City of Mountain View

Development Review Process and Matrix Study

Environmental Planning Commission– May 17, 2023

Presenter: Krisha Penollar, Associate Planner and Lindsay Hagan, Assistant Community Development Director

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Background

- Development Review Authority
- General Plan, Zoning, and Precise Plans
- State Legislation
  - Permit Streamlining Act
  - SB 9, Density Bonus, RHNA, Housing Accountability Act, SB 330, SB 35

Permits

1. **Ministerial**
   - No discretion
   - Building permits, ADUs, change in use, SB35 projects
2. **Quasi-judicial (Discretionary)**
   - Application of rules and policies to make a decision
   - New developments, CUPs, variances, Heritage tree removals, most projects within the definition of "development review"
3. **Legislative**
   - New policy/laws
   - Zoning/GP amendments

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Development Review Process

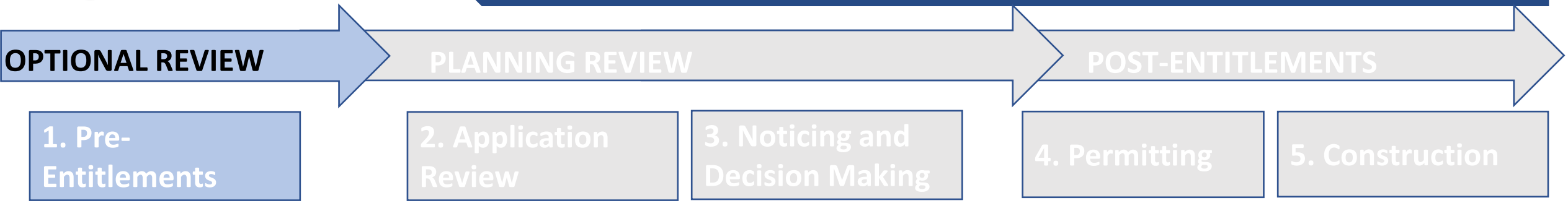
OPTIONAL REVIEW

PLANNING REVIEW

POST-ENTITLEMENTS

1. Pre-Entitlements
2. Application Review
3. Noticing and Decision Making
4. Permitting
5. Construction

1. Pre-Entitlements



- Informal Reviews
- Preliminary Applications for SB 330 or SB 35
- Gatekeeper Process

2. Application Review

OPTIONAL REVIEW | PLANNING REVIEW | POST-ENTITLEMENTS

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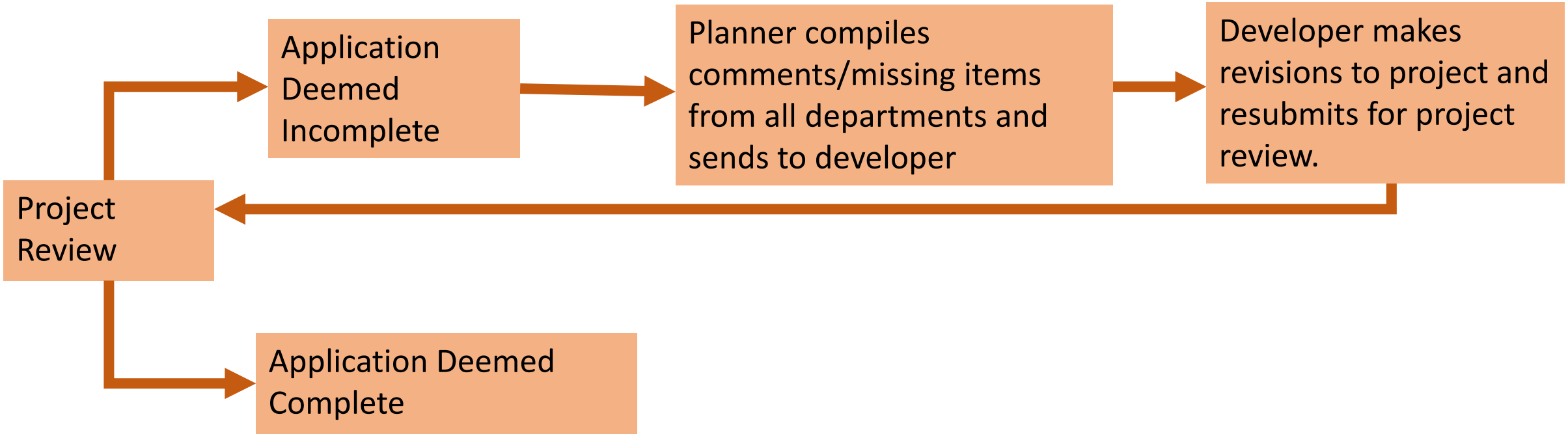

