

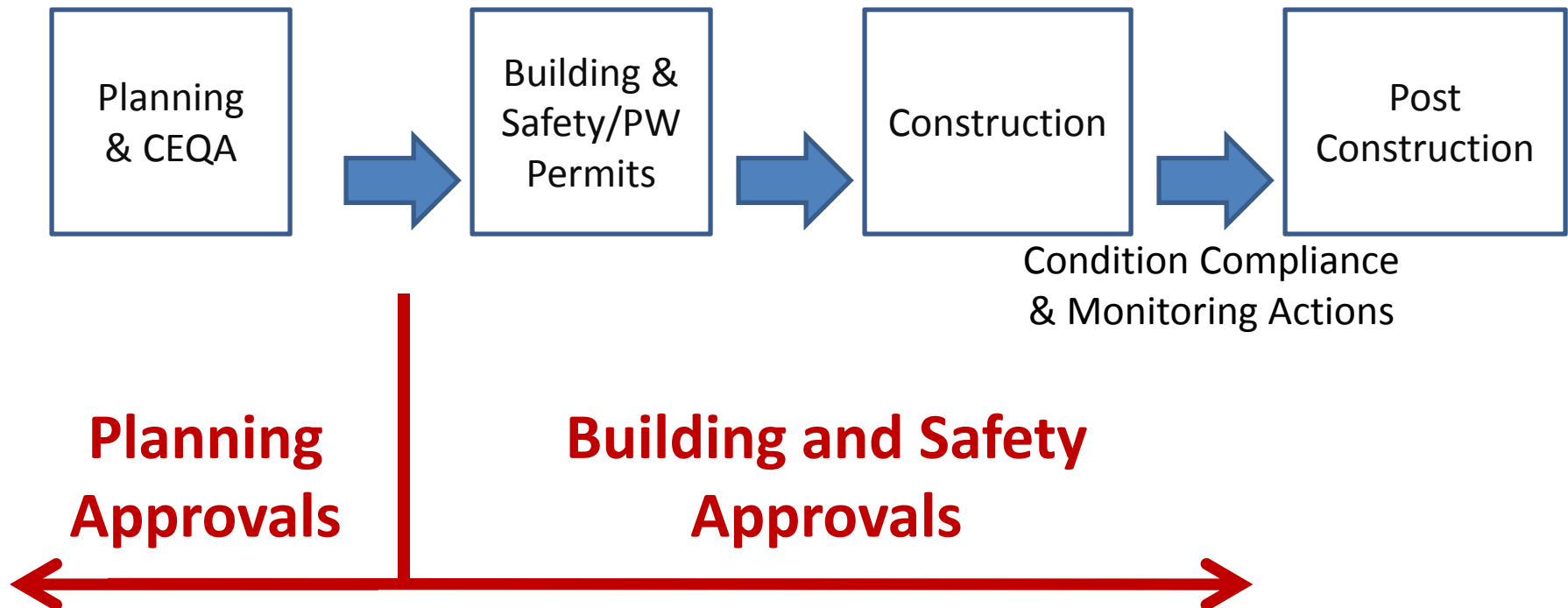
Overview of the Development Review Process and Outside Agency Interface



