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Getting It Right: Examining Local Entitlement in California to Inform Policy and Process

BerkeleyLaw
UNIVERSITY OF CALIFORNIA

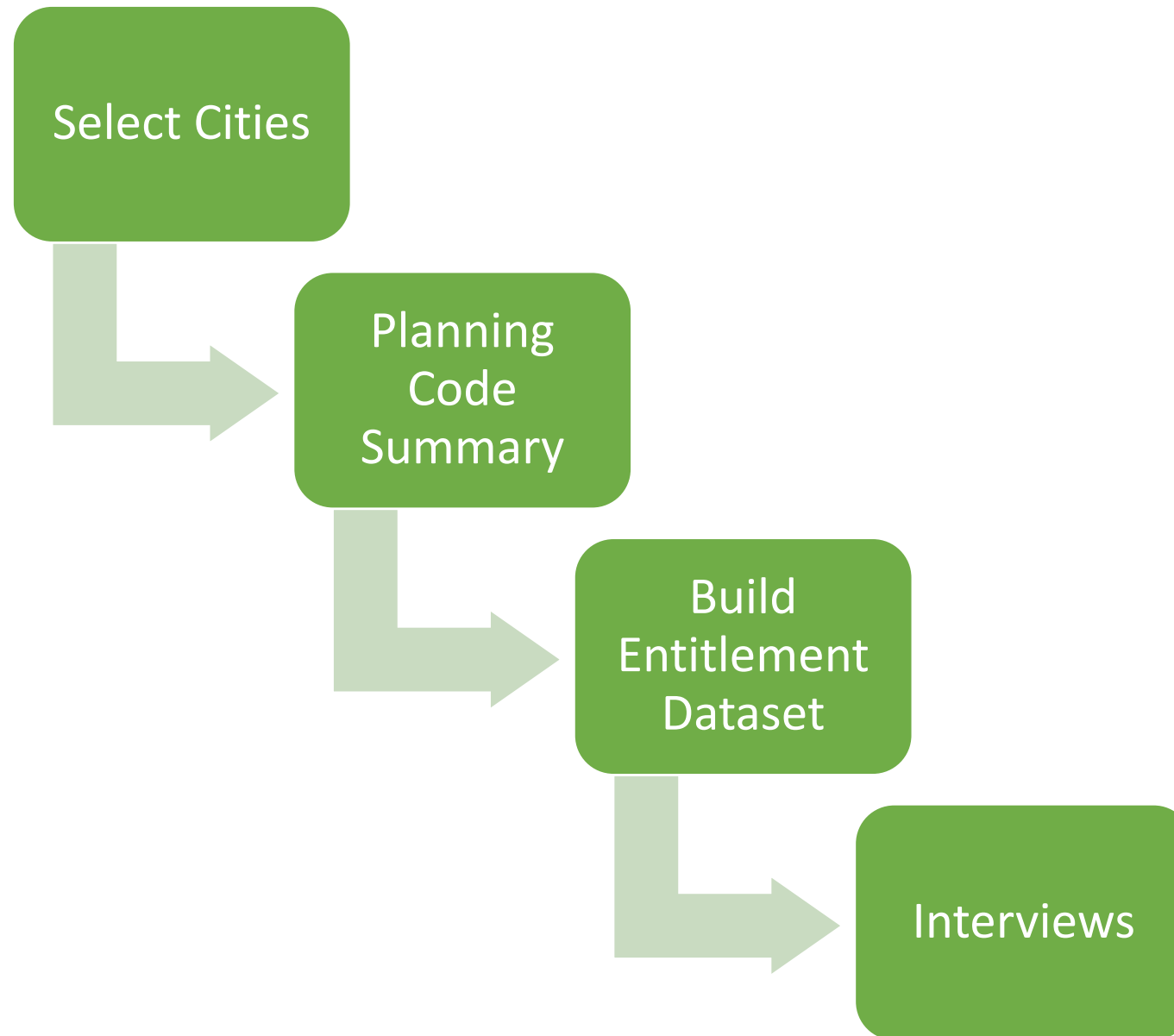
COLUMBIA
GSAPP
URBAN
PLANNING

Research Status
August 2, 2018

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Research approach



What are we learning?