2. Application Review

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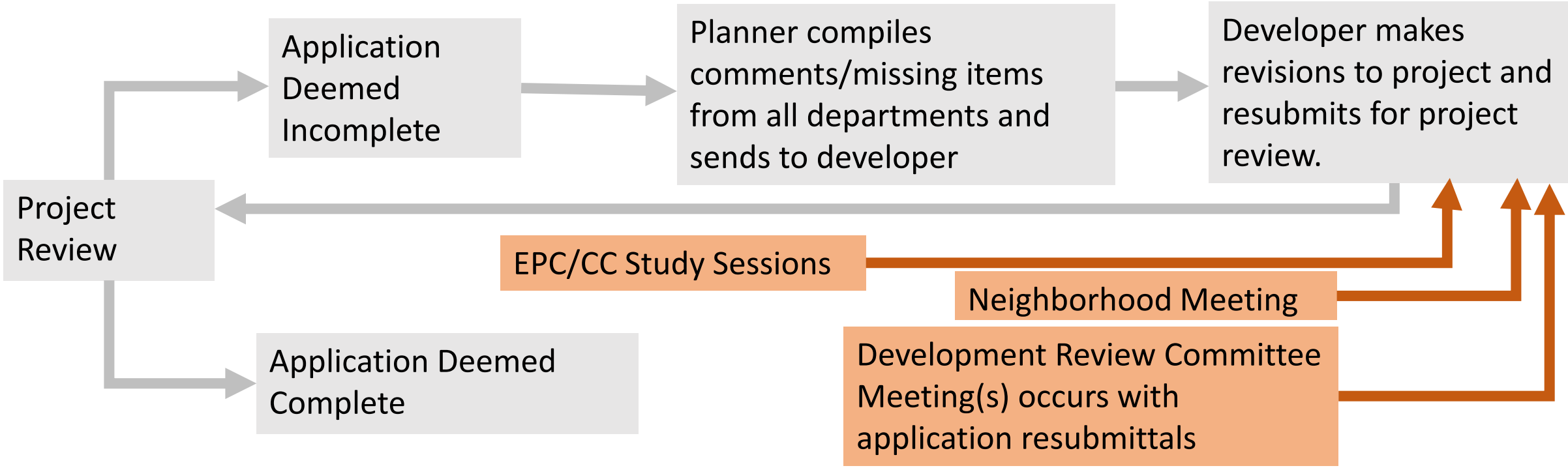

2. Application Review

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Ongoing: CEQA Review and preparation of technical studies (MTA, UIS, etc.)

Project Review

Application Deemed Incomplete

Planner compiles comments/missing items from all departments and sends to developer

Developer makes revisions to project and resubmits for project review.

Application Deemed Complete

EPC/CC Study Sessions

Neighborhood Meeting

Development Review Committee Meeting(s) occurs with application resubmittals

2. Application Review

OPTIONAL REVIEW | PLANNING REVIEW | POST-ENTITLEMENTS

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- Completeness
- Code and Regulations
- Context
- Community Input
- Nexus and proportionality

Departmental Review

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3. Noticing and Decision Making

OPTIONAL REVIEW | PLANNING REVIEW | POST-ENTITLEMENTS

1. Pre-Entitlements
2. Application Review
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4. Permitting
5. Construction

	Planning Staff	*ZA*	*ZA → CC*	*EPC → CC*
TYPES OF PROJECTS	Signs, nonconforming SFR additions, change in uses, minor site/ exterior mods	CUP/PUP, new buildings/large additions, variances, small PUDs < 5 lots	New building above a certain size in certain Precise Plans, PUDs > 5 lots, subdivisions > 5 lots	Bonus FAR, Gatekeeper projects

4. Permitting

OPTIONAL REVIEW | PLANNING REVIEW | POST-ENTITLEMENTS

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5. Construction

- Construction Plans for building permits
- Excavation permits
- Fulfillment of conditions of approvals
- Finalize legal agreements
- Payment of impact fees

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5. Construction

OPTIONAL REVIEW | PLANNING REVIEW | POST-ENTITLEMENTS

1. Pre-Entitlements
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- Construction begins after building permit issuance
- Vesting entitlements