City Council Meeting
December 11, 2013

Development Process

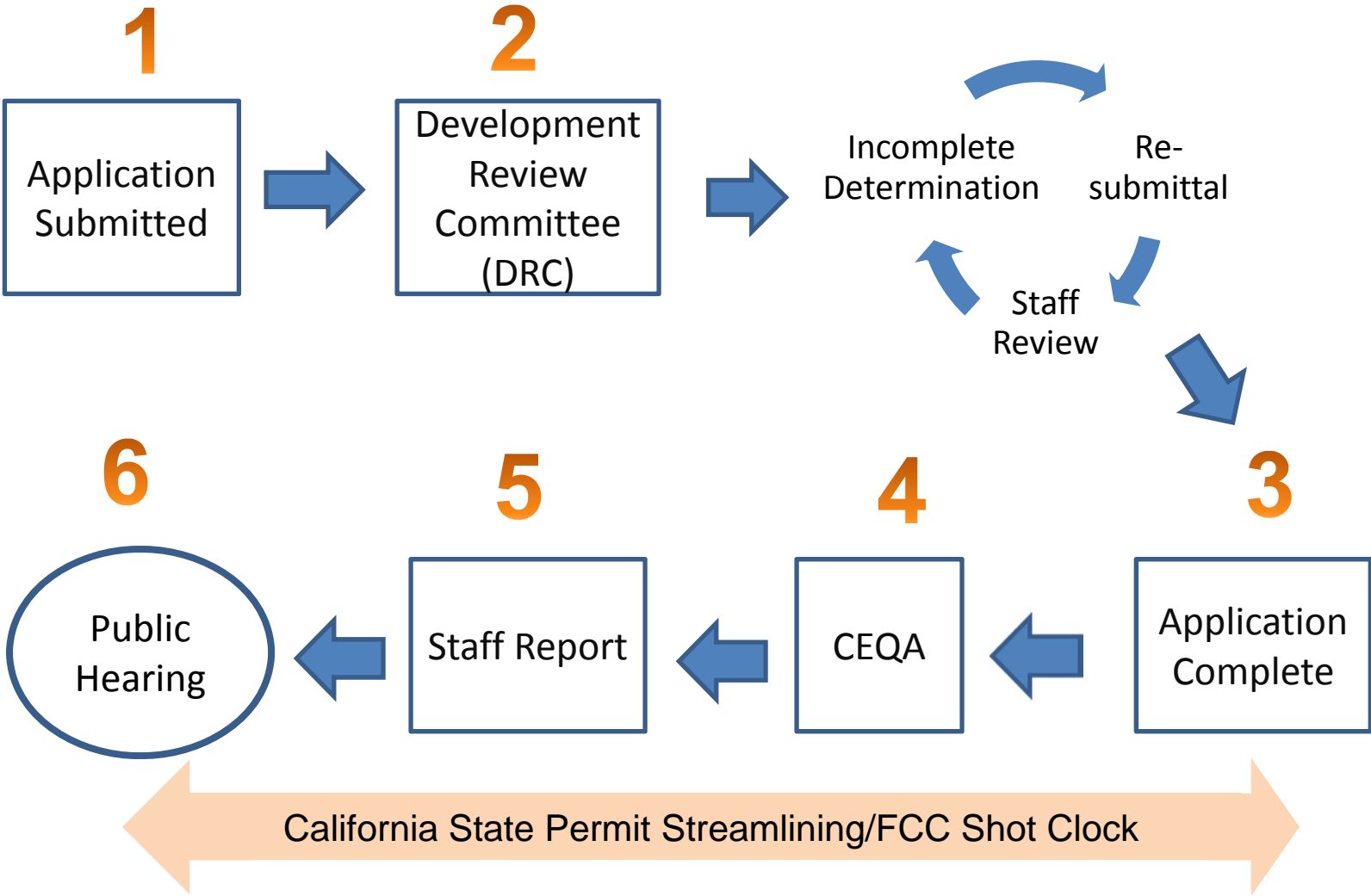
Community Development and Public Works



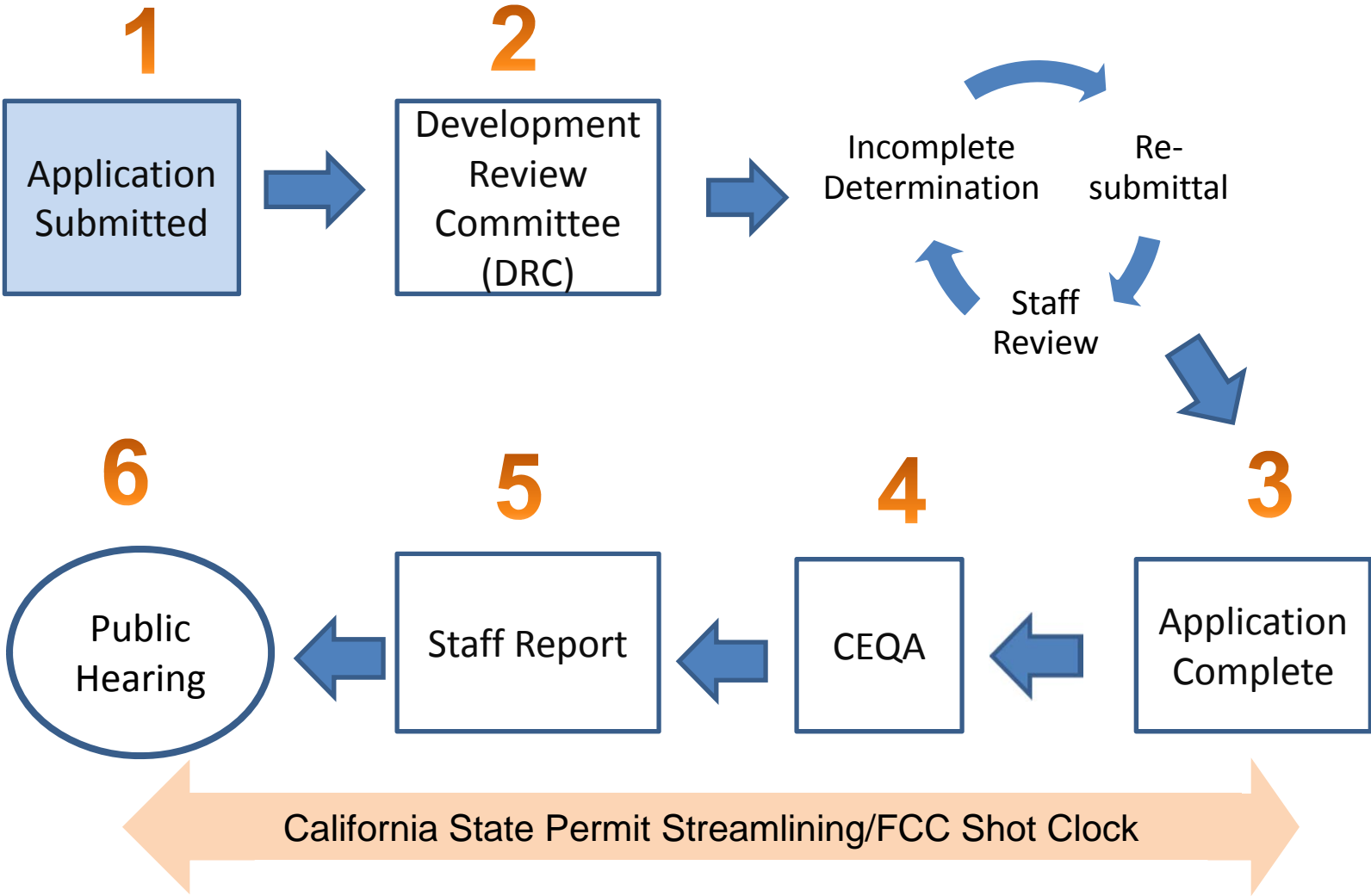
Planning Approvals

- Development Code Purpose (CMC 17.01.020):
 - Provide standards for orderly growth
 - Encourage General Plan land uses
 - Conserve and protect natural resources
 - Create a comprehensive and stable pattern of development and land uses
 - To provide regulations consistent with state planning and zoning laws

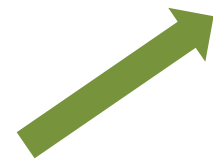
Planning Approval Process



Planning Entitlement Process



Step #1: Application



Permits

Conditional Use Permit
Oak Tree Permit
Scenic Corridor Permit
Zoning Approval
Site Plan Review
Etc...



Standards

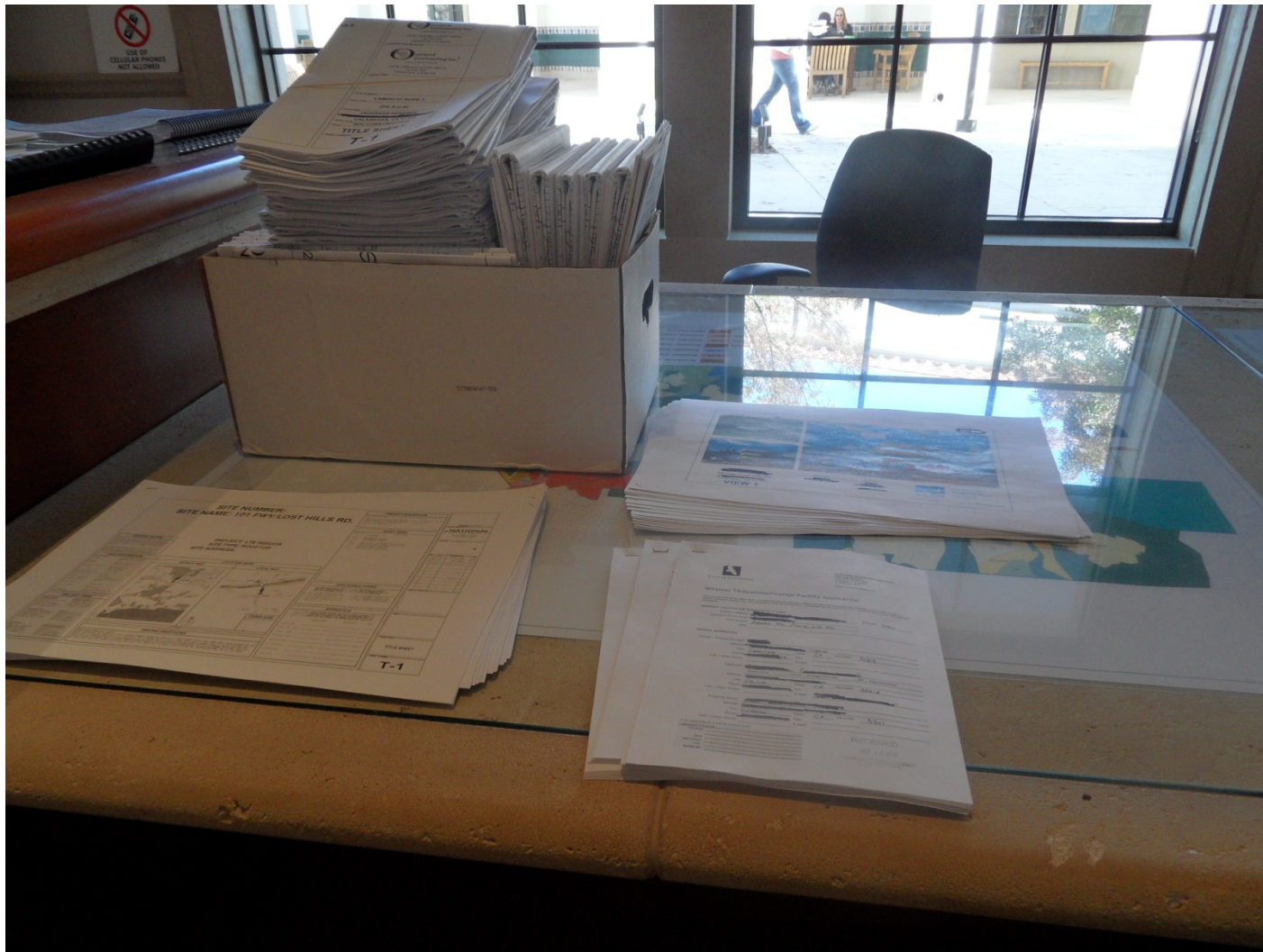
Height
Setbacks
Screening
FAR
Massing
Etc...



