



American Planning Association  
**California Chapter**  
**San Diego**  
*Making Great Communities Happen*

# When Business Friendly Happens to Planners: Ethics In Planning

June 28, 2013 San Diego Section  
California Chapter of the American Planning Association

Carol D. Barrett, *FAICP*

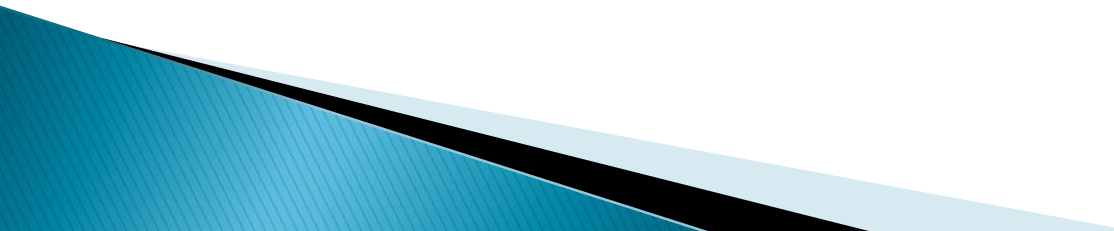
Kathleen Garcia, *FASLA*

Brian Mooney, *AICP*

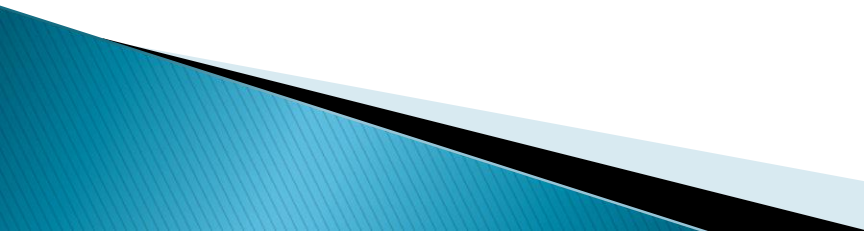
Barry J. Schultz, *Esq.*

Mike Stepner, *FAICP, FAIA, FIUD*

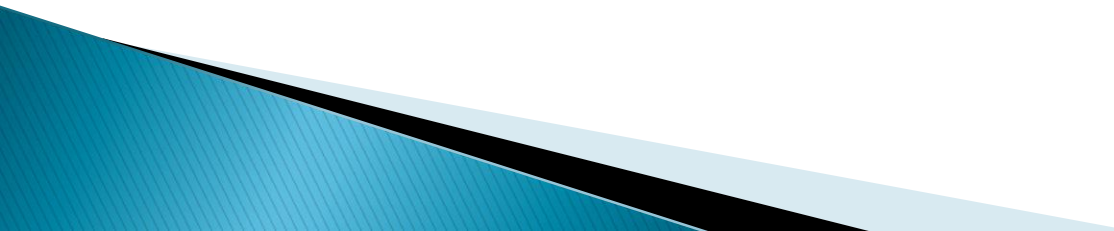
# Content Sources

- ▶ Juan Borelli, San Jose
  - ▶ Hanson Hom, Sunnyvale
  - ▶ Linda Tatum, Inglewood
  - ▶ Al Zelinka, Riverside
  - ▶ San Gabriel Planning Staff – Mark Gallatin,  
Larissa De La Cruz, Fang Zhou Zhou
- 

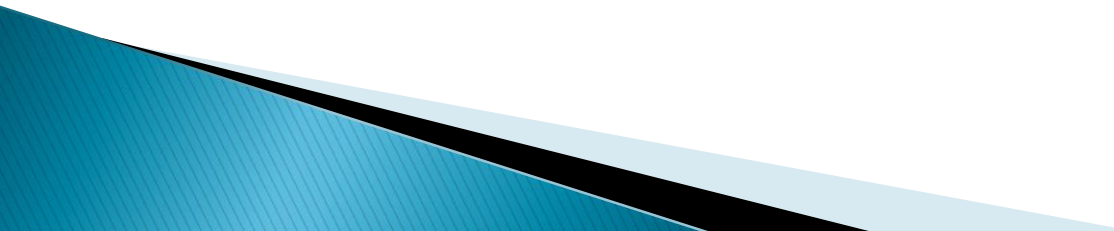
# Focus of the Conversation

- ▶ Balancing business and community expectations.
  - ▶ Practical ways to improve our processes and along the way become customer/business friendly.
  - ▶ Dealing with ethical issues.
  - ▶ Panelists response – How I define business friendly
- 


# Background – The New Normal

- ▶ Loss of redevelopment
  - ▶ Declining local government resources
    - Opportunity to re-organize.
    - Need to acknowledge service impacts.
  - ▶ New jobs pay lower wages
- 