EVERYTHING VARIES

- Local processes
- Planning practices and application of State Law
- Timelines for similar development



Local processes vary.

Jurisdiction	Primary Discretionary Review Mechanism	Residential Developments Exempt from Discretionary Review
San Francisco	Building Permits	None
San Jose	Site Development Permit	Single-family homes in limited circumstances ¹⁴
Redwood City	Architectural Permit	One-story single family homes and duplexes
Palo Alto	Architectural Review	Up to two single-family homes and two duplexes ¹⁵
Oakland	Design Review	Secondary units

Planning practice varies.

	Design/ Site Plan Review	Historic Preservation	CUP	Specific Plan Permit	PUD	Variance	Rezoning	General Plan Amend.	Total Number of Projects
San Francisco	--	--	27	45	2	31	1	1	96
San Jose	13	3	0	--	52	0	48	5	67
Oakland	66	0	31	--	1	26	2	0	67
Palo Alto	5	1	0	--	0	3	0	0	5
Redwood City	9	4	0	4	4	2	0	0	13

Planning practice varies.

Most residential development projects are going through streamlined environmental review, but . . .

	Project- Based and Tiering Exemptions	MND/ND	EIR
San Francisco	81%	10%	9%
San Jose	44%	38%	18%
Oakland	98%	0%	2%
Redwood City	65%	29%	6%
Palo Alto	60%	20%	20%

Planning practice varies.

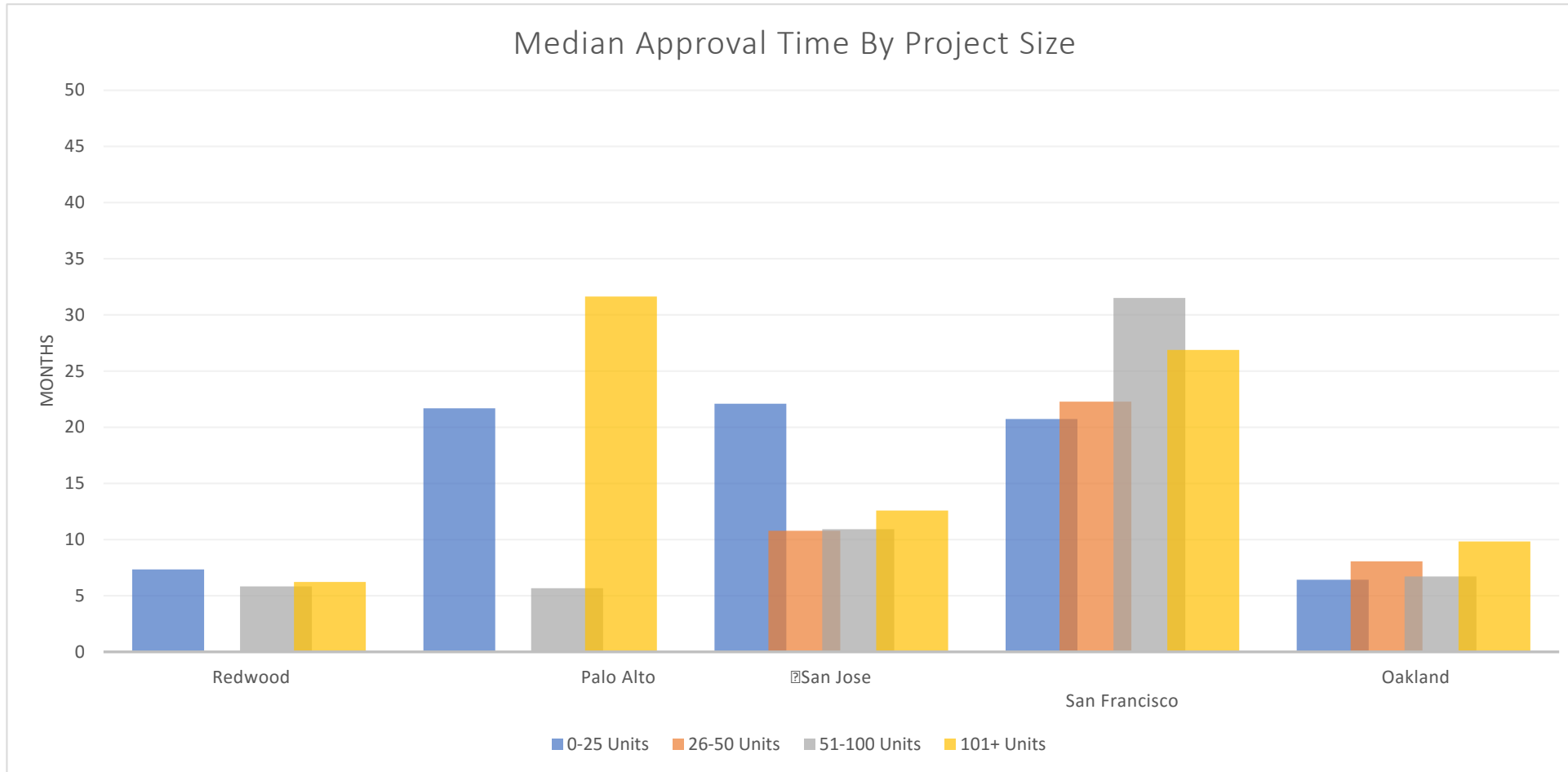
... local planning department's application of state law provisions meant to streamline environmental review vary.