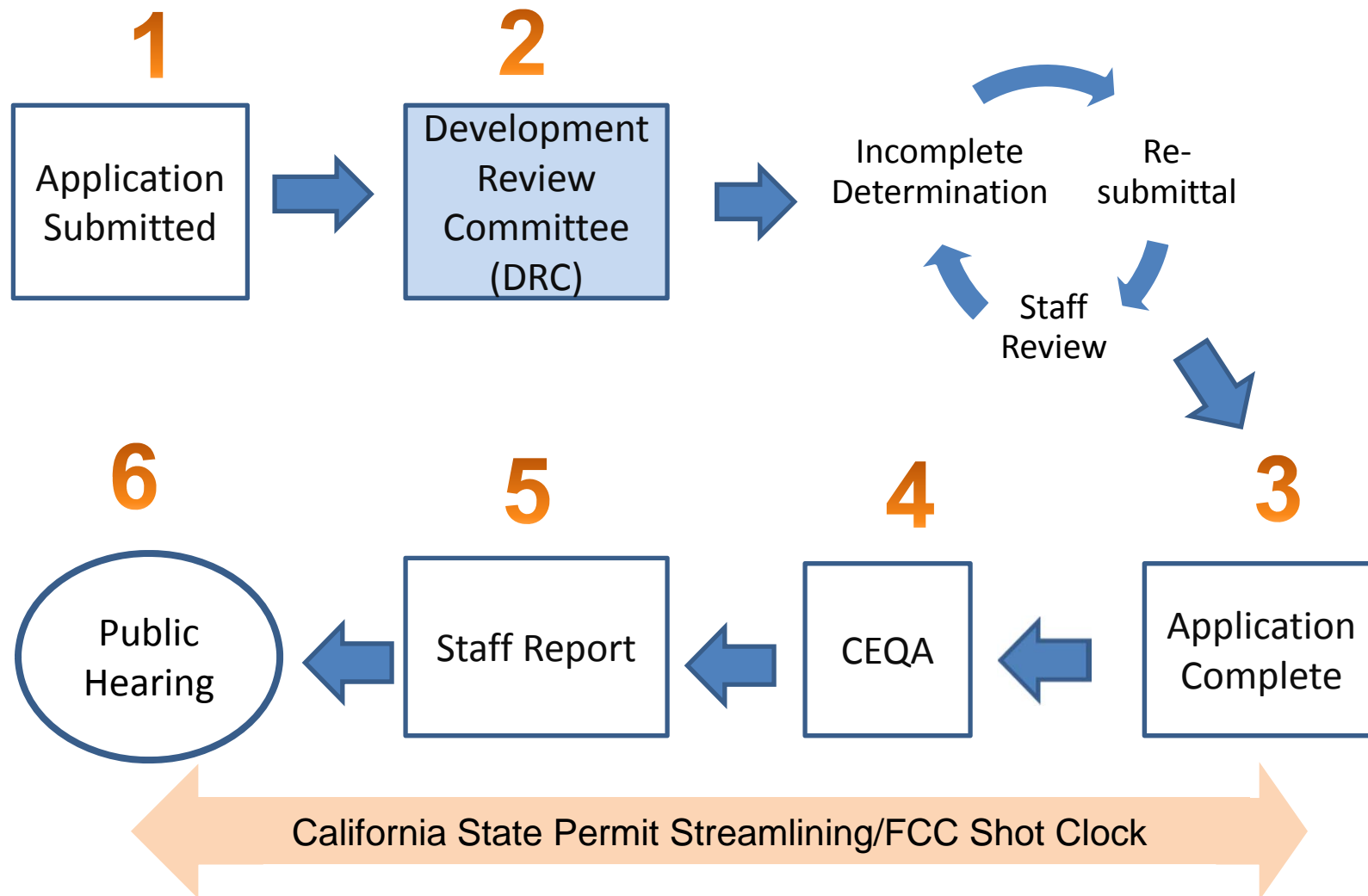
Process

Noticing
Director Approval
Public Hearing
Appeal

Step #1: Application



Planning Entitlement Process



Step #2: DRC

- Applications sent to Development Review Committee

17.70.040 Development Review committee (DRC).

A. Membership. The DRC shall consist of the following members:

1. The director or designee, who shall serve as the chair and secretary; and
2. Other city department directors or their designees (public works, fire, police, etc.) as needed.

B. Duties and Authority. The duties and responsibilities of the DRC shall be to review discretionary development/improvement proposals, provide applicants with appropriate design comments, and make recommendations to the Director, or the Commission, as provided by this development code.

- DRC meets within 30 days of application receipt in accordance with State law

Step #2: DRC

- Development Review Committee members are selected based on the project location and impact
 - City Staff: Planning, Building and Safety, Public Works, Media (wireless),
 - Invited Outside Agencies: LAC Fire and Sherriff, LVM Water District, LVM School District
- DRC reviews by outside Agencies are done at their discretion; City Code does not require their written approval, meeting attendance or comments

Step #2: Development Review Committee

- DRC Meetings are posted (3 locations)
- Placed on the City website
- HOAs are notified (by email)
- Public may attend
- Applicant in attendance
- Above actions are not required by Code