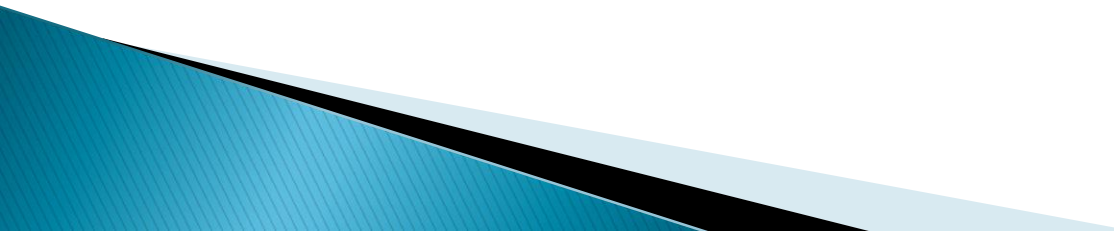
# The New Normal Continued

- ▶ High unemployment overall
  - ▶ City Managers hiring B-school grads as directors – a trend?
- 

# Background – Expectations of Elected Officials

- ▶ Operate on a continuum from problem solving to relaxed standards in dealing with complaints.
  - ▶ Planners know that some complaints are unreasonable. It comes with the turf.
  - ▶ Compete with other communities on business friendly capabilities.
  - ▶ When the Business Friendly consultants arrive.
- 

# Background – Community Expectations

- ▶ No more business as usual.
  - ▶ Focus on jobs, economic development.
  - ▶ Maintain and enhance quality of life – sometimes you can be too business friendly.
- 



DARM - Windows Internet Explorer

http://www.fresno.gov/Government/DepartmentDirectory/DARM/default.htm

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Development and Resource Management

**DEVELOPMENT AND RESOURCE MANAGEMENT**

DEPARTMENT OF WATER RESOURCES

**Contact Us**  
 Development and Resource Management Administration  
 2600 Fresno St  
 Room 3065  
 Fresno, CA 93721  
 559-621-8003  
 E-Mail Us  
 Department Home

[About DARM](#)  
[Building & Safety Services](#)  
[Community Revitalization/Code](#)

[Development Services](#)  
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The Development and Resources Management Department (DARM), (Formerly the Planning and Development Department) is the focus of both public and private property development throughout the City, and the sustainable management of its land and water resources and public infrastructure; including, downtown and neighborhood revitalization, long range land use planning, new development entitlements, building permit issuance, building plan check, inspection services, and zoning/housing/nuisance code enforcement and through Resource Efficiency Programs for residential and commercial properties.

**GOVERNMENT**  
 Mayor's Office  
 City Council  
 City Manager  
 City Clerk  
 City Attorney  
**Department Directory**  
 Finance  
 Fire Department  
 Information Services  
 Parks, After School, Recreation & Community Services  
 Personnel Services  
 Police Department  
 Public Utilities  
 DARM  
 DARM Calendar  
 Parking  
 Building & Safety Services  
 Community

http://www.fresnocalbiz.com

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Fresno Business Directory

About Us Local Business Initiative For Business Owners Contact Us Total Businesses: 17,722

Search... **Search** Wed, 6/19/2013 8:02:01 AM PDT Wind: at Gusts:

**Categories**

All Categories	Appraisal Services (33)	Barber Shops (73)	Chiropractic Services (98)
Accommodations (133)	Arcades (3)	Bars and Nightlife (31)	Cleaning Services (170)
Advertising and Marketing (166)	Architecture and Design (140)	Beauty Supplies (52)	Collection Services (5)
Agriculture Supplies and .. (59)	Art Galleries and Museums (30)	Bicycle Shops (8)	Computer Sales and Repair (180)
Aircraft Services (13)	Arts, Crafts and Hobbies (116)	Bookstores (41)	Construction Clean-up (19)
Animal Services and Suppl .. (1)	Assisted Living and Hospi .. (69)	Broker Services (86)	Construction Materials (88)
Antiques and Collectibles (102)	Attorneys and Legal Servi .. (897)	CPA and Accounting Servic .. (181)	Consulting Services (431)
Apartments/Housing (3)	Automotive Parts and Serv .. (892)	Catering (79)	Counseling Services (144)
Apparel- Men's Women's an .. (359)	Bakeries (63)	Childcare Services (145)	Delis and Sandwich Shops (4)

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

**Welcome**

This directory was produced to provide the public with an easy to use resource for locating and supporting locally owned businesses in Fresno.

