

What is the process a developer goes through to gain permission to build a major project?

Once a Prospective Developer (P.D.) has found a site they want to “develop”, they will typically go through a process similar to the below:

1. The P.D. may hire a consultant to come up with a rough sketch of a proposal.
2. The consultant may hold a public meeting to gauge the community’s response.
3. The consultant then makes a recommendation to the P.D as to the advisability of proceeding.
4. If the P.D. decides to proceed, they will then inform the City of Richmond of their intentions and apply for permission to submit a DEIR. They will need to submit a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), a Tentative Map showing sub-division of the property and conceptual maps of the homes. A traffic study will be done by the P.D. or by the City. Agencies such as EBMUD, East Bay Regional Park District, the School District, and Flood Control, as well as the public, must be given notice of the proposal and are given the opportunity to state what issues they feel the DEIR should address. These comments, as well as some preliminary studies, are published and made available to the public.
5. The City of Richmond will then contract a firm to prepare and file a Draft Environmental Impact Report (DEIR) with the City. The P.D. pays for this, not the City. This report is intended to be a detailed accounting of the probable impacts that the proposed project might inflict upon the community at large, the site and its residents, flora, fauna and topography, and the suitability of the site for their purpose. The contracted firm will then hire a number of consultants – arborists, geologists, hydrologist, traffic planners, etc. – to gather data. These consultants will inspect the site, report on issues they find and propose solutions to the issues. In some cases, they may state that a problematic issue is unresolvable. If unresolvable, they may offer an offsetting mitigation. An example would be that after destroying a frog pond, they might offer to manufacture a frog pond elsewhere, either on or off the site.
6. The DEIR is then made available to the public and various state and federal agencies for their comments. Comments by the public and public agencies are then submitted for inclusion in a volume of comments. The public can use its own consultants to refute or amplify statements made by the consultants hired by the P.D. Comments may only be submitted for a pre-defined window – usually of between 30 and 45 days (an extension may be granted if the developer or City of Richmond fails to make the appropriate materials available in a timely fashion – this has happened in the past).
7. The comments on the DEIR are then returned to the P.D.
8. The P.D. will then attempt to rebut or solve issues raised by the DEIR and submit a EIR to the City for approval.
9. The City will approve or disapprove the EIR based on its judgment of the merits of the EIR’s solutions to, and mitigations of, the issues raised in the DEIR and compliance with the Richmond General Plan. The General Plan is a set of guidelines which state the desired goals and ideals of the City of Richmond and has a number of clauses restricting unbridled growth and fostering preservation of the remaining natural areas within the confines of the City.
10. If approved by the City, the P.D. can proceed. A legal challenge is still possible at this stage, but is much more difficult and very expensive.