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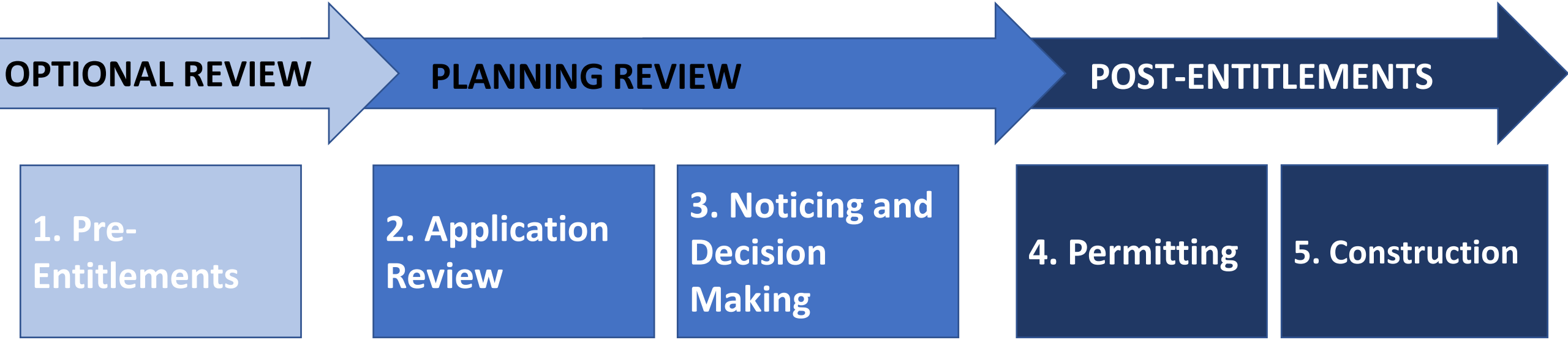
Development Review Process



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2021 Development Review Study (Matrix Study)

- **2020** - City hired Matrix Consulting Group to review City permit processes

- **2020-21** – Matrix conducted:
  - ✓ Online survey of recent applicants (290 responses)
  - ✓ Interviews with City staff and Council members
  - ✓ Focus groups and one-on-one applicant interviews
  - ✓ Evaluation of processes and documents
  - ✓ Assessed best practices
  - ✓ Evaluation of technology
  - ✓ Workload and staffing assessment

Matrix Study - Findings of Existing City Process

Existing Strengths

- Staff provides **detailed comment letters and staff reports.**
- Building inspections are **scheduled online.**
- Permits are **reviewed concurrently** across City departments.
- Use **contract staff** for specialty functions or peak volumes.
- Transitioned to **paperless intake and virtual appointments**.

Desired Improvements

- Need **enhanced online services**, permit intake, and information.
- Dissatisfaction with **processing timelines**.
- **Poor coordination between City departments**. Perception staff is not focused on customer service or assistance in project resolutions.

Matrix Study Recommendations

53 Recommendations focused on:

1. **Process –** improve coordination; reduce review timelines; provide clearer information on process/requirements/fees;

2. **Technology –** add new technologies to support online permitting; faster permit review; transparent tracking and performance data; and an improved website;

3. **People/Service Levels** – fill staff vacancies; improve staff training; and expand customer service training

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2022-23 Update: Process Improvements

1. **Innovation Team** – problem solving and issue resolution

2. **Permit Navigation Team** – Planning, Building and Public Works

3. **Project Coordinating Committee** - improve response timelines

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Process Improvements – PCC Response Rates

Div./Dept.	July to Dec 2021	Jan to Dec 2022
Building	56%	89%
Fire Protection	67%	99%
Public Works	57%	94%
Environmental Safety	75%	95%
Hazardous Materials	68%	97%
Community Services	45%	96%
Housing	28%	89%
Total PCC Timeline	57%	94%

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2022-23 Update: Technology Improvements

1. **Online Permitting System (ePermitsMV)**
   - Building – April 2023
   - Planning and Public Works – Q4 2023/Q1 2024
2. **New City Website –** May 2023
3. **New Development Permits Website** – Summer 2023

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2022-23 Update: Staffing Vacancies

Department/Division	Vacancies	Total	% Vacancy
Community Development, Building Division	5	23	22%
Community Development, Planning Division	9 *5**	22 *22*	41% *23%*
Public Works, Land Development	2	13	15%

**Planning Division is currently onboarding 4 new hires in May 2023*

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CEQA REVIEW AND CONSIDERATIONS

John Schwarz, JHS Consulting

PURPOSES OF CEQA

- CEQA = California Environmental Quality Act
- Disclose environmental impacts
  - Provide information to decision makers and public
  - Disclose decision making
  - Enhance public participation and intergovernmental coordination
- Identify ways to avoid or mitigate impacts
- Evaluate alternatives to the project