The information for the businesses listed in this directory has been obtained directly from City of Fresno business license records. Information has been provided by business licenses and has not been modified for use in this directory. Therefore, the City of Fresno cannot guarantee the complete accuracy of directory listings, which may include incorrect



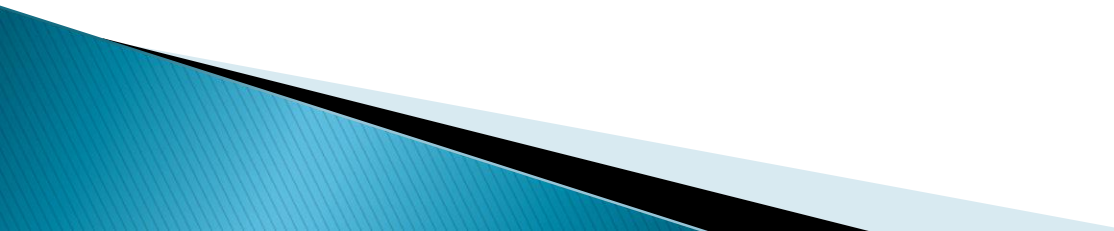
# What Does All This Mean for Planners?

- ▶ **Process Options**
  - Flexibility
  - Streamlining
  - Customer Service

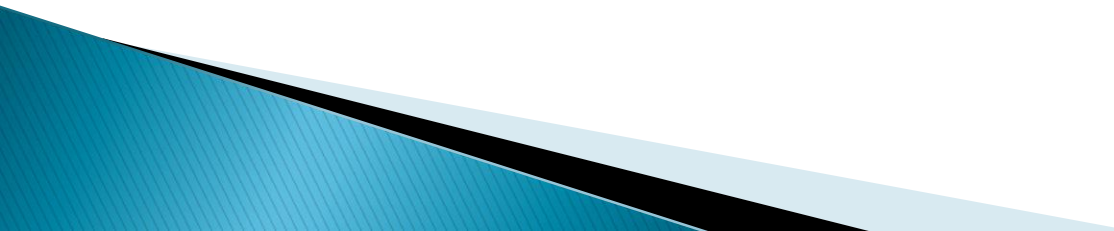
Panelists response – Doing our work more effectively, one lesson I can share.

- ▶ **Discuss samples/handouts including AICP Code of Ethics and Professional Conduct**

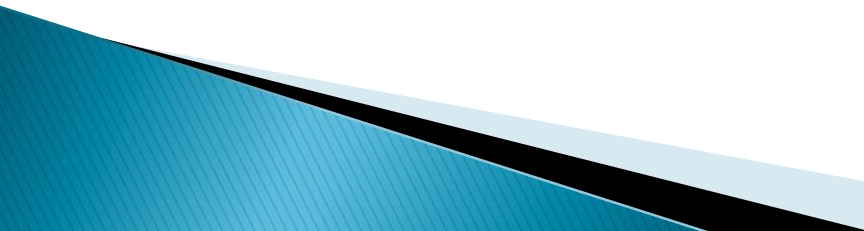
# Flexibility

- ▶ Code Enforcement – need common sense.
  - ▶ Administrative reviews.
  - ▶ Administrative exceptions instead of variances or special user permits.
- 

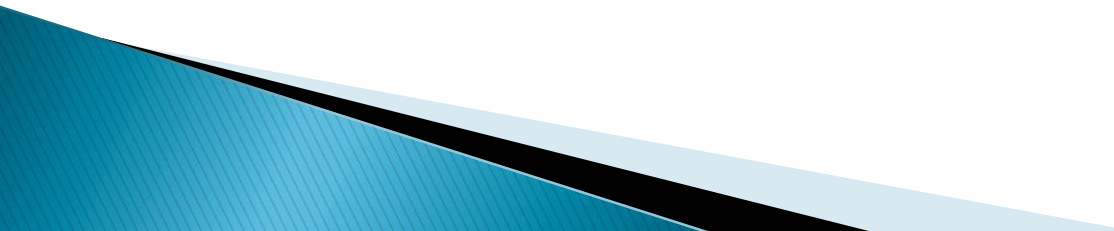
# Streamlining

- ▶ Do not accept incomplete applications.
  - ▶ Concurrent review of building and planning applications – case-by-case.
  - ▶ Address details as conditions.
  - ▶ Use of outside contractors for plan review.
  - ▶ Use overtime to expedite review.
- 

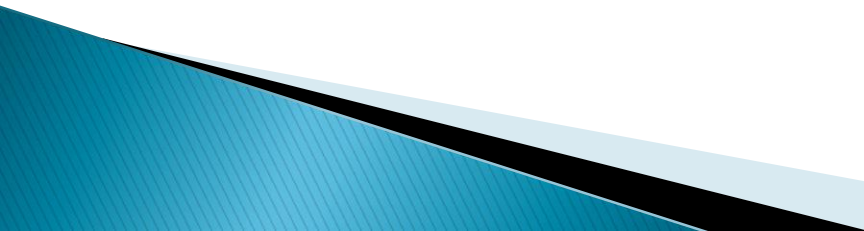
# Streamlining Continued

- ▶ Zoning Code.
    - Clarify requirements and streamline processing.
    - Fix your Code; at least clean-up biggest problems.
  - ▶ Prepare specific plans/area plan to define policies and standards. Don't make applicant guess.
- 

