

The City's Process Improvement Committee hereby submits the following recommendations to improve the development review process.

Overview

The development review process as run by the City of Virginia Beach is generally regarded as the best in the region, but it still falls short of some of the expectations of its customers. There is a perception that the process is owned by the City staff, and to a great extent this is true. But in reality it is also owned by the private sector, and its characteristics in large measure derive from how the city staff and the private sector interact with one another. The private sector perceives that the process is too slow, the rules are unclear, or they are applied in an arbitrary manner. The city staff perceives that the private sector's preparations are often inadequate, problems are not properly addressed, or that it is expected to design the project itself through its review comments. While there is both truth and falsehood in these perceptions, and while it may not be possible to ever fully correct the problems, it is possible to greatly improve the process.

The greatest strength of the process is also its greatest weakness. As with many governmental processes, it is designed to keep bad things from happening, rather than to promote good things. In this case, this is probably as it should be. The process excels at this, and it is seldom that, no matter how complicated the development, the principal elements of the development—drainage, traffic, sanitary sewer, zoning compliance, etc.—fail to work properly. And the consequences of failure are severe. Remedy is costly and reflects poorly on the city and the developer. The burden of poor design is often borne by new residents or businesses, or by adjacent or nearby properties. So it is fortunate that such emphasis is placed on problem avoidance. But as a result, the private sector sees the process as being slow, unresponsive, and cumbersome. It is not seen as being designed to help them in their cause of sure, effective and speedy resolution of their issues. Thus the challenge of process improvement is to preserve the good qualities of the process while rectifying the shortcomings. These two objectives compete with one another, but not to the point that they are mutually exclusive. Improvement can be achieved by managing three conflicts as outlined below.

First Conflict—Internal

The Development Services Center (DSC) within the Planning Department has been designated as the agency responsible for the management and coordination of the process. However, there are numerous city agencies involved, representing every facet of the city's physical development. Here there are two important principles of government in conflict with one another. Each principle has been long embraced by the city administration, with good result, but the two are having problems coexisting within the framework of development review. The first involves getting everybody involved in the decisions that are made, treating each participating agency as a respected stakeholder. The second involves providing a timely and coherent response to the customer, which is how the DSC rightfully regards the private sector. Many of the comments received by the DSC conflict with one another, are of dubious validity, or are not timely. The all-inclusive approach to resolving these difficulties, if they can

be resolved at all, is often too time-consuming to meet the customer's needs. So when the customer receives his review letter, the requirements outlined are often disjointed, incomplete, or untimely. The DSC, in short, has the responsibility to provide a timely coordinated review, but lacks the authority to do so. There are no consequences for a participating agency that provides inappropriate input, fails to coordinate with or compromise with other agencies, or does not comply with time deadlines. All the consequences fall on the DSC. A series of adjustments that give the DSC more authority over the process it is in charge of is in order. Giving the DSC more authority over the commenting process, or moving some of the commenting entities into or under the authority of the DSC would help achieve this, but the exact method is best left to the City Manager.

Second Conflict—External

The development review process comes close to being an adversarial process between the public and private sectors. This is not necessarily detrimental until it is taken too far. But whereas a true adversarial process, such as the judicial process, has established rules of procedure and fairness, the development review process lacks them. Accordingly, the situation is rife with accusations and recriminations, most of which amount to little, and which serve as a screen obscuring the view of the real problem. Much of the discomfort with the process—on all sides—centers on the impression that a review of any given plan takes too long. This should be no surprise, since there are so many disparate voices that must be heard and combined into one review. Further, and more importantly, it is not uncommon for a plan to require four or five reviews before it can be approved. The critical length of time is not between the submittal of a plan and receipt of comments; it is between the submittal of a plan and its approval. Thus measuring the length of time of a given review gives a false indication of performance. A more significant indicator is the number of reviews necessary. The disconnect is even greater than that. When emphasis is placed on the speed of a given review, the review sometimes leaves issues unresolved for the sake of speedy conclusion, thus increasing the number of reviews necessary. Equally problematic is the absence of effective means to resolve complex issues or professional differences of opinion. Plan submittal and review is a decidedly poor method. A system where one party submits a plan loaded with problems and another party passes judgment on it, merely to gauge what will work or be accepted, is time-consuming and resource-consuming, and leads to obtuse communication and the false conclusion that the inevitable delay is the other party's fault. Such a system relies on an iterative process where each plan review, through rejection and comment, inches for months toward the common goal of approval. A greater use of face-to-face communication to resolve critical issues will be much more efficient. Meaningful pre-submittal processes and mid-process conferences will do more good quicker than the current practice. An immediate rejoinder to this idea is that there is not enough time for that. There will be enough time if it reduces the number of reviews necessary. Both aspects of this conflict can be improved upon if each side engaged in a meaningful discussion at first submittal to jointly arrive at the answer to one question: What is our shared plan to get this project approved in two submittals? Such an approach will require both the public sector and the private sector to break out of their current molds. While some may feel that this goal is overly ambitious, expectations of a five-review process are almost always fulfilled. It is a good place to aim.

Third Conflict—Involvement With the State

New state regulations have recently been promulgated that affect the way in which localities throughout the Commonwealth implement stormwater regulations as part of the development review process. Stormwater management is critically important in Virginia Beach, and the purpose of the regulations is to be applauded. However, the regulations themselves are cumbersome and fraught with error and shortcomings. It is expected that adherence to these regulations in their current form will make a difficult review process even more difficult. The City should approach its General Assembly delegation to seek to have these regulations applied with a degree of flexibility so that their purpose can be fulfilled without localities bearing the burden of their shortcomings.