

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Best Practices by
Jurisdictions and Architects

JANUARY 2009

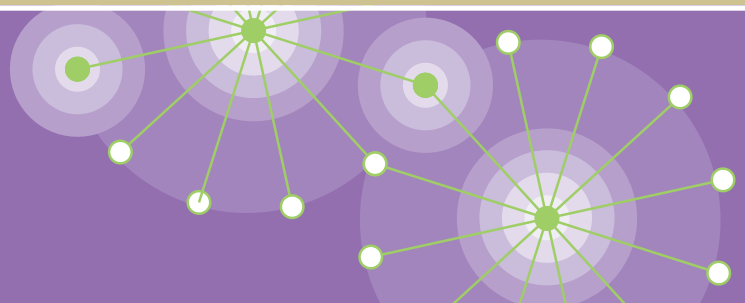
Comissioned by
The AIACC Capitol Forum Housing and Hospitality
Practice Group



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PREFACE

The California Environmental Quality Act (CEQA), enacted in 1970, was originally intended to apply only to public projects. Today, following numerous revisions and interpretations by the California Supreme Court, it applies to nearly all projects in California.

CEQA is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. It applies to any projects undertaken by either a public agency or private activity which 1) must receive some discretionary approval from a government agency, and 2) which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Environmental impacts may be disclosed in Environmental Impact Reports (EIR) or Negative Declaration (no EIR required). Some projects may be exempt by operation or included in a list of Categorical Exemptions. The complexity of CEQA requirements often adds time and expense to proposed projects, and the lack of clear definitions may lead to litigation by special interest groups.

The Capitol Forum Housing and Hospitality Group commissioned this 2008 report as a response to CEQA impacts on projects at member firms. The purpose of the study is to identify “best practices” employed by architects, planners and jurisdictions which, when implemented, facilitate the process and result in better outcomes. Content of the report is based on interviews with architects, planners, EIR consultants and various government officials involved with implementing CEQA.

Anecdotal evidence suggests that it is possible to realize faster turnaround times, reduce costs, improve community relationships and complete more projects. Success stories from five California jurisdictions, each employing different yet effective approaches, clearly illustrate the opportunities for improvement.

Additionally, interviews with AIACC members for this report demonstrate that architects can implement certain “best practices” internally to mitigate many of the CEQA challenges for themselves, and for their clients.

The Capitol Forum Housing and Hospitality Group is publishing this report to stimulate ideas and generate discussion among AIACC members, planners, consultants and other stakeholders in the belief that such discussion will result in positive process innovations. A debt of gratitude is owed to the many professionals who helped make this report possible.

CEQA BEST PRACTICES BY JURISDICTIONS AND ARCHITECTS

OVERVIEW

Local jurisdictions, as lead agencies, conduct the environmental review process for CEQA and make the final decisions on development projects. This often requires a delicate balancing act between the desire to preserve the environment and status quo with the need for critical growth and development. Projects that must pass CEQA review include affordable housing, public institutions and commercial development.

Challenges to implementing CEQA are numerous. Although most jurisdictions seek a combination of dense urban development with substantial open space, various stakeholders within the community may object to any proposed development plan. CEQA interpretations that can vary by jurisdiction and agency, new amendments, and abuses by special interest groups are common. Emerging impacts, such as toxic air and global warming, are difficult to qualify and apply to current projects. To compound the problems, jurisdictions may face litigation and severe consequences if found negligent in adhering to perceived CEQA requirements.

Some jurisdictions, overwhelmed and understaffed, make repetitive requests for information, ask for substantial design revisions and are slow to review documents. This can delay approvals for months, even years. Meanwhile, the additional fees for studies, consultants and mitigations can add millions of dollars to construction costs. The result is that when worthwhile, even critical projects, such as hospitals and affordable housing face extended delays and huge cost overruns, developers withdraw the applications. When this occurs, communities lose much needed revenue, services and support.

Other jurisdictions, typically the more pro-growth and pro-development communities, have learned how to manage the process, minimize inconsistencies and use effective communication to bring about order from

chaos, and progress from stagnation. These jurisdictions, by using a variety of “best practices” have implemented significant improvements while effectively maintaining the integrity of the Act.

The Capitol Forum Housing and Hospitality Group believes that identifying and implementing “best practices” will facilitate CEQA approvals and streamline the process for AIACC member firms and their clients; therefore this report focuses on the following three areas:

1. Best Practices by Jurisdictions
2. Case Studies: Best Practices in Five California Jurisdictions
3. Best Practices by Architects

The following “best practices” are a compilation of suggestions offered by AIACC members, planners and consultants. Contributors were identified through a variety of sources including referrals from Capitol Forum members and respondents to an AIACC CEQA Survey conducted in October, 2007.

BEST PRACTICES BY JURISDICTIONS

The following suggestions for “best practices by jurisdictions” are taken from interviews with architects, EIR consultants and city/town planners experienced with navigating the CEQA process. Architects, often caught between client expectations and planning department requirements, turn to EIR consultants who work with planners and jurisdictions to identify and mitigate concerns in a timely manner.