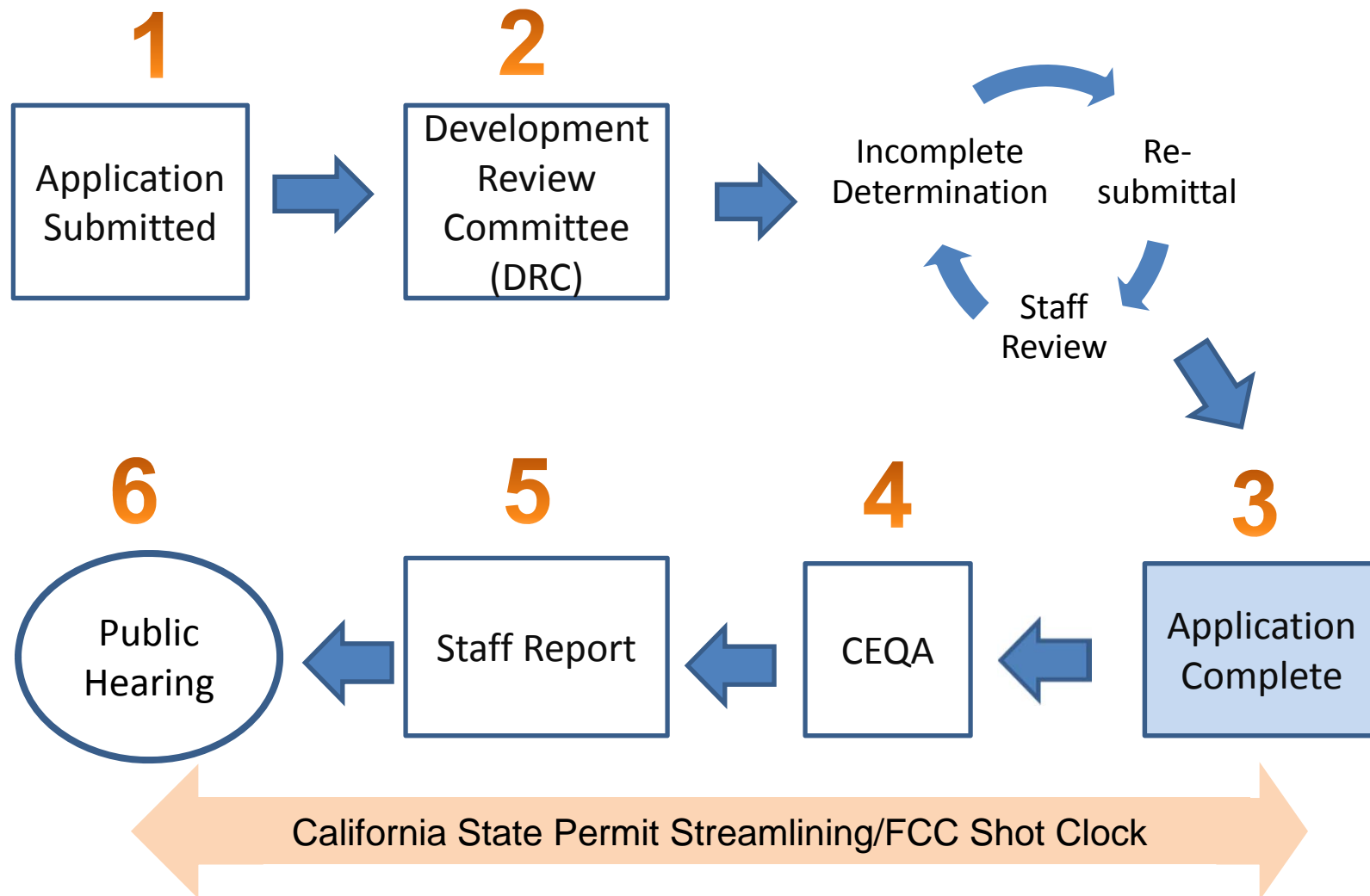
Step #2: Development Review Committee

- A letter of application completeness or incompleteness is issued to the applicant by the Case Planner
 - Incomplete letters contain DRC member comments specifying corrections required or requesting additional information
 - For wireless applications, issuance of an incomplete letter stops the FCC shotclock

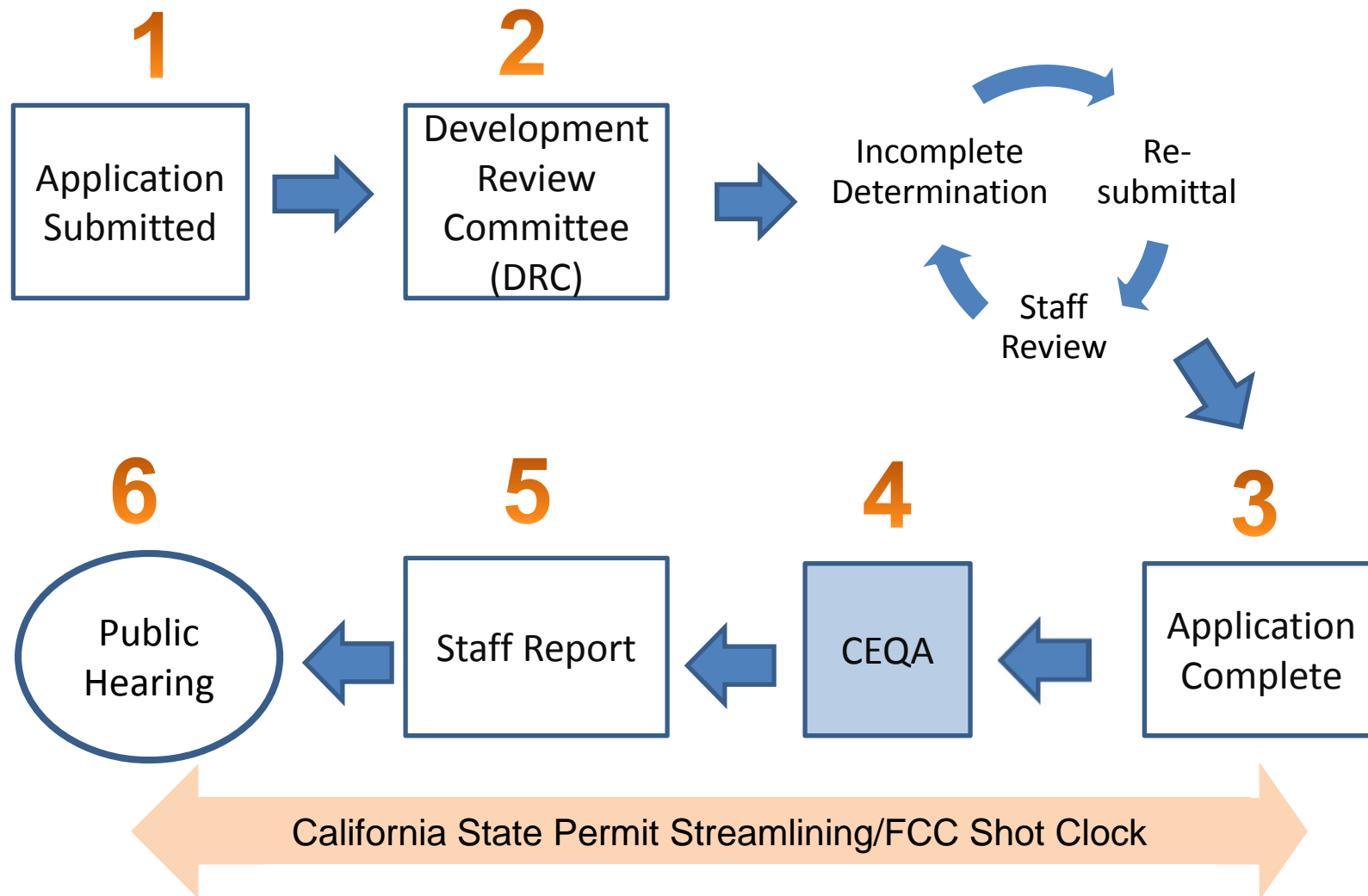
Step #2: Development Review Committee

- Incomplete applications are revised by the applicant and re-submitted
- On large or complex projects, redistribution of the revised submittal can be made by the Case Planner to DRC members to assure that their comments have been addressed
- If comments have been addressed, then the application is deemed complete and documented by the Case Planner

