
- Community Benefits vs. Project Impacts
- State Laws – Housing focused
- Existing Property Rights
- Referendum
- Costs



Q & A