Art Danielian, FAIA, Danielian Associates and a member of the Capitol Forum Housing and Hospitality Practice Group, suggested The Planning Center, a multidisciplinary planning firm located in Costa Mesa, as an excellent source of information. The Planning Center has been working to educate both jurisdictions and stakeholders on best practices to implement, manage and streamline CEQA requirements. Here are their recommendations:

- Appoint project leaders to each applicant for the duration of each application. The leader is in constant communication with both the city and the applicant, manages timelines, issues comments, coordinates departments and is the point person for responding to questions and resolving conflict. This eliminates time consuming redundancy and removes the inconsistencies which can slow the process considerably.
- Use categorical and statutory exemptions whenever possible. These exemptions are CEQA approved and are designed to streamline the process where applicable. Larry Paul, AIA, has used these exemptions very effectively in San Francisco. Individual jurisdictions may not be aware of all exemptions currently available. A complete list can be found at http://ceres.ca.gov/ceqa/guidelines/15300-15333_web.pdf
- Undertake early public reviews because any project, no matter how small, should always be put on public review as early as possible. Issues addressed and resolved upfront avoid delay and possible litigation later.

- Use Program EIRs whenever possible, rather than a master EIR. Program EIRs do not expire (although they may need to be updated), are flexible, can be customized to cover future projects, provide more detail and include mitigation monitoring programs. Done correctly they can reduce the need for project EIRs and multiple technical reports. Jay Clark, AIA, of RTKL, agrees. He worked on a residential project in San Diego where the program EIR contained guidelines within the geographical area and, when followed, the process went quickly.

Mark Butler from the National Park Service suggests:

- Implement Project management tools to create schedules, timelines and responsibilities for each task in the process. He suggests that all staff be project management certified.
- Use standardized forms to reduce the complexity of forms and the application process as much as possible.
- Be transparent to reduce inconsistencies. An open and transparent process should include the process, budget and status on-line. Communicate by email.

John Marin, Agency Director from Placer County has had the most success from:

- Standardize EIR forms and deliver them to pre-approved EIR consultants with samples and directions on how to prepare the report for review. This eliminates inconsistencies and provides assurance that compliance procedures are in place.
- Use technology, the web and email to communicate effectively, make forms and critical information accessible, train staff and create consistency across all disciplines.
- Implement on-going training for staff on critical issues, cross train to maximize staff time and reduce roadblocks during peak periods; draw on local resources to educate staff members.
- Require mandatory pre-development meetings which bring the applicant together with County staff prior to submitting any applications for a new project. This simple step reduced approval time by as much as 5 months in Placer County.

Mark Hornberger, FAIA, works with Environmental Consultant Francine Dunn from EDAW in Sacramento. Ms. Dunn does the environmental work up front and forms a partnership with the County and the Developer. Her experience has been most positive when jurisdictions:

- Allow developers to hire and work independently with outside EIR consultants from an approved list, paying the consultant directly. This shortens turnaround time because the developer/architect can talk directly to the consultant for immediate input and problem resolution prior to going to project description.
- Use 3rd party peer review of environmental documents. Allow the outside EIR consultant to prepare a Proponent Environmental Assessment, or

similar document that functions much like an EIR and can be peer reviewed by the County. This review addresses critical issues and facilitates the preparation of the project description.

John Conley, Head of Planning and Community Development for the City of Vista suggests:

- Hire an in-house environmental expert, someone with extensive CEQA experience, to review all environmental documents, manage outside consultants and interface with clients.
- Use pre-approved on-call technical specialists to reduce time and inconsistencies because they know the process, know what is expected, and know the roadblocks in the city.

Vince Dyer, AIA, likes to work with the city of Camarillo because he feels they are pro-growth and well organized. Mike Smith, associate planner in Camarillo, uses categorical exemptions whenever possible, and also suggests these best practices set Camarillo apart:

- Low staff turnover and a senior team of players: A staff with experience knows the regulations, the people involved, and the process. Camarillo staff averages 20 years of service each and are residents of the city.
- Creativity: Look for creative solutions that benefit everyone.
- Accessibility: Staff is expected to be accessible to applicants, stakeholders, consultants and the public. Make it easy to talk directly with the planner to eliminate confusion and speed the process.
- Manage processing time: Internal processing time is on a schedule that takes priority. San Diego's expedite program, outlined later in this report, uses a similar approach.
- Use the general plan and pre-zoning: Camarillo has a general plan and zoning in place. They make it accessible and try to stay with it as much as possible so everyone knows the expectations and they are not "recreating the wheel".

Kash Boodjeh, AIA, points to Cloverdale as a good example of a jurisdiction employing best practices. He likes:

- Consistency: the professional planning staff and commission understand the general plan and follow it "to the letter of the law".
- "Green" planning: The jurisdiction of Cotati is looking at "green initiatives" and planning how to incorporate them into the process.

Art Balourdas, AIA, The Arcadia Group votes for the Affordable/In-fill Housing Expedite program components in San Diego as a best practice he would like to see elsewhere:

- Expedited programs: These programs target a niche and provide tools and processes to expedite approvals. San Diego has one for affordable/in-fill housing and Placer County is working on one for small projects.
- Completeness check: San Diego adds a "completeness check" by city staff for all submittal packages to make sure everything is ready and in place.

"Consistency: the professional planning staff and commission understand the general plan and follow it 'to the letter of the law.'"

Anthony Taylor, AIA, CTA Architects, likes to work with consultant Jim Chagala, who once worked for the county. Jim helps him get in front of the right people, and keeps the project on track. Jim likes the way the City of Escondido handles applications:

- Can-do attitude: Jim says “If you follow the basic rules such as turning documents in on time, the city staff will review it on time. Any concerns are discussed and resolved so that they can come to agreements that eliminate or reduce the need for EIRs.”

Larry Paul, AIA, feels that some jurisdictions are easier to work with because they are economically depressed and revenue driven. He has had good experiences with the City of Oakland where they have put regulations on line, expedited smaller projects and generally streamlined the process.