Community Plan Exemption (CPE) Processes

- **Median CPE entitlement in Oakland is 7 months**
- **Median CPE entitlement in San Francisco is 23 months**

Timelines vary.

Entitlement takes a long time—anywhere from 6 to 32 months—but similar development timelines vary.



CEQA litigation rates are low.

- Of **250** projects in our dataset, **six** were the subject of a CEQA lawsuit.
- Around **2.5%** of total projects.
- Comprising **5.3%** of total units.
- There is one more non-CEQA lawsuit, which raise the percentages to around 3% of projects and 6.2% of total units.



EXECUTIVE DIRECTIVE ON HOUSING PRODUCTION

SPUR Lunchtime Forum | August 2, 2018



San Francisco
Planning

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1. Approval Deadlines [pre-entitlement]

Months from stable
project to entitlement :

6		no CEQA project
9		exemptions
12		ND, MND, CPE
18		EIR
22		complex EIR



2. Approval Deadlines [post-entitlement]

ONE YEAR from complete
phase application to
construction permits



3. Accountability

- / Hearings scheduled
within timeframes
- / Senior manager
- / Quarterly reporting



4. Process Improvement Plans

Dec 1 | Planning + DBI
pre-entitlement

Apr 1 | Consolidated Plan
post-entitlement

[PW, MTA, PUC, SFFD,
RPD, MOD, DBI]

PROCESS IMPROVEMENTS PLAN

APPLICATION INTAKE AND REVIEW



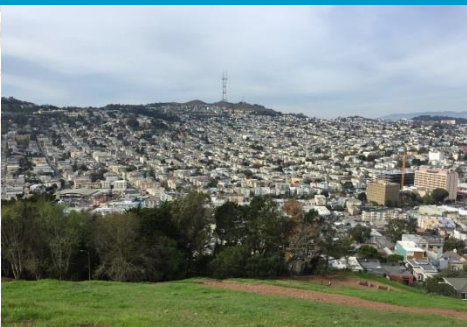
The application process should be the foundation of sponsor, staff, and public understanding of project details and review timeframes.

ROUTINE PROJECT AND PERMITS



Over-the-counter and administrative approvals reduce backlog and leave more time for good planning.