Planning Entitlement Process



Planning Entitlement Process



Step# 4: CEQA

- CEQA review of the completed Application is initiated by the Case Planner
- State Law determines the level of review which is required of the project
- The City Attorney is consulted on the level of review required by law
- Each level of review requires a different notification and filing process

Step #4 CEQA

- The California Environmental Quality Act (CEQA) requires the City to analyze projects in order to identify potential environmental impacts and avoid or mitigate those impacts, if feasible.
- CEQA applies only to discretionary “projects”, which are specifically defined under CEQA
- There are three primary levels of CEQA analysis:
 - Exempt (Statutory or Categorical)
 - Negative/Mitigated Negative Declaration (ND or MND)
 - Environmental Impact Report (EIR)

Step# 4: CEQA

Exempt Projects



Step #4 CEQA

- Statutorily Exempt Projects: No further study required regardless of whether they have significant environmental effects:
 - Ministerial projects/no discretion
 - Emergency projects/immediate action needed
 - Rates, tolls, fares, charges/operating fees
 - Feasibility study /approval, adoption, or funding unnecessary
- Require no outside agency notifications

Step #4 CEQA

- Categorically Exempt Projects: Exempt only if they have no significant environmental effects:
 - Operation, repair, maintenance, or minor expansion of existing facilities
 - Replacement or reconstruction
 - Construction of “small” structures (up to 3 single-family homes or 6 multi-family units)
 - “Infill” projects
- Categorically Exempt projects require no outside Agency notifications
 - Notice of Exemption filed with the County Clerk

Step# 4: CEQA

Negative Declarations
Mitigated Negative Declarations



Step #4 CEQA

- ND/MND process - Initial Study:
 - Checklist of over 90 questions/18 topic areas
 - No CEQA direction re: level of detail/methodology, only sufficient to answer the checklist questions
 - Lengthy background discussions/research unnecessary unless needed to answer the question
 - Generally addresses each question individually, though similar topics can be lumped together

Step #4 CEQA

- ND/MND process - Notice of Intent (NOI)
 - Once the Initial Study is concluded, a Notice of Intent (NOI) must be circulated
 - County Clerk/State Clearinghouse (15 copies of ND/MND to Clearinghouse)
 - Newspaper ad
 - Onsite & offsite posting
 - Certified mailing of notice to adjoining property owners, persons requesting notice and other public agencies as determined by the scope/significance

Step #4 CEQA

- NOI Public Comment period
 - 30 days if submitted to State Clearinghouse
 - 20 days if not submitted to State Clearinghouse
- Lead agency need only “consider” comments
- No requirement to respond, though most Agencies demonstrate “consideration” by responding in writing

Step #4 CEQA

- ND/MND process - Notice of Determination (NOD)
 - If project is approved, Lead Agency files Notice of Determination (NOD) with the County Clerk/Clearinghouse within 5 days
 - No additional Outside Agency or Public Notice regarding the NOD is required
 - Accompanied by filing fees (County - \$75, CDFG - \$1,876.75)

Step# 4: CEQA

Environmental Impact Reports



Step #4 CEQA

ND/MND

Requires analysis of all IS checklist issues
Mitigation Monitoring Program
Formal “setting” discussion not required
No alternatives analysis required
20-30 day public review period
All significant impacts mitigated
No written comment responses

vs.

EIR

Requires analysis of all IS checklist issues
Mitigation Monitoring Program
Formal “setting” discussion required
Alternatives analysis required
45-day public review period
Not all significant impacts mitigated
Written comment responses

Step #4 CEQA

- **Notice of Preparation (NOP) of EIR**
 - Formal public notice/newspaper ad of scoping meeting
 - Notice to be sent by certified mail to adjoining property owners, bordering counties or cities, responsible and other agencies, persons who requested notice
 - Notice to the State Clearinghouse and LA County Clerk
- **Notice of Completion (NOC) of Draft EIR**
 - Filing and 15 copies of Draft EIR to the State Clearinghouse
 - Certified mail notices (hard copies??) to outside agencies
 - Formal Notice (ad) of the public review period
 - NOC filed with County Clerk for a minimum of 30 days