These “best practices” by California jurisdictions illustrate what is possible when local officials and the development community work together toward a common goal. The following section of this report gives a more in-depth look at five jurisdictions and how they have implemented process improvements within their work environment with significant success.

JURISDICTIONS: FIVE SUCCESS STORIES

The following jurisdictions, as identified by AIA member architects, have process improvements in place which facilitate meeting CEQA requirements. These “best practices” help clarify requirements, standardize compliance procedures, provide support, eliminate inconsistencies, expedite decisions and generate solutions for logistical and environmental challenges. Each jurisdiction, while employing different methods, has been able to maintain the integrity of the California Environmental Quality Act, meet the needs of the community and enable sound development.

PLACER COUNTY BEST PRACTICE: MANDATORY PRE-DEVELOPMENT MEETING

Mark Hornberger, FAIA, Capitol Forum Member and Principal of Hornberger & Worstell, worked in partnership with the Placer County Community Development Resource Agency to build the Ritz Carlton Highlands, the first five-star luxury hotel in North Lake Tahoe. While the design team and Francine Dunn from EDAW in Sacramento made every effort to preserve the environment of the surrounding area and pay tribute to the unique beauty that is Tahoe, the CDRA, led by Agency Director John Marin, strategized with the stakeholders and clearly laid out the requirements for CEQA approval. Together, this public-private partnership successfully met the needs of the environmentally sensitive community and the resort developers.

Mr. Hornberger estimates that allowing the developer to hire an EIR consultant from the Placer County approved list and building in mitigation alternatives prior to government review saved as much as a year in the approval process.

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EDAW, as the consultant, prepared a Proponents Environmental Assessment (PEA) which when peer reviewed by the County led to faster resolution on potential CEQA issues.

Mr. Hornberger also advocates the “smart planning” approach to preserve open spaces similar to the Lake Tahoe project and allowing program EIRs with project components that focus on areas of potential impact rather than creating a new unfocused report.

Another proponent of Placer County is Ron Lichau, AIA, Lichau & Associates Architects. He has found them to be very consistent, easy to work with and open to outside experts and new approaches. A key to their success is the predevelopment meeting, which is outlined later in this section.

Jordan Knighton, AIA, agrees that Placer County has implemented several “best practices”. He feels their general plan promotes consistency and allows county staff to streamline the review process for development on previously approved lots. He believes in on-site mitigation whenever possible and has worked with the County to implement sustainable projects.

It was not always this way. Plagued by the challenges inherent in a system that is open to interpretation and changing requirements, John Marin, with department heads from Planning, Building, and Engineering, identified and implemented new process improvements and management oversight to the CDRA. Today, the Development Services Department’s good customer service is built on the solid foundation of a well trained staff, a well organized processing center, standardized formats and applications, excellent communication, and solid technical support.

Until July of 2005, land development divisions were housed in separate buildings, making the application process a challenge for clients and creating communication challenges for staff. (Commonly referred to as “The B Avenue Shuffle”) In 2005 a new resource center housing 260 plus employees became a “one stop shop” holding all of the critical land development disciplines, including among others: building and planning, environmental coordination services, engineering/surveying, redevelopment agency and air pollution control. Automating the front counter operations reduced wait and service times to a total of 17 minutes and a new project level cost accounting system created consistency between departments. Further, the “one stop” concept streamlined interdisciplinary reviews.

Clients are further served by process predictability through standardization of the submittal and environmental review process. Pre-submittal audits to check for completeness, and 2nd submittal “significant issues meetings” to resolve developer and engineering issues have resulted in a significant reduction of re-submittals, saving time for the customer and cutting down back logs. Another back log reduction is prioritizing affordable housing projects through the discretionary review process.

Standardized, user-friendly, EIR formats and application forms promote consistency and provide guidance. When asked to expand, John responded:

“Placer County has prepared a Standard EIR Format that is provided to EIR consultants retained by the County to prepare EIRs for new development

projects. The EIR format provides direction and commentary on how to prepare EIRs for Placer County and includes several examples of approved formats for sample cover pages, impact summary tables, alternatives summary tables, impact analyses, mitigation measure construction, policy consistency tables, and mitigation monitoring tables, etc. This effort was one of many designed to improve the County's permit processing steps and standardize CEQA compliance procedures."

Understanding that even the best processes require constant management, the Agency has implemented several oversight practices. The first, a major projects communication plan, clearly lays out staff responsibilities and general guidelines for regular meetings between the County and the applicant. A single point-of-contact project planner is assigned to oversee the approval process, coordinate meetings, relay project information and follow up where appropriate. Activities include project calls, bi-monthly project meetings and expanded monthly team meetings, distribution and maintenance of materials, coordination of staff and consultants, and preparing meeting agendas. Having one contact has eliminated confusion and, once again, streamlined the process.

While communication between County and applicant is important, communication with the public is also critical. Scoping meetings, draft EIR meetings and a 45 day public review period are part of the process, as are the "Guidelines for EIR Communication" which focuses on specific projects. The public is encouraged to participate early in the planning and are invited to attend predevelopment meetings.

Working with EIR consultants also requires management and the County has implemented an annual review to assess work product (accountability), project description changes, amendments, delays, costs, status reports and timelines. Reviews evaluate turnaround times and attainment of processing milestones throughout the approval period.

John explains: "Environmental Coordination Services is responsible for overseeing all EIR consultant contracts under review by the County. ECS maintains a list of approved EIR consultants authorized by the Board of Supervisors to prepare EIRs, coordinates regular communication between consultants, County staff, and applicants, oversees contract preparation and scope of work for the project, ensures timely payment of invoices, monitors need for contract amendments, monitors timeliness of all steps of the EIR process, etc."