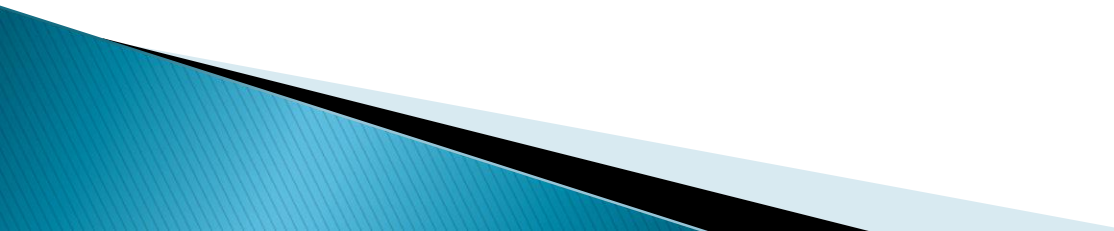
# Streamlining Continued

- ▶ Prepare EIR's to allowing tiers.
  - ▶ Adopt thresholds.
  - ▶ Limit ability to appeal.
  - ▶ Maintain a pre-qualified list of consultants for environmental document, traffic studies, etc. and execute on-call professional service contracts.
- 

# Streamlining Continued

- ▶ Manage the resources you have.
  - ▶ Staff your One-Stop Permit Center with competent staff.
  - ▶ Reduce taking in plans for internal routing.
  - ▶ Establish performance indicators.
    - Include in employee evaluations.
    - Identify process improvements.
- 

# Customer Service

- ▶ Commitment should be real, not window dressing.
  - Need to have a shared understanding among all staff.
    - ✓ How do we get the work done?
    - ✓ How do we work with customers?
- 



## Business Friendly Planning Practices

Barrett Draft 6/19/12

### ***Promote economic development.***

- Planning may be the first division someone works with. Always work to build a good foundation in all of your exchanges.
- Distribute lists of local building supply sources that will generate sales tax for the City.
- Promote development – write newsletter stories, be prepared with your “elevator” narrative about good news when meeting others in the community.
- Be responsive to questions/requests from the Economic Development Division. Make this work one of your priorities.

### ***Be friendly – act it and mean it.***

#### At the counter

- Introduce yourself.
- Remember the other person’s name and use it.
- At the beginning and end of the counter exchange, express appreciation for interest in SG – opening a business, improving their home, etc.
- At the end of the counter exchange, express appreciation for interest in SG – opening a business, improving their home, etc.

#### On the phone

- Listen carefully and take notes so that you can answer questions.
- Return all phone calls within 24 business hours if at all possible.
- If it takes time (more than two days) for follow-up research, call back and let folks know you are working on the topic.

- Always express appreciation for interest in SG – opening a business, improving their home, etc.

#### Electronically

- Respond to all emails within 24 business hours if at all possible. If it takes time (more than two days) for follow-up research, send an email and let folks know you are working on the topic.
- Use plain English. Write in a friendly style. Express appreciation for interest in SG – opening a business, improving their home, etc.
- Get approval from Director for emails for priority projects, topics with Council interest, etc.

### ***Keeping in touch***

- For all projects there should be contact at least once a week if at all possible. Email or phone calls are fine. Just touch base on the status, what’s happening next, follow-up work.

### ***When frustrated***

- Frustration for whatever reason is natural and normal. It should not be visible to our customers. Take a breath or a break: whatever keeps you on task.

### ***Provide reliable, timely information.***

- Learn the Code and the plans. Check them often to make sure you remember correctly.
- When you don’t know the answer, promise to find out and respond promptly and do that.
- Assist your colleagues who need your help in providing answers.
- Pay attention to the questions you get asked. Create resources to respond to those questions – checklists, brochures, simplified procedures, etc. Make sure the resources go on-line as well as being available at City Hall. Translate them into the appropriate language(s).

### ***Be a problem solver.***

- Always use language that helps people know you are on their team. Not, "We can't approve this because you are missing three items." but "We can approve this as soon as these last three items come in."
- Think creatively about how to make something happen – options in the Code or in the plans. Know about Director's interpretations, minor mods, variances, etc.
- Brainstorm with your colleagues. Use our weekly staff meetings to figure out if there are alternatives for getting an applicant to "yes." Sometimes a fresh perspective can make all the difference. And if the applicant can't wait a week, grab your colleagues for an impromptu short meeting.