ENVIRONMENTAL AND DESIGN REVIEW



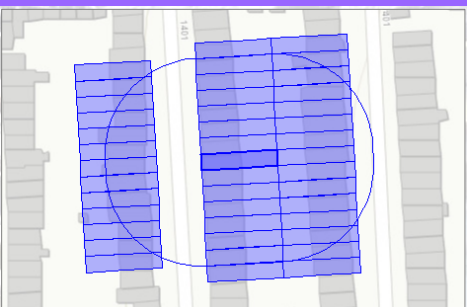
When successful mitigations and design treatments are well-established, we can focus analysis where it's needed most.

PLANNING CODE AND COMMISSION POLICIES



A clear Planning Code reduces room for delay. Focusing the projects that require a hearing maximizes the value of public discussion.

ADMINISTRATION AND TECHNOLOGY



By continually updating our systems and tools, we can serve the public better and keep growing our capacity.

APPLICATION INTAKE AND REVIEW

- Streamlined Preliminary Project Assessment (PPA)
 - No Environmental Evaluation prior to PPA
 - Focused response, provide a roadmap
- Consolidated Project Application and Review
 - Environmental and Planning Code review in tandem
 - Notice of Incomplete Application within 30 days
 - Plan Check Letter within 90 days
- Target Approval Dates for Housing Projects
 - Assigned in advance when the project description is “stable”

An aerial photograph of a city, likely San Francisco, showing a dense residential area with many houses and buildings. A solid pink banner is overlaid at the top of the image, containing the title text.

ROUTINE PERMITS AND APPROVALS

- “Advanced over the counter” review [August]
 - Online appointments and submittals
 - Piloting with ADUs and Unauthorized Unit legalization
- Streamlined approvals for Accessory Dwelling Units:
 - No neighborhood notice for ADUs in the existing envelope
 - Greater ability to expand/fill-in existing structures for ADUs
 - Waivers/alternatives for street trees, bike parking, exposure
- Minor alterations to Historic structures
 - Same-day administrative approval for routine work

ENVIRONMENTAL AND DESIGN REVIEW

- Historic Resources
 - Pilot: Preliminary Historic Resource Assessment
- Mitigation Measures
 - Codify standard mitigations for Archeology, Transportation, Noise, Air Quality
- Technical Studies and Consultants
 - Integrate technical studies into administrative record
 - Revise standards for consultant deliverables
- Environmental Documents
 - Concurrent drafting, review of Initial Studies and limited topic EIRs
 - Discontinue “certificate” documents for Infill and other exemptions

PLANNING CODE AND COMMISSION POLICIES

- 100% Affordable Housing
 - Administrative approval, including for *bonus* projects
 - Broader exceptions for non-bonus projects
 - No Discretionary Review
- Large Downtown Residential projects
 - Expanded exceptions, to reduce need for Variances
- Reduce the number of Conditional Use Authorizations
- Article 4 (Inclusionary, Impact Fees) clean-up and definitions
- Article 8 (Mixed-Use Districts) Reorganization

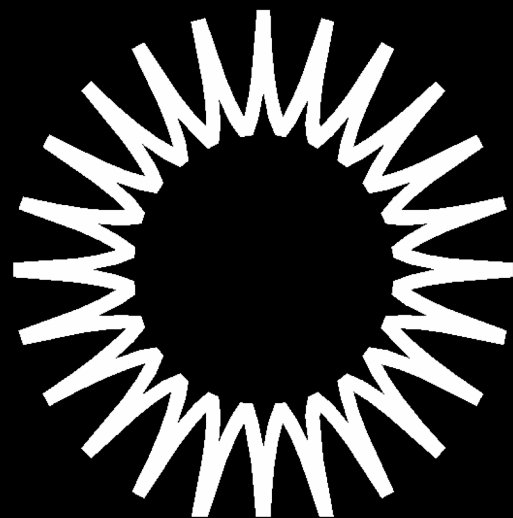
THANK YOU



San Francisco
Planning

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