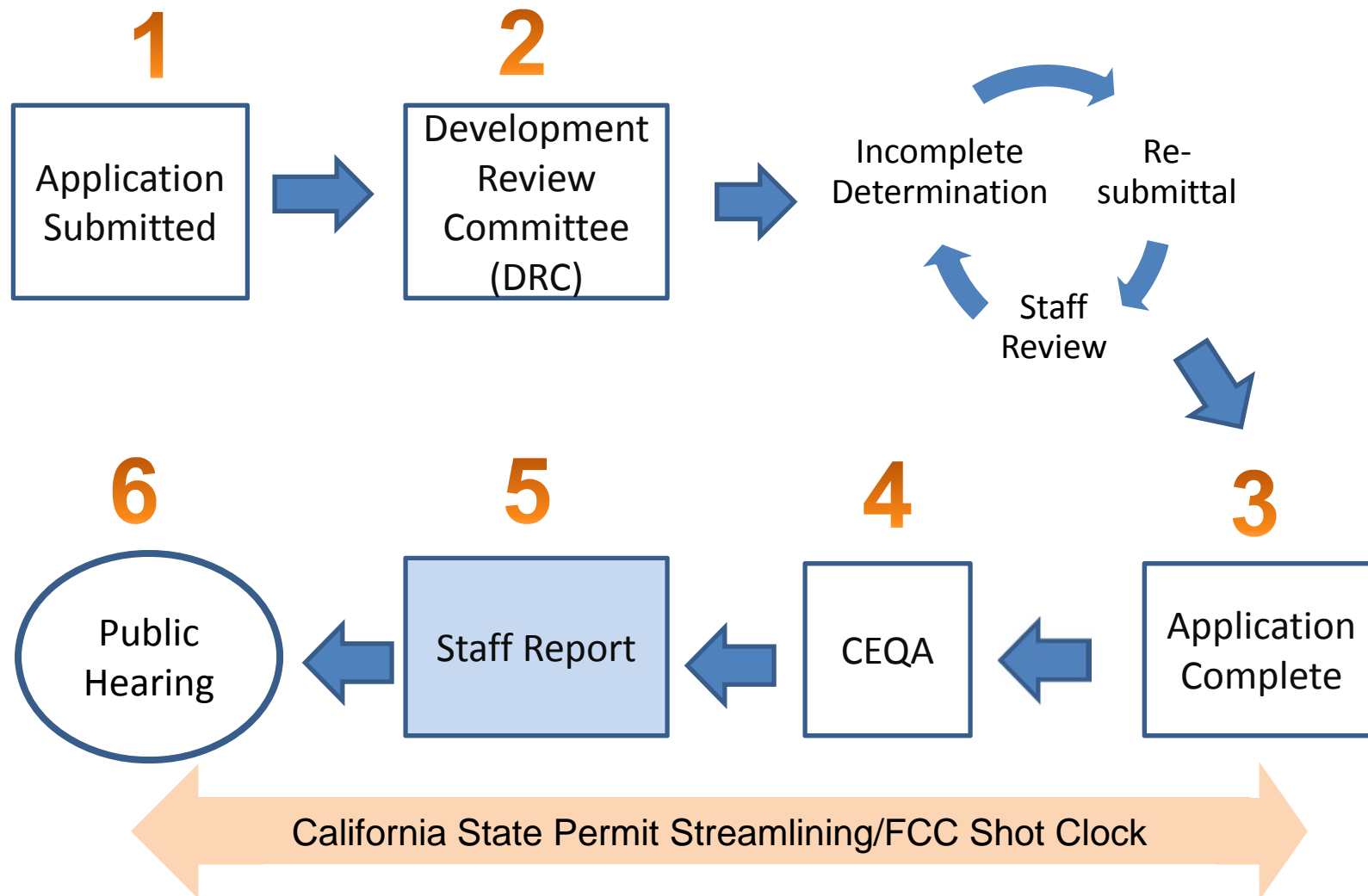
Step #4 CEQA

- Draft EIR – Notice of Completion (NOC)
 - NOC and 15 copies filed with State Clearinghouse
 - Copies sent via overnight or certified mail to responsible & other concerned agencies
 - Copies provided at Public Counter and Library
 - Minimum 45-day public review period for EIRs filed with the Clearinghouse; otherwise, 30-day min.
 - NOC filed with County Clerk for a min. of 30 days
 - Agencies provided written responses to comments

Step #4 CEQA

- Final EIR
 - The DEIR must be “certified” (adopted) by either the Planning Commission or the Council
 - Once certified:
 - NOD filed with County Clerk/State Clearinghouse within 5 days of project approval
 - Accompanied by filing fees (County - \$75; CDFG - \$2,606.75)
 - No additional outside Agency notifications required

Planning Entitlement Process



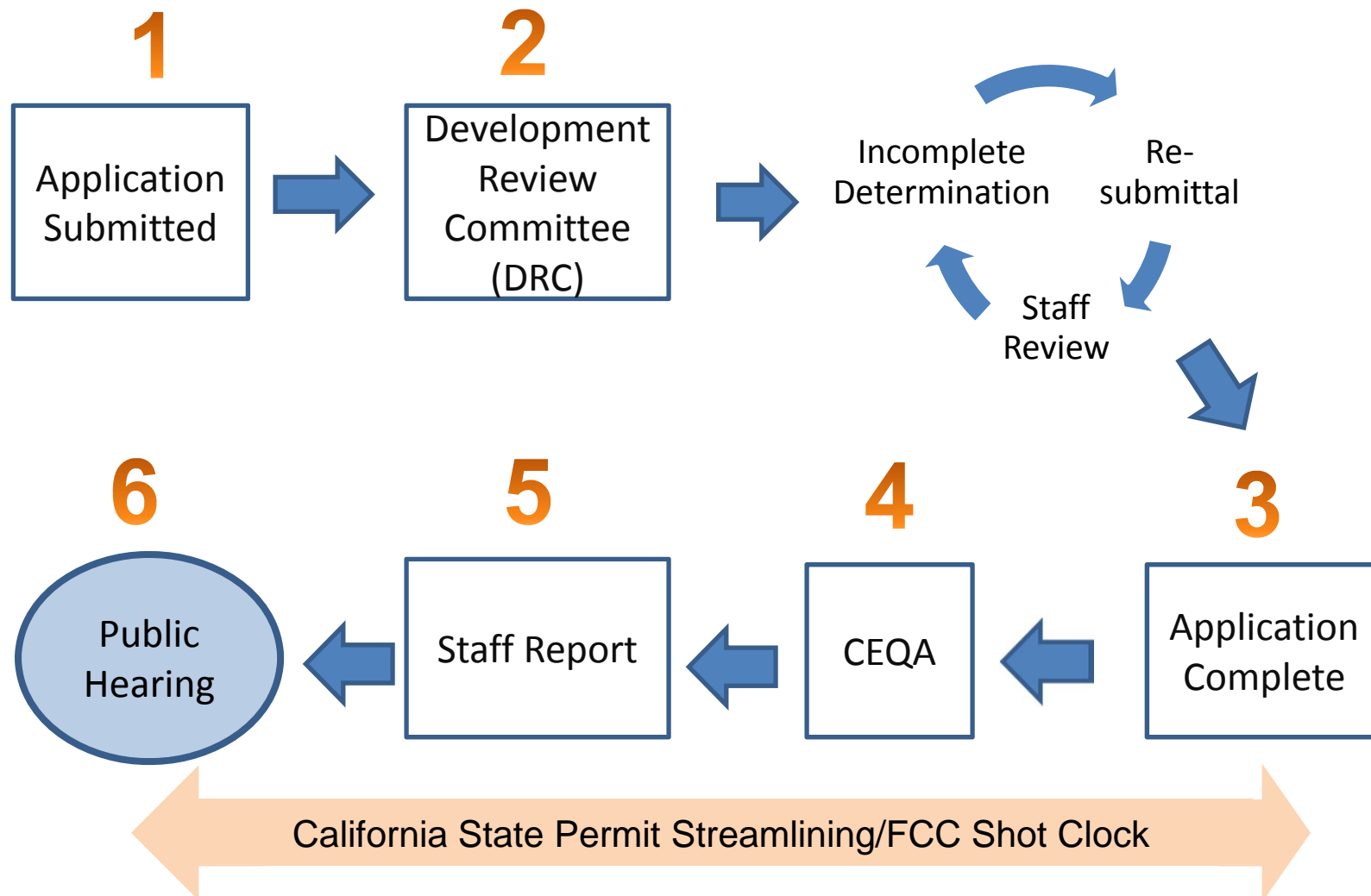
Step #5 Staff Report

- Notwithstanding the FCC “shotclock”, once an application is deemed complete, the Permit Streamlining Act (PSA) requires the City to take action on a project (approve or deny) within the following time limits:
 - 60 days after the determination that a project is exempt from CEQA
 - 60 days after adopting a Negative Declaration
 - 180 days after certifying an EIR

Step #5 Staff Report

- The Case Planner prepares an agenda packet for projects requiring Planning Commission hearing
- Agenda packets may include:
 - Staff report (project description, analysis of regulatory compliance, summary of comments from DRC) draft resolution and conditions of approval, plans and photo simulations, consultant reports, other agency comments, public correspondence, CEQA documentation

