

## **GENERAL LAND USE ENTITLEMENT PROCESS**

*(The following is not specific to any town, city, county or other municipality)*

During the land use entitlement phase of a land development project, the owner and/or developer of a property works with the local municipality to receive the approvals necessary to develop the property. This process, including the time involved, varies depending on the location and the approvals being sought. The process can take a few months and up to several years. The process generally involves the following steps:

### **1. Pre-Application/Design Phase:**

- The developer and its consultants (e.g., engineer, surveyor, land design, architect, attorneys) research a city's zoning and land use regulations that may apply to the subject property and the property's existing entitlements to determine how the property can be used currently and what changes may be needed to those regulations or entitlements to build the intended project.
- The developer's team will also typically initially evaluate what form of review and documentation the project may need under the California Environmental Quality Act (CEQA), a state law that requires a city or other local or state agency to study the environmental impacts of a project that requires entitlements, and mitigate a project's significant impacts if feasible.
- Either the developer or a city retains experts who can perform a project's study required under CEQA.
- The developer's consultants assist with an initial, conceptual design of the intended project.
- The developer and its consultants meet with the local planning department and possibly other city staff to discuss the intended project, the conceptual design, and what steps may be needed to accomplish the project under the city's land use and zoning laws.
- The developer's team may also meet with a city's councilmembers or appointed officials, such as planning commissioners, if it is advisable to see if a city's decisionmakers support the proposed project, especially if a project may involve controversy or complexity.
- Necessary entitlements may include rezoning the property to a zone that permits the intended project, applying for a conditional use permit, submitting a site plan showing the intended use, and/or other approvals required by the jurisdiction

### **2. Application Submission:**

- The developer and its consultant prepare the applicable application to the local municipality seeking the necessary project approvals.
- The application generally includes a project plan depicting the project, building elevations, any required studies (e.g., traffic studies, environmental studies, etc.), applicable fees and a description of the project, including its key features or elements, so that the CEQA consultant can properly assess the project's potential environmental impacts and determine what form of study the project needs, such as an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND).
- Once received, the municipality's staff reviews the application to make sure the developer has submitted everything required.
- The municipality and the CEQA expert will begin the project's CEQA review once the city and the expert decide they have sufficient information about the project to study its impacts.

### **3. Public Notification and Hearings:**

- Depending on the approvals being sought, the municipality's staff may give public notice of the submitted application.

- Notice may be given with physical signs located on the property, letters distributed to neighbors located a certain distance from the property, in the local newspaper, and/or online.
- There typically will be at least one public hearing before a local city official, such as a planning director, or at the planning and zoning body.
- At least one public hearing may also occur before the municipality's council depending on the entitlements sought and whether the municipality requires the council to adopt or certify the project's CEQA report rather than letting any official or the planning commission do so.
- CEQA requires a public review and comment period for certain reports used to study a project's environmental impacts, such as an EIR or a MND, and requires a municipality to respond in writing to comments received by the public.
- While CEQA does not require a separate public hearing on a CEQA report, such as an EIR or a MND, many cities will hold one to provide the public an opportunity to be heard on the report.
- Members of the public are invited to provide their comments as to the project at these public meetings.

4. **Planning & Zoning Decision (if applicable):**

- After a public hearing and comment, the local official or planning commission will either adopt or certify the CEQA report and approve or deny the entitlements if the official or the commission has the authority to do so under the city's regulations, or will make a recommendation on the project to the commission or the council as the case may be.

5. **Council Decision:**

- Following the local official's or planning commission's decision or recommendation, as applicable, and after a public hearing and public comment, the municipality's council will decide whether to adopt or certify the CEQA report and whether to approve or deny the application.