Like all jurisdictions, Placer County could use more staff and is on a tight budget. This has not stopped the Agency from moving forward with process improvements. To help overcome funding constraints, the one-time \$1000 Pre-development meeting fee is used to cover staff time to prepare for the meeting, including preparation of the Environmental Questionnaire, research and a site field visit to the property in question.

Plan check turnaround time is a main level of concern, and the Building Department has undertaken key process improvements and staff management policies to address roadblocks. Best practices include monitoring submittal requirements, allocating staff to address project processing time, employing

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plan check consultants and short term employees when there are spikes in workload, and enforcing uninterrupted working hours for plan check staff. In a move to optimize staff, the Department has redistributed some plan check functions to the technical staff such as checking submittals for completeness, extraneous documentation and verifying forms. Other improvements include segregating plans by complexity and assigning a staff member to process them separately, computerized predefined plan check comments and correction letters on-line and a third party plan review option.

The Agency also focuses on training. While training is critical to improve job performance, sending staff to expensive off-site conferences is not an option. To ensure that all staff members stay current on trends in the industry, the Agency invites various design professionals (architects, landscape architects, engineers) to All-Staff meetings to discuss design and development issues. The County has worked with some of these professionals for over 25 years and they are considered among the best in their respective fields of practice.

Another process improvement is cross training all public counter technicians in multiple land use disciplines such as building, planning, environmental health and public works. And all technicians have improved access to resources such as GIS, the Assessor data base, and Clerk-Recorder through new technology. Weekly on-going training for plan check staff insures consistency and addresses how to deal with urban vs. suburban type projects.

Technology improvements have been a key element in streamlining systems and making critical information accessible for both staff and the public. A comprehensive web-based land information system covers addressing, zoning, APN and parcel size, school/fire districts and the general plan. Access to this information makes it easier for a developer to understand what studies need to be undertaken, what permits applied for and any zoning changes that may be required. When it comes time to apply, plan review documents and guidelines are available on the county website. There is also a yearly technical standards review/evaluation to discuss possible improvements.

Placer County best practices are working. The County is currently meeting its goal of 4-3-2 week turnarounds for 1st, 2nd and 3rd submittals. With all of these improvements in place, when asked what he felt was a significant “best practice”, John Marin responded:

“There is one particular process improvement practice that I believe has made the most significant difference. The County’s requirement for applicants to attend a mandatory predevelopment meeting (PDM) with County staff prior to submitting any applications for a new project has proven to be the most beneficial process improvement.

All projects that require a general plan amendment, rezoning, tentative map (over 4 lots), conditional use permit, or specific plan, must attend a PDM and pay a \$1000 fee before they are permitted to submit their application for a new development project (environmental questionnaire EQ). At this meeting, representatives from all County land development departments attend and provide the applicant with a checklist that notes all the required information that must be submitted with the EQ for their project. This information may include technical studies for traffic, grading, biology, tree impacts, soils testing, noise reports, cultural analyses, wetlands delineations, etc.

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It may take the applicant several weeks to gather this information and require them to hire professionals to complete these environmental studies. In exchange, the County has committed to reducing the number of review cycles needed to determine if the application is complete in order to determine if a Mitigated Negative Declaration or EIR will be required. An EQ is not accepted for filing if any single required item noted on a department's checklist provided at the PDM is missing.

The County has found that this practice significantly reduces the time needed to review a new application. New applications are complete from the beginning and no time is wasted waiting for the applicant to submit piecemeal information that the different departments have requested.

Finally, the PDM provides the applicant with a very early indication of the feasibility of a new development project before a significant investment in time and money is expended."

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There is still much to be done and currently the County is working on a new RFQ inclusive to multiple CDRA departments that will be used to better utilize and manage consultants. The Agency is also evaluating approval of early grading plans allowing permitting of "at risk" grading prior to improvement plan submittal. Another Placer County innovation in the making is the "Small Project" process that separates out the smaller jobs from the mainstream for quicker turnaround. This is beneficial for parcel maps and small commercial projects.

A new challenge, the Placer County Conservation Plan, is currently before the public and under consideration by the Board of Supervisors. The concept is that the Plan will clearly identify areas where conservation and preservation of sensitive resources is required and therefore controversy and delays in development can be avoided. As with any undertaking of this type, there are many concerns and vested interests and while an initial plan was adopted in January 2007, the final outcome is far from certain and may take years to resolve.

Meanwhile, Placer County continues to balance the growth demands facing the Sacramento region with the need to protect and preserve the County's many resources. Three large Specific Plan projects are being proposed in the western part of the County: Placer Vineyards, a 5,230-acre master planned community that includes 14,132 residential units of varying densities, more than 2 million square feet of commercial floor area, and an extensive open space network; Regional University, which includes a 6,000-student private university, 4,300 residential units and commercial development; and Riolo Vineyards, a 900-unit residential project.

YOSEMITE VALLEY NATIONAL PARK SERVICE BEST PRACTICE: PROJECT MANAGEMENT

Robert Sabbatini, AIA, is a planner, landscape architect and urban designer. Like most architects, he is a strong proponent of CEQA in that it can have positive results for the environment if managed correctly. He suggests “when undertaken with planning and design, CEQA makes the client and designer understand the impacts up front in the process which tends to self mitigate the potential impacts (on a project).” He has also seen CEQA requirements move clients to accept design improvements such as greater energy efficiency.