### ***Remember what applicants say.***

- We are working on a Code update. Every challenge that an applicant experiences may be something we should change in the Code. Remember what you hear and share it with the Manager who is taking notes on Code revision possibilities.

### ***Ask for suggestions and comments.***

#### *Ask customers for feedback.*

- Invite customers to use the feedback post card.
- When we change services or resources, inquire whether the process has been improved. Find out if there are there other things we can do?

#### *Criticism is a gift.*

- When someone is unhappy with planning, try to put on your applicant's hat, and think about ways we can and should do business differently.

#### *Test drive innovations.*

- Ask non-planners, non-local government folks to review new products and brochures or surveys. What you think you mean and what is understood can often be very different things.

### ***Partner with others in Community Development***

- Remember to work well with your colleagues. Their willingness to meet deadlines, assist with last minutes priorities, etc. will often be critical to your success as a project manager.
- Your colleagues expect the same from you.

### ***Move your projects along and keep your commitments.***

- Make sure your assignments meet the 30 day state review deadline (and beat it if you can).
- Make sure your projects when submitted on time get on the next agenda and look for opportunities to combine meetings and save the applicant time. Always be reasonable when applicants are working to meet a deadline and just need another day or two to complete their application.
- Advocate for your applicants in all settings.

### ***Demonstrate cultural awareness and sensitivity.***

- Budget for translation services.
- Make sure key documents are available in both English and Mandarin.
- Listen for other perspectives and respect them in your work.
- Seek out resources to improve the City's ability to respond effectively in a multi-cultural setting and share information.

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## Business Friendly Planning Practices

**Philosophy:** The Planning Division works with applicants and the community community to enhance the City's economic base and its neighborhoods. We seek to protect both our natural and historic built environment. We do our work with a smile.

**Ethics:** The American Planning Association has published a *Statement of Ethical Principles* for everyone who participates in the planning process whether as staff, as a decision-maker, or as an applicant. We are guided by those Principles. They are attached.

When we are working we:

**Promote economic development by** helping to make the community at-large aware of development opportunities in the City and assisting the Economic Development Division.

**Are friendly** at the counter, on the phone, and when using e-mail. We remember the simple courtesies of getting back promptly and thanking people for their interest in San Gabriel.

**Provide reliable, timely information.** We know our rules and regulations, and we apply them with common sense. When we don't know something, we find out and answer questions promptly.

**Act as problem solvers.** We think creatively about how to make something happen

**Ask for suggestions and comments.** We ask for feedback on how we do our job and welcome criticism as a springboard to improvement.

**Move our projects along and keep commitments.** We meet statutory review deadlines and beat them if we can. We advocate for applicants as well as for the City's adopted plans and ordinances.

**Demonstrate cultural awareness and sensitivity.** We are a multi-lingual, multi-cultural city. Our work reflects that.

# Wasco County Washington

## PLANNING DEPARTMENT CORE VALUES

- ② **Team Player** – Being flexible, knowledgeable, and proud of the work the planning department does. Everyone should participate and take responsibility to **help find solutions**.
- ② **Customer Service** – Providing service that is friendly, fair, empathetic and helpful.
- ② **Goal Oriented** – Helping to establish achievable goals, concrete objectives and accountability.
- ② **Be Open to Change** - Improving Operational Functions - Working to find **solutions** to help improve how the planning department can enhance its processes and procedures to achieve a higher level of efficiency and service.
- ② **Simpler Can Be Better** - Demystifying the planning process by continually looking for ways to make it **simpler**, while still effectively performing duties.
- ② **Transparency** - Being open and honest, relating personal experiences and identifying frustrations within county government and with the public.
- ② **Relationships** – Devoting constant attention to building positive relations with customers, community partners and one another.
- ② **Lead Not Follow** - Learning from the experience of others, looking for answers that are right for Wasco County and do not necessarily follow what others have done.
- ② **Be Prepared and Organized** – Knowing what support you have, knowing your limits or boundaries and acknowledging **preparation is the key to success**. Being fully prepared to thoroughly review problems and discuss every aspect of an issue.
- ② **Make Each Other Better** - Adding value to one another by helping, sharing information, providing appropriate assistance and advice and performing duties in a manner that takes into consideration the impact to others.

# Customer Service – It's Not All Rocket Science

Rewrite all letters or create new letter. See concept below.

Dear Applicant:

This is the status of your application.

Incomplete. See below for the additional information needed.

Complete.

Complete but cannot be approved. See reasons below.

