

From: Bert Stitt <bertstitt@tds.net>
Sent: Saturday, August 28, 2010 3:53 PM
To <TCoolley@cityofmadison.com

Subject: Community Benefit Agreements between a developer proposing a particular land use and a coalition of community organizations

Greetings ...

A client recently sent me the following link regarding a new tool called, "Community Benefit Agreements."

I think the Economic Developments initiative on reviewing the City's development process will do well to take a look at this. This approach puts the development review process at somewhat more sophisticated level than we currently know.

THE ROLE OF COMMUNITY BENEFIT AGREEMENTS IN NEW YORK CITY'S LAND USE PROCESS*

http://www.downtowndevelopment.com/pdf/NYC_land_use.pdf

I have also attached an outtake from the City of Glendale Arizona's Municipal Code which begins:

"A. Every application which requires a public hearing shall include a citizen participation plan which must be implemented prior to the first public hearing."

This is also worthy of the committee's review.

Regards

bert stitt

Appendix A ZONING

ARTICLE 3. ADMINISTRATION.

3.304 Citizen Participation Plan.

A. Every application which requires a public hearing shall include a citizen participation plan which must be implemented prior to the first public hearing.

B. The purpose of the citizen participation plan is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;

2. Ensure that the citizens and property owners of Glendale have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and

3. Facilitate ongoing communication between the applicant, interested citizens and property owners, city staff, and elected officials throughout the application review process.

C. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

D. At a minimum the citizen participation plan shall include the following information:

1. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;

2. How those interested in and potentially affected by an application will be notified that an application has been made;

3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;

4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;

5. The applicant's schedule for completion of the citizen participation plan;

6. How the applicant will keep the planning department informed on the status of their citizen participation efforts.

E. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:

1. Property owners within the public hearing notice area required by other sections of the ordinance codified in this section;

2. The head of any homeowners association or registered neighborhood within the public notice area required by other sections of the ordinance codified in this section;

3. Other interested parties who have requested that they be placed on the interested parties notification list maintained by the Planning Department.

F. These requirements apply in addition to any notice provisions required elsewhere in the ordinance codified in this section.

G. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with the Planning Department staff.

(Ord. No. 1952, § 2, 7-22-97)

Appendix A ZONING

ARTICLE 3. ADMINISTRATION.

3.305 Citizen Participation Report.

A. This section applies only when a citizen participation plan is required by the ordinance codified in this section.

B. The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Planning Department's public hearing report.

C. At a minimum, the citizen participation report shall include the following information:

1. Details of techniques the applicant used to involve the public, including:

- a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
 - c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
 - d. The number of people that participated in the process.
2. A summary of concerns, issues and problems expressed during the process, including:
 - a. The substance of the concerns, issues, and problems;
 - b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
 - c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

(Ord. No. 1952, § 2, 7-22-97)