One of his proudest achievements has been the redevelopment plans for Yosemite Lodge, the expansion of Camp 4 and the relocation of Northside Drive in the Yosemite Valley. Through extensive coordination with the environmental consultant to identify possible impacts, the designs met the “spirit and the directives” of the Yosemite Valley Plan and EIS, resulting in a Finding of No Significant Impact by the National Park Service.

Key to this success was integrating the lodge and associated buildings with the existing natural topography, vegetation, drainage patterns and open views. Another contributing factor to the success and timeliness of this project was the ability of the National Park Service and Mark Butler, Office of Environmental Planning and Compliance, to work efficiently with Mr. Sabbatini and other stakeholders to meet the requirements of the National Environmental Policy Act (NEPA).

The size, complexity and location of the project took special co-ordination and a sophisticated level of project management. Mark Butler states “NEPA is the federal counterpart to CEQA. Both laws are about disclosing environmental impacts, mitigations and public knowledge.” Residing in one of the country’s most environmentally sensitive parks, Mark has successfully implemented process and management improvements to facilitate meeting NEPA requirements.

When asked about “best practices” Mark identified “reducing complexity by implementing an open and transparent process, scheduling for problem solving, and having the proper outreach to the public early on in the process” as fundamentals that must be in place. A firm believer in “just meeting statutory requirements does not help reach a decision in a shorter period of time” he engages with all of the stakeholders, carefully reviews the project strategy to understand the key aspects and puts a process plan in place that clearly identifies “who, what and when”.

Communication is another critical element, and is part of an overall management plan that identifies goals and objectives, forms of media to be used, and steps for achieving transparency, which he defines as “involving people who need to know, but might not have easy access to the information.” A strong advocate for using technology to communicate with stakeholders, NPS uses the web and email to promote transparency and reduce turnaround times. He also requires an itemized budget that everyone understands.

Another best practice is what Mark refers to as “QAQC” which means Quality Assurance, Quality Control. Employing project management tools, QAQC

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provides regular feedback on the document review process, broadens the perspective of the entire group and manages the work flow process. An effective management tool is scheduling a “critical path” of implementation that integrates milestones for design with milestones for environmental review and clearly identifies “what needs to be done when”. This critical path also integrates CEQA and NEPA in tandem with environmental review. Citing “environmental review relies 50-100% on schematic design” making sure that detailed design is integrated before review is crucial. Mark suggests that a best practice for all jurisdictions would be to certify staff in project management techniques to streamline all processes within the organization.

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Like many development scenarios in California, the Yosemite Lodge redevelopment has yet to be a complete success story. Although the plans were approved, and the NIR delivered in timely fashion, the Ninth U.S. Circuit of Appeals in San Francisco issued an injunction against outstanding projects and valley development plans, halting construction in the area for the foreseeable future.

CITY OF SAN DIEGO **BEST PRACTICE: AFFORDABLE/IN-FILL HOUSING AND SUSTAINABLE BUILDINGS EXPEDITE PROGRAM**

Art Balourdas, AIA, The Arcadia Group, identified San Diego’s Affordable/In-fill Housing and Sustainable Buildings Expedite Program as having incorporated several “best practices” that streamline the CEQA process for certain markets.

Mr. Balourdas was commissioned to design the Lafayette Hotel and Residences, an in-fill project of 320 condo units to be located in 17 additional stories on an existing historical hotel. The design called for the correct percentage of affordable units, the building qualified for a state mandated density bonus and to encourage development, a code deviation was granted. When the height did not comply, a discretionary approval was given. The entire project was expedited through the San Diego program.

Information Bulletin 538, written in June 2007, describes the program and has links to application forms, procedural manuals, fee schedules, preliminary review criteria, a check list and other valuable information. The Bulletin is available on the web and mirrors what other jurisdictions have recommended: use technology to communicate effectively and keep the process transparent.

The Expedite Program provides expedited permit processing for all eligible affordable/in-fill housing and sustainable building projects. A more aggressive timeline is achieved by providing mandatory initial review meetings for early feedback to staff and client (a deemed complete submittal is required) which significantly reduces project review cycles. Funding for the initial environmental study must be offered at this early meeting, and, if the client requests, a public meeting can be scheduled.

There is additional expense to use the Expedite Program. According to their website, the supplemental fee is \$500 per unit for discretionary projects, with a cap of \$40,000 per project. For even faster processing, there is an Express Plan Check service for \$500 per unit, capped so that it will not exceed 40% of the hourly billing as determined at project closeout. Fees are due at the full project submittal.

The city has made a commitment to staff the program adequately, however, when there are spikes in workload that exceed the carrying capacity of the program, expedited processing is conducted on a priority basis that is clearly defined, and again, available on-line.

The first step is a Preliminary Review meeting with city staffers. This meeting allows developers and architects to obtain critical feedback about how the city and community view the project. Stakeholders in the community review process are identified, possible concerns are discussed prior to formal design and full submittal, and staff is briefed on the scope of the project and additional studies that may be required.

The next critical component is the Mandatory Initial Review (MIR) which must be completed by all Expedite Program applicants. This review is more comprehensive than the preliminary review and offers many benefits such as: early start to the environmental review process and thus more opportunity to resolve issues and clear the way for an environmental exemption; identification and resolution of any potential flaws or challenges; early involvement and commitment from a specialized team of city staff who will follow the project to a final hearing; and an opportunity for the city's multi-disciplinary team to interact with the applicant's consulting team to discuss the project and the facilitation process.