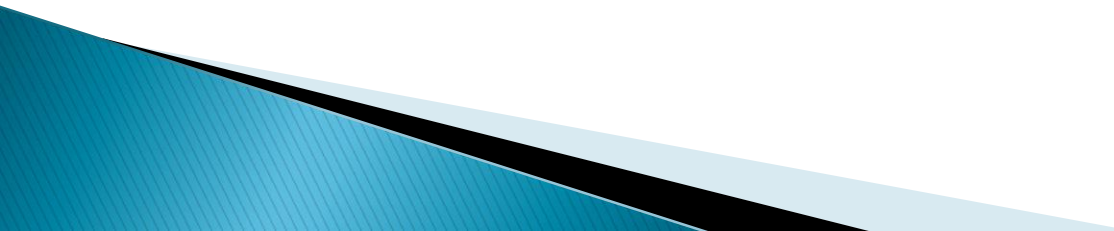
Approved

Insert info re: missing items. Distinguish between plan check and entitlement. OR reasons why cannot be approved.

Final paragraph. Next steps. I'm your case manager.

Signature

# Customer Service Strategies

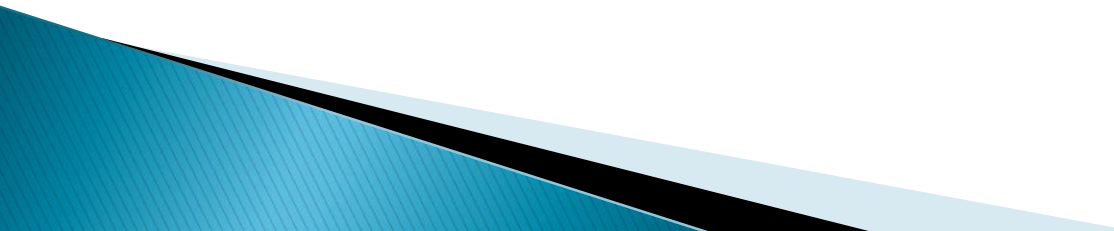
- ▶ Keep in touch.
  - ▶ Early working sessions.
  - ▶ Early public comment session.
  - ▶ Honest, open, early communication.  
Deal with planner shopping.
- 



Last revised 4/24/2012	
323 S. Mission Dr. Reference Sheet	
Assessor's Parcel	5346-027-058
Lot Size (sq. ft.)	8,280 (Parking lot is on adjacent parcel #5346-027-013. No address. 9,220 sf. Parcels are not tied)
Building Size (sq. ft.)	7,076
Year built	1947
Zoning	Mission District Village
Allowable Uses	Banks and financial institutions, food and beverage sales and service, general office, live-work space, lodging/conference facilities, medical and dental office, museums/art galleries, required parking facilities located on the same site as the principal use, retail sales, small-scale
Conditionally Permitted Uses	Alcohol sales in bona fide restaurants, live entertainment of any form, public or semipublic facilities not listed as a permitted use, publicly owned and used parking facilities, restaurants with dining rooms open between 2am and 6am, mixed-use developments, sale of used goods,
Current Use	Coffee shop/tea house in the front space of the building. The vacant space in the rear is permitted as storage only, incidental to primary use.
Outstanding Issues/Possible Violations	A new commercial unit needs to be created in the rear storage space. Applicant must submit plans. Conversion from storage to retail will trigger current Building Code standards regarding restrooms, utilities (water, gas, electricity), mechanical equipment (A/C), proper lighting, entry/exiting, sprinklers layout based on proposed business layout.
	New plans need to address rear side door leading to parking lot which was created without permits, as well as improvements at the rear of the
	New unit needs an address/unit number - handle through Engineering
Parking	<b>Interested parties should contact an architect to get a</b>
	Factory Tea Bar occupies 2,915 square feet of interior space and 648 square feet of outdoor seating area, as shown on site plan. Factory Tea Bar requires 12 spaces at a rate of 1 space/300 square feet of restaurant
	Currently unoccupied rear space is 4,161 square feet. If occupied by retail, would require 6 parking spaces at a rate of 1 space/750 square feet. A furniture store would require 5 spaces at a rate of 1 space/1,000
	<b>Site currently has 21 parking spaces, including 2 van-accessible handicap spaces. Factory Tea Bar requires 12 spaces, and a retail or furniture store use in the rear would require 6 or 5 spaces, respectively. That means only 18 or 17 spaces out of 21 would be occupied. There is also</b>
Recent Inquiries Regarding Tenancy	Artist studio in rear (couldn't comply w/ code requirements)
	Food trailer in parking lot (still pending). Note: Trailer would take up at least two parking spaces and impact maneuverability.
	Furniture store (still pending)
Signage	A Master Sign Program is required if there is more than one tenant.
Fire Sprinklers	If alterations are made to the existing floor plan, a fire sprinkler system may be required.
Note: Kept in Planning Handouts Drawer and next to Planning Fees Sheet at Counter	