Planning Entitlement Process

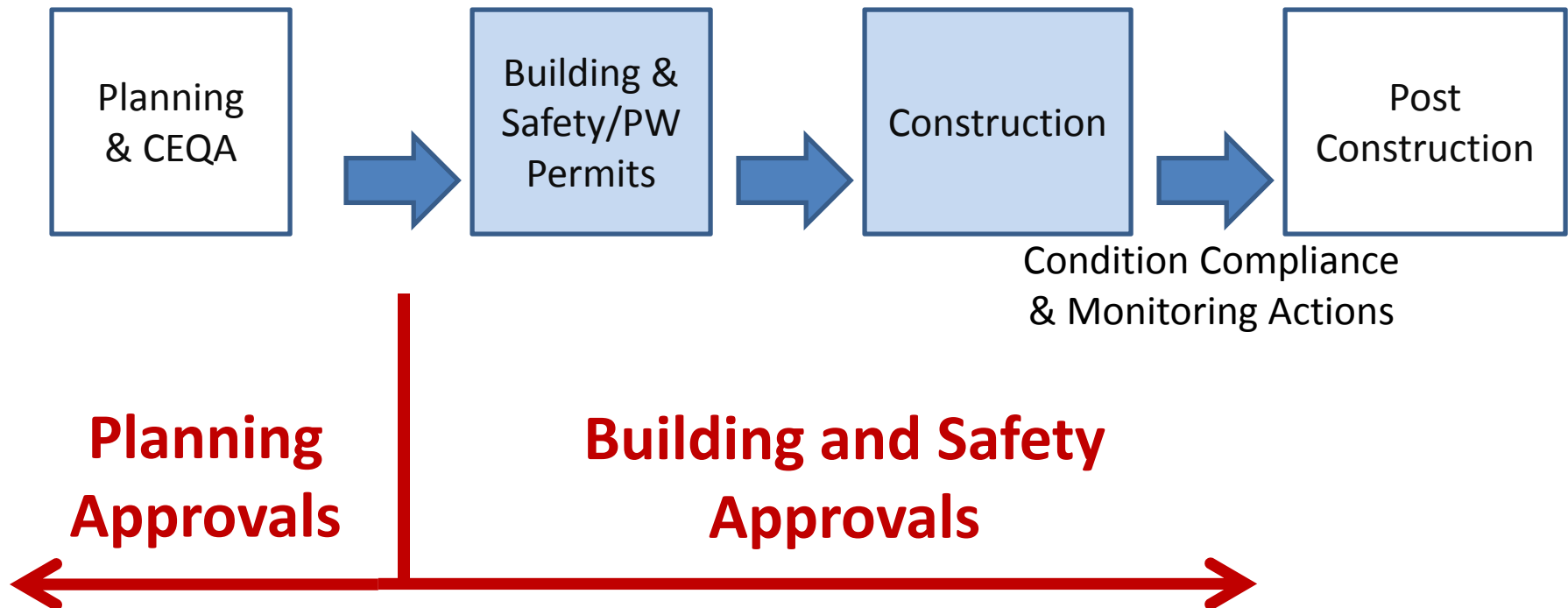


Step #6 Public Hearing

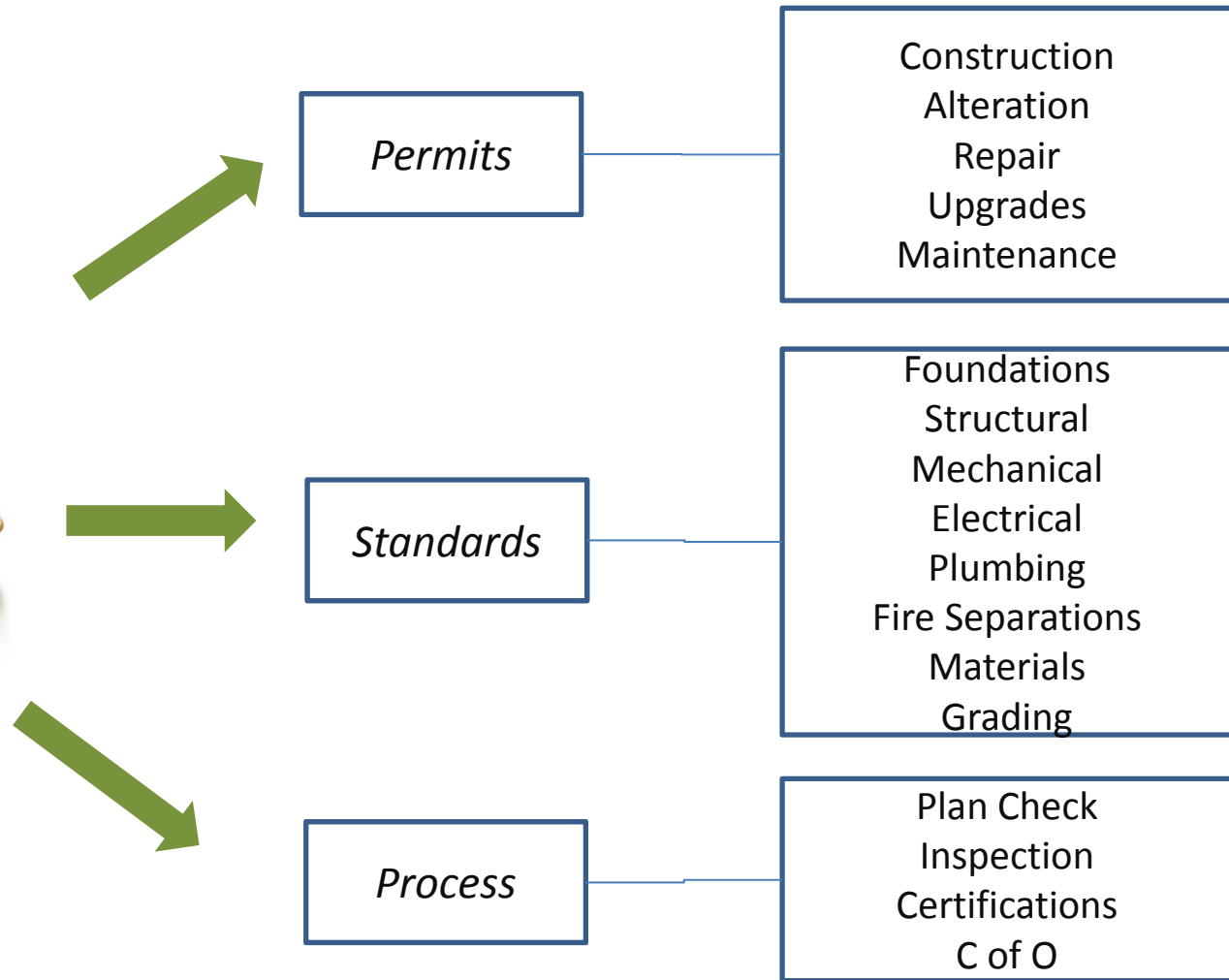
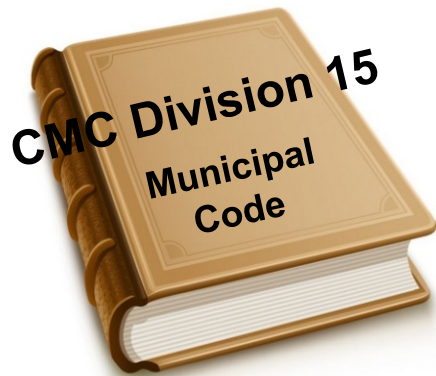
- The following steps occur in preparation for a public hearing:
 - Public hearing notice posted in the Acorn;
 - Public hearing notice mailed to property owners and HOAs;
 - Public hearing notice posted;
 - Agenda packet and notice posted on the website;
 - Distribution of packets to the Planning Commission
- Outside Agencies are not notified of the public hearing (unless they have property within the noticing area), nor receive copies of the agenda package or PC decision