Before submittal, the applicant sends the final package to the Development Services Department for a completeness check. City staff is required to finish the completeness check within 5 working days.

Process review and approval must adhere to a strict timeline. The first review schedule is 20 business days. Within 10 days after the initial cycle a project review meeting is scheduled to clarify issues and resolve conflicts. Subsequent reviews must be scheduled within 10 day timeframes until the project is deemed ready to go to the public hearing, which is set by the city.

Although this program is working well on the majority of projects, Mr. Balourdas' story did not have the desired outcome. Just before moving ahead there was a change of staff and it was deemed necessary to have a full EIR completed. This added a year to the project and the developer walked away citing the additional expense and delay.

CITY OF VISTA BEST PRACTICE: IN-HOUSE CONTROL OF ENVIRONMENTAL REPORT AND STUDIES

Linus Naujokaitis, AIA, LMA Consulting Group has had positive experiences with smaller cities and towns which tend to be more pro-growth and pro-development. Although he praises both Encinitas and National City, it is the City of Vista that gets his vote as the best to work with on CEQA issues.

The key advantages to Vista are: a senior staff that is knowledgeable and responsive; in-house contacts to conduct studies which are then charged to the customer; and, excellent supervision. The city clearly lays out expectations, gives the broad picture, suggests site improvements and "puts issues out up front", a practice Linus appreciates.

"Process review and approval must adhere to a strict timeline."

Joe Holasek, AIA, agrees. He believes that cities that are better organized go through the process faster, and accepting the environmental report as written also helps. That is a key advantage in Vista because they have an expert on staff that has direct input to the documents. Mr. Holasek works with Ed Munroe, a consultant on CEQA requirements. Ed likes the Preliminary Review process in Vista, having used it to streamline the development of a large medical facility. Meeting department staff face to face and having someone assigned to the project from start to finish are key benefits for Ed, who gives Vista high marks for consistency.

John Conley, Head of Planning and Community Development for Vista, feels his key to success has been hiring an in-house person with over 10 years of environmental experience with CEQA regulations. This staff member reviews applications and project plans, prepares and reviews environmental documents and manages specialized on-call technical consultants for technical reports. Having an expert on staff provides consistency in reports and guarantees that the report will be adequate and “not slanted”. John sees this as a “win-win” situation: “the developers like this approach because they pay the fee, and the work gets done. The City likes it because we do not have to rely on outside consultants, we can answer all of the questions, and there is more certainty, more confidence in the process.”

If an EIR is required, the applicant is sent three proposals from a pre-approved list of consultants. The chosen consultant works with the in-house expert to insure work meets the City’s standards, which means “nothing slips through the cracks”, and everyone is completely informed when the documents go to a hearing. Another benefit is that on-call third party EIR consultants and technical specialists “know the process, know what we want, know the problems in the City.” This translates into reduced turnaround times for reports. And when the project goes to a public hearing, the planner, consultants and other specialists attend to respond, and hopefully resolve, questions or concerns. There is also a plan check process in place and a timeline that requires all technical reports be completed in 60-90 days.

There are more process improvements on the way. John is working on a new planning and design process for applications that will provide step-by-step instructions and make it easier to build a complete submittal package. He also anticipates some challenges ahead as the City works on a general plan update.

CITY OF ANAHEIM

BEST PRACTICE: THE PLATINUM TRIANGLE GENERAL PLAN

The Planning Center in Costa Mesa worked closely with the City of Anaheim to build a comprehensive General Plan. This plan includes an area known as The Platinum Triangle which has been targeted for urban renewal. The City’s goal for the roughly 800 acre area is to reinvigorate residential prospects with a plan that transforms underused industrial space into prime property for mixed use development. To facilitate meeting CEQA requirements, the City created the Platinum Triangle Master Land Use Plan and the Platinum Triangle Mixed Use Overlay Zone to allow and direct development of residential, retail, restaurant and office complexes within the high density area.

“Project approvals go faster when the city takes the role of partner in development.”

Project approvals go faster when the city takes the role of partner in development. A “win-win” environment is created that meets city needs and allows projects to go to market quicker. In The Platinum Triangle, the clearly documented general plan and subsequent EIRs that tiered off of the General Plan helped streamline the process. JoAnn Hadfield, Director of Environmental Services for the Planning Center, explains: “The ‘subsequent EIRs’ tier off of the original General Plan Update EIR to specifically analyze the potential build-out of the Platinum Triangle. Tiering can essentially minimize future environmental review for most all the topical areas. Traffic, air quality and noise are good examples for topics that can be analyzed for the larger, overall project, and as long as future projects fall within the assumptions of that analysis, follow up technical studies may not be required.”

Well designed plans make it easier for stakeholders to understand the overall goals and concerns of the community, as well as the design and development limitations. Understanding the analysis of the environmental reports, and knowing what technical studies will need to be undertaken, applicants can incorporate mitigation requirements upfront, thus reducing review and approval time.

The Planning Center recommends Program Environmental Impact Reports whenever possible because they offer many advantages. Program EIRs can be developed in great detail and the city can opt to include mitigation for any number of environmental categories for future developments, potentially minimizing the need for many project EIRs. Ms. Hatfield clarifies: “The purpose is to analyze and encompass the bigger picture impacts so they only have to be addressed once. For example, a Program EIR can address traffic that will be generated by all future residential/commercial development within the Platinum Triangle – and as long as assumptions don’t change, that would not have to be revisited. (A) Program EIR can help limit future environmental review (whether included in an EIR or Mitigated Negative Declaration) to site or parcel specific studies such as geotechnical, site assessment, (and) cultural resources analyses. Mitigation in Program EIRs can also include ‘performance standards’ required for future development; e.g. if defined standards are met, than further analysis may not be required. A Program EIR can be designed to function as a ‘Project level EIR’ for portions of a project for which adequate detail is available at the time of preparation of the Program EIR to analyze at a project level - and then can function for that component as the final environmental review; e.g. one or more specific projects within Platinum Triangle.”