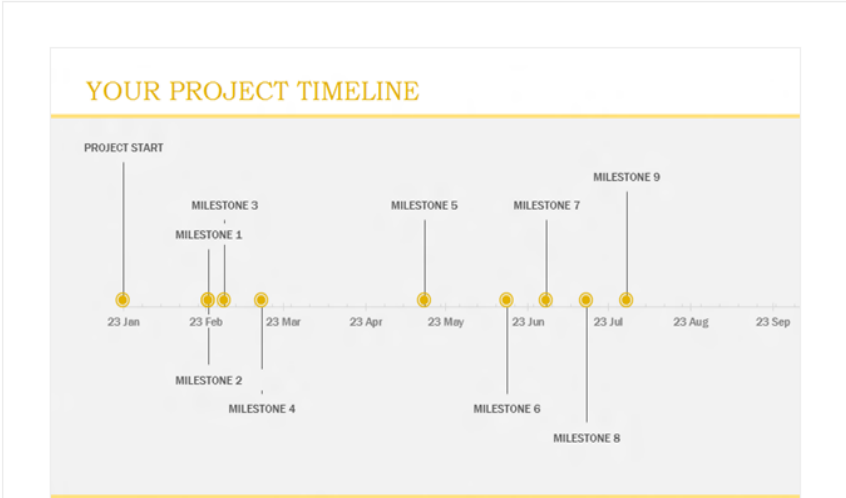
# Customer Service Strategies Continued

- ▶ Planners should be assigned as case managers.
  - ▶ Be a problem solver.
    - Don't just re-state Code requirements.
    - Balance competing policies.
- 

# Customer Service Strategies Continued

- ▶ Provide a schedule – Excel timeline

Timeline with milestones (yellow)



YOUR PROJECT TIMELINE

PROJECT START

MILESTONE 1

MILESTONE 2

MILESTONE 3

MILESTONE 4

MILESTONE 5

MILESTONE 6

MILESTONE 7

MILESTONE 8

MILESTONE 9

23 Jan 23 Feb 23 Mar 23 Apr 23 May 23 Jun 23 Jul 23 Aug 23 Sep

PROJECT DETAILS

DATE	MILESTONE	POSITION
23-Jan	Project Start	25
24-Feb	Milestone 1	10


**Project Timeline Tips:**  
The role of the Position vs the Milestone labels from positive numbers to posit

Timeline with milestones (yellow) Excel 2013


Monthly household expenses Excel 2013

Timeline (blue horizontal chevrons, widescreen)

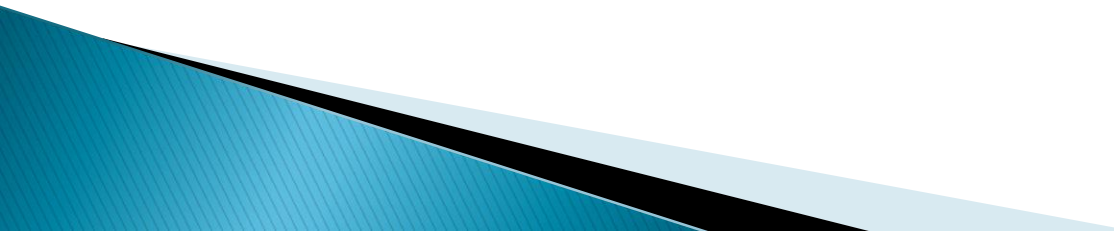
# Customer Service Continued

- ▶ Time consuming.
  - ▶ Need partners in other departments.
  - ▶ Remember -- Customers will tell us what is good customer service.
  - ▶ Options for flexibility and streamlining are all consistent with AICP Code.
- 

# The Ethical Challenge

- ▶ Whatever happened to “serving the public interest”?
  - ▶ When your ethical responsibilities take center stage.
  - ▶ Pressures and how to respond.
  - ▶ Panelist responses – How an ethical question came up and was answered.
- 

# The Roles of the Planner

- ▶ Represent the best of the profession.
  - ▶ Serve the public interest.
  - ▶ Act with integrity.
  - ▶ Facilitator/mediator between applicant/public.
- 

# The Roles of the Planner Continued

- ▶ Advocate – especially around Code issues for:
  - equity/justice/environment/preservation

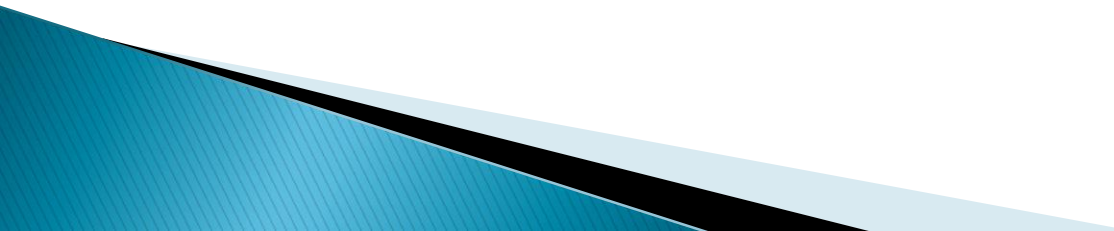
**All roles require honest communication**



# Guidance from the AICPA Code of Ethics and Professional Conduct

- ▶ Aspirational Principles – cannot be enforced. Ideal.