Development Process

Community Development and Public Works



Building Permit Phase



Building Permit Phase

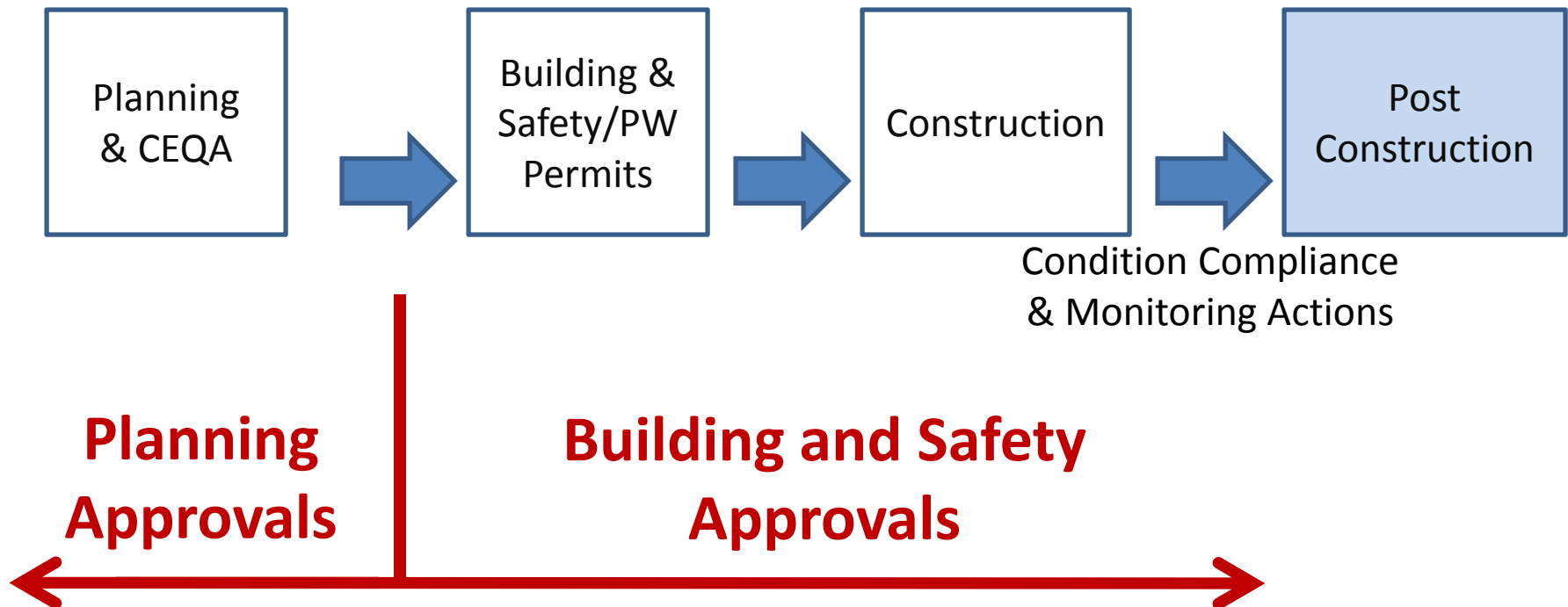
- City codes which govern construction:
 - CMC Div. 15.04 Building and Safety Codes
 - Requires compliance with Calabasas Building Code
 - Requires compliance with LA County Fire Code
 - Permits issued through the Building and Safety Department
 - CMC Div. 15.10, 15.11 and 15.16, Grading, Erosion Control and Flood Hazard Zones
 - Permits issued through the Public Works Department

Building Permit Phase

- Building and Grading Permit issuance is coordinated with:
 - Planning Department , for condition compliance
 - LA County Fire Department (City Fire code); approval is delivered or faxed to the City.
 - Las Virgenes School District, receipt for school fees
 - Las Virgenes Water District, receipt for hook up
 - Other agency permits/authorizations to proceed if id'd as planning requirement (Army Corp of Engineers, Caltrans, State Fish and Wildlife , etc.)

Development Process

Community Development and Public Works

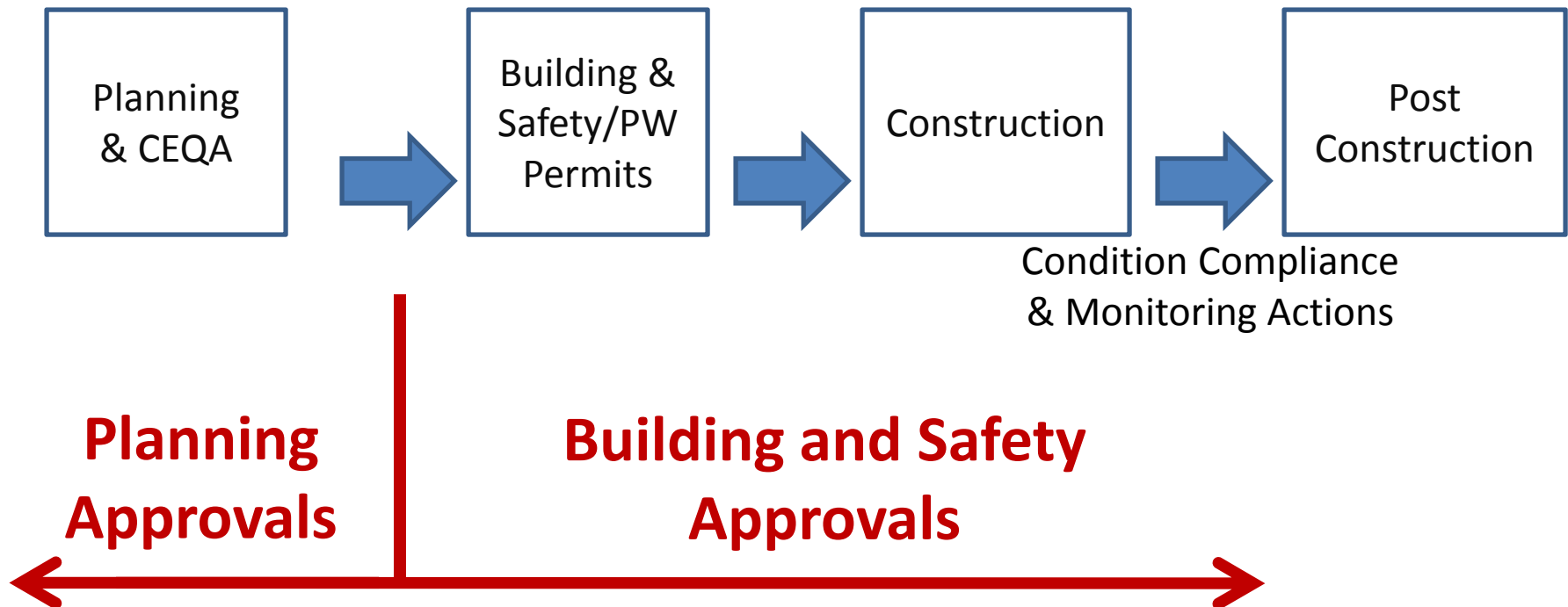


Post Construction Monitoring

- Post Construction Monitoring is typ. identified during the Planning approval/CEQA phase
- Activities can include collection of reports, site visits, photographs, bonds, etc.
- The City does not monitor for compliance with permits or agreements issued by or through outside Agencies
- Coordination with outside Agencies often occurs

Development Process

Community Development and Public Works



Development Process Overview

End of Report



Staff is Available for Questions