Program EIRs are very flexible and can be designed to be cost effective, broad in scope, customized to minimize future environmental processing and can assist jurisdictions in prioritizing schedules. By using the program EIR, the City has front-loaded the comprehensive technical studies and avoided duplicity resulting in considerable time and cost savings. Accessible information that is consistent and timely facilitates the process and also allows developers to showcase designs which promote community benefits.

The City continues to assess and evaluate impacts and prepared a second DSEIR (Draft Subsequent EIR) in 2007 which addresses proposed amendments to the master land use plan. The DSEIR is expected to foster interagency

coordination in the review of projects and enhance public participation in the planning process. With more details and updated information, plans can be approved and construction started even sooner.

Another example of partnering with developers is that the City funds the EIRs and allows developers to reimburse the City for their prorated share of the program, and/or subsequent EIRs, eliminating the need to go through the expense and time delay of doing their own.

In addition to a solid general plan and subsequent EIRs, the City adopted and made public “thresholds of significance” for evaluating environmental effects that create a “significant impact”. An impact is compared against the threshold and if in compliance, the impact will normally be considered less than significant. For example, a significant threshold for traffic may be 100 cars a day. If the estimated traffic impact of a new structure or development is over a hundred cars a day, the developer will know that a change in the design, mitigation or even a change of location may be expected and can address the issue early in the process.

Leading edge technology enhances communication and makes the application process, and progress, transparent. The Platinum Triangle website has information about approved and pending projects, EIRs, and the status of current and ongoing developments, including renderings. There are easy to use check lists, detailed site maps and contact information available for public use.

Similar to other jurisdictions employing best practices, Anaheim requires that the applicant attend a meeting with the planning commission before plans are submitted. They also encourage applicants to attend the interdepartmental committee meeting which conducts the preliminary review of applications and plans. With several large projects completed and others under construction, the Platinum Triangle is a success story.

The next section looks at best practices architects can use to reduce turnaround times, stay within budget and realize better outcomes.

“In addition to a solid general plan and subsequent EIRs, the City adopted and made public “thresholds of significance” for evaluating environmental effects that create a “significant impact””

BEST PRACTICES FOR ARCHITECTS

Architects can have a very positive influence on CEQA approval outcomes, reduce the need to go to full EIRs and streamline the process by incorporating certain “best practices” into the design and preparation of submittal documents. Savvy architects, experienced with the CEQA process, begin to formulate their strategies for meeting CEQA requirements as soon as the commission is accepted.

The first step in a successful strategy is to clearly identify and understand the jurisdiction and the desirability of the project. Jurisdictions that are pro-growth and projects that generate revenue, such as retail development, are often a winning combination that makes it easier to obtain fast approvals. However, no matter how appealing or challenging the project might be, each jurisdiction has its own “corporate culture” that must be dealt with and a process that must be followed.

Mark Butler, National Park Service adds, “When working within a jurisdiction, know the directives of the jurisdiction, such as general plans and community goals. Know the stipulations for the plan, the key requirements. And be familiar with the processes. An excellent resource is The CEQA desk book by Bass, Herson and Bogdan.”

Art Balourdas, AIA, The Arcadia Group offers a warning: “Try to anticipate what the jurisdiction wants. Don’t assume they have told you everything; there are often hidden agendas.” And also a tip:

- Identify special programs: Always ask about special programs similar to the San Diego Affordable Housing Expedite Program because they can save significant time and money.

Before beginning design work, Andy Taylor, AIA, makes his first call on a new project to Jim Chugula, local planning consultant. Jim worked for the county in the past and he knows the planning boards, the process, what the city feels is important and the possible roadblocks. Jim offers the following tips:

- Hire a local expert: Hire someone local who has good relationships with city staff, understands the general plan and any EIRs, is familiar with the city/county politics, understands the procedures required and can work directly with decision makers. If you choose the right person, the city will tell them what needs to be done to comply right from the beginning.

Linus Naujokaitis, AIA, LMA Consulting Group agrees: “Hire someone with former planning and community connections. With insider information there is more opportunity to get the application right the first time, and to gain direct access to planners to resolve issues and gain critical information.”

- Check for consistency in reports: One of the key functions Jim provides is checking and double checking all technical reports and plans. His job is to make sure the reports match in their findings and to spot inconsistencies that would raise “red flags” and must be rectified before a submittal package is delivered.

Jay Clark, AIA of RTKL agrees with Andy and Jim that clearly understanding the requirements before going to design is critical. He suggests:

- Understand CEQA: Understanding CEQA first hand and any restrictions, is critical. Always find out if any hearings are required first. Determine any impacts and exemptions. Different parts of the city will have different requirements.
- Communicate restrictions to the client: Clients need to understand the process, the restrictions and any possible uncontrollable delays. Jay gives the example of an upcoming street widening project by the city that would take precedence over outside development and would take 10 feet off of the property.

Johanna Street, AIA, also believes in getting expert advice before designing, especially in environmentally sensitive or historical areas. Her suggestion is:

- Hire an “expert” architect: Add a landscape architect or preservation architect for historical buildings and districts upfront to assess concerns and suggest mitigations.
- Research rehabs carefully: For buildings built more than 50 years ago, meet with the planning board before beginning any designs. Pull files, be aware of prior actions, and identify any historical ranking to avoid possible lawsuits and injunctions.