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CEQA PERSPECTIVE

- CEQA = procedural not regulatory
  (CEQA is a process not a permit)

- Applies to discretionary projects with potential for physical change

- Does not apply to ministerial projects (i.e., building permits, business licenses, SB35)

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ENVIRONMENTAL ISSUES/TOPICS COVERED

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities & Service Systems
- Wildfire Impact

LEVELS OF CEQA REVIEW & DOCUMENTATION

1. Exemption – Statutory or Categorical Exemption (Cat Ex)

- Quickest and Simplest, CEQA analysis not required

  Examples:
  Maintenance/repair/alteration of existing facilities
  Replacement/reconstruction
  Infill Housing – meeting certain criteria (consistent with GP & Zoning, <5 acres, no impacts)

- Exceptions – unique circumstances or impacts

2. Initial Study/(Mitigated) Negative Declaration

- Middle-tier process
- IS Checklist – to determine whether significant impacts → Neg Dec or EIR

3. Environmental Impact Report

- Most robust process and document
- Additional steps & more public involvement
- Alternatives & other sections required

Steps for IS/MND Process:

1. Complete Tech Analyses (bio, transportation, etc.)
2. Prepare and Circulate Draft IS *
3. Respond to Comments/Finalize MND
4. Public Hearings/Adopt MND *

IS/MND Contents:

- Project Description
- Environmental Setting
- CEQA Checklist Questions
- Discussion of Significant Environmental Effects
- Mitigation Measures
- Cumulative Impacts
- Mandatory Findings of Significance
- Negative Declaration and Determination
- Technical Appendices

* *Opportunity for public participation.*

Basic Steps for EIR Process:

1. Public Scoping and Notice of Preparation (NOP) *
2. Complete Technical Analyses and Admin EIR Reviews
3. Prepare & Circulate Draft EIR *
4. Respond to Comments/Prepare Final EIR & MMRP *
5. Public Hearings/Certify EIR *

EIR Contents:

- Project Description
- Environmental Setting
- Significant Environmental Effects
- Mitigation Measures
- Cumulative Impacts
- Growth-Inducing Impacts
- Alternatives
- NOP and NOP Comments/Responses
- Technical Appendices
- MMRP

** Opportunity for public participation.*

TIERING AND SPECIAL SITUATIONS

CEQA – Analyze Project as Proposed

Program-level vs. Project-specific Analyses:

Tiering:

Using analysis in broad EIR or MND with later analyses on narrower projects

When programmatic CEQA clearance completed → prepare specific CEQA document that tiers off prior analysis

- Focused on issues new or specific to later project
- Incorporates prior full analysis
- Limit legal exposure to new/specific issues

TIERING AND SPECIAL SITUATIONS

Types of Tiering Documents:

Conformance Checklist:

- Initial Study-like checklist
- Document that project within scope of prior Program and EIR (PCP following a Precise Plan)
- No public circulation

Addendum:

- Some changes/additions are necessary but no new significant impacts
- Format ranges from brief memo to full IS-type document
- No public circulation
- Documentation – shows City thought through ramifications of project changes

Subsequent EIR and Supplemental EIR:

- Substantial changes in the project, circumstances, or new significant impacts
- Do not need to duplicate program EIR analysis – only focus on new/project specific issues

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CEQA APPROACH/CONSIDERATIONS

- Evaluate project against existing baseline conditions (not the way things ought to be)
- No opinion/suggestion re: what to decide about project
- Thresholds and Significance = looking at bigger picture
  (LTS Impact might be very important to adjacent neighbor)
  - Conclusions being compared to thresholds
  - Thresholds are not just what the community is worried about
- Mitigation Measures
  - More rigid that COA
  - Must be adequate and specific to offset impact; nexus (difficult to craft at dais)
  - Cannot defer mitigation
- Statement of overriding considerations

CEQA APPROACH/CONSIDERATIONS

- Goal to ensure CEQA done adequately

Technical Issues that are often focal points:

- Air Quality
- Hazardous Materials
- Transportation – VMT, LOS/Operations, Trip Cap
- Noise
- Trees
- Public Services (Schools, Parks)

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EPC Role

- Quasi-Judicial
  - Up/down
  - If no, Findings (what standards specifically?)
- Legislative
  - More opportunity to provide recommendations within Council policy
  - Other constraints (GP, State, etc)
  - Broad to Narrow

- Why EPC?
  - Elevation/exposure of large projects
  - More input for legislation
  - Balance with streamlining and predictability

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Communication

- Meeting process and procedure
- How can EPC help?
- How can staff help?