Robert Sabbatini, AIA, concurs. He also suggests hiring a landscape architect or planner before designing to site the building, and engaging with environmental consultants who can identify possible impacts and allow the architect to “self-mitigate” before the actual preparation of the EIS or EIR. The better informed you are about the requirements, the better the plan and the fewer the changes.

Other best practices include:

- Incorporate environmental work into design: To save significant time and reduce the need for changes, environmental impact modifications should be done at the same time as the project work.
- Early public involvement: Get the public involved as quickly as possible and attend all public meetings to understand possible concerns and hear their ideas. “You may not agree with what they have to say, but you do need to understand what lies at the foundation of their issues or the ideas that they put forth. Your responses will be that much better informed.”

Ron Lichau, Lichau & Associates, Auburn, CA suggests:

- Build relationships with the staff: Talk with the people involved so that you clearly understand the concerns that will help you negotiate acceptable solutions.
- Be flexible: Make yourself easy to work with and work with the natural materials available to you. Soften the designs, be aware of the issues such as traffic, water impact, vegetation and work with them.

Hector Reyes, AIA, is a strong proponent of the architect taking the lead and coordinating the right team to streamline the process. In some ways, the architect needs to act as a “creative bureaucrat”. Once the team is in place he suggests:

- Adopt a can-do approach with environmental groups: Hector always meets personally with environmental groups on a new project. He does not bring drawings, just a project outline, and asks for the top five concerns and issues in order of priority. He believes in going to the source, i.e.; Fish and Game, FEMA, Army Corps of Engineers, and finding out what affects them. Armed with their input, he can confer with his client and start his drawings. Clients need to understand the possible impact on their projects before technical studies are even begun.

“Insist on a preliminary project review and meeting to go over the procedures and required documentation with all key city staff personnel and get their comments in writing.”

- Customize reports: “If you just submit boilerplate information, you get boilerplate back.” Get technical studies done ahead, insist on thirty day turnaround time and offer the completed reports to the jurisdiction upfront. Make the information specific to your project. For example, traffic studies should reference specific streets. Use the data to make your project look favorable. Your goal should be to get a “comments” letter back, not just a response letter.
- Encourage a “holistic” approach with developers: Create a “flexible” vision with developers and encourage them to keep “an open mind” to make it easier to get project approval. Prepare them to work with the community.
- Insist on a preliminary project review: Hector elaborates: “Insist on a preliminary project review and meeting to go over the procedures and required documentation with all key city staff personnel and get their comments in writing. Bring your consultant team to the review meeting and be assured that their counterparts at the city attend as well.

The jurisdictions themselves and planners have more “best practices” they recommend for architects that will help streamline the process and result in more favorable outcomes.

John Conley from the City of Vista offers the following observations:

- Present a complete package: It is highly recommended that applicants complete the project design and plans, have all consultants on board, and anticipate technical studies.
- Take advantage of early review processes: If a Preliminary Review is available, participate, if not, ask for one. Preliminary reviews can substantially reduce turnaround time by eliminating roadblocks at the earliest stage and bring city staff together with stakeholders to improve communication, eliminate inconsistencies.
- Good attitude: It is very helpful if the applicants are prepared and willing to be responsive to the comments of city staff and act on their recommendations.

The Planning Center in Costa Mesa works with architects and jurisdictions to provide faster turnaround, reduce costs and streamline the process. Their recommendations include:

- Whenever possible and advantageous, hire your own EIR consultant: This avoids RFP delays from the jurisdiction and provides open, direct communication. Make sure the consultant is familiar with the jurisdiction’s requirements and general plans. It is recommended that you find someone who has worked successfully in that jurisdiction on other projects. Check references.
- Follow the mandatory CEQA checklist: Appendix G of the CEQA guidelines provides a “laundry list” to follow that insures the application is complete.
- Good land planning: A common roadblock is land planning. Make sure designs incorporate as much open space as possible. Mark Hornberger, FAIA, agrees. His tip is “Put high density projects in urban areas and

preserve the open spaces.” A good design will go through the process much quicker.

- Architect involvement: Architects need to be involved and provide detailed plans upfront that incorporate the following areas: texture, lighting, parking, net square footage, height, and variances among others. The project description needs to include construction detail, air quality and noise quality.

Jeff Harlan, Senior Planner with the Planning Center, emphasizes the importance of advance planning and public involvement from the very beginning. Once the plan is completed, good design within the guidelines insures getting through the process quickly. He adds that good jurisdictions are open to being educated and working with planners.

And finally, The Platinum Triangle website for the City of Anaheim points out the benefits of using Program EIRs in the Executive Summary to their current DSEIR: “The Program EIR still serves a valuable purpose as the first-tier environmental analysis. The CEQA Guidelines (Section 15168(h)) encourage the use of Program EIRs, citing five advantages:

- 1 Provide a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR;
- 2 Focus on cumulative impacts that might be slighted in a case-by-case analysis;
- 3 Avoid continual reconsideration of recurring policy issues;
- 4 Consider broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them;
- 5 Reduce paperwork by encouraging the reuse of data (through tiering).”

CONCLUSION

While many agree there is a critical need to clarify and update CEQA regulations and policies, changes by legislative action in the near future are not likely. Stakeholders and jurisdictions alike can, and should, act on their own behalf to streamline the process and promote better outcomes by adopting and implementing the best practices identified in this report.

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