## 1. Serve the public interest

- ✓ Have concern for long range consequences of present actions.
  - ✓ Pay attention to interrelatedness of decisions.
- 



# Code Guidance Continued

- ▶ Deal fairly with all participants in the process.

## 2. Responsibility to clients and employers.

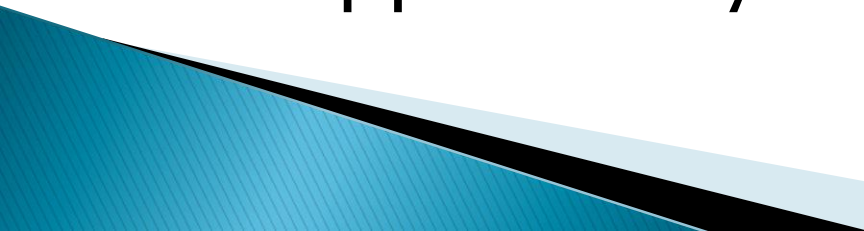
- ✓ Accept the decisions concerning the objectives and nature of the professional services.
- 

# Code Guidance Continued

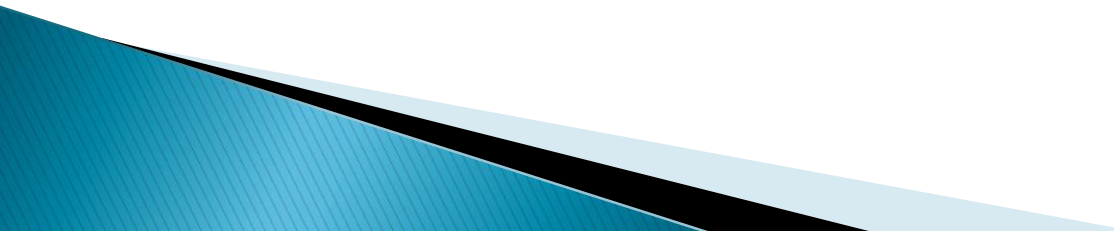
## 3. Responsibility to the profession.

- ✓ Protect and enhance integrity.
  - ✓ Not accept customary solution.
- 

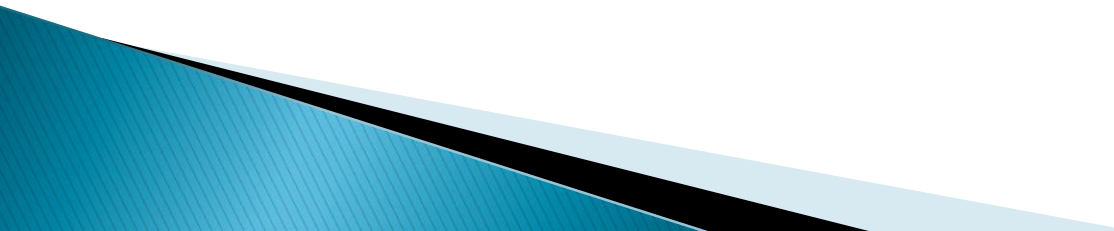
# Code Guidance Continued

- ▶ Rules of Conduct – enforceable
    - ✓ Provide adequate, timely, clear, and accurate information.
    - ✓ No private communications with planning process participants or decision-makers.
    - ✓ Not coerce others to make findings not supported by evidence.
- 

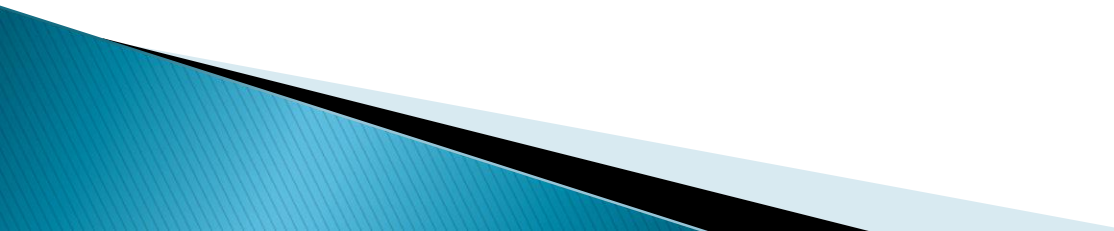
# Remaining True to the Code

- ▶ Serve the public interest and act with integrity.
  - ▶ A balancing act.
  - ▶ You can streamline the process and still maintain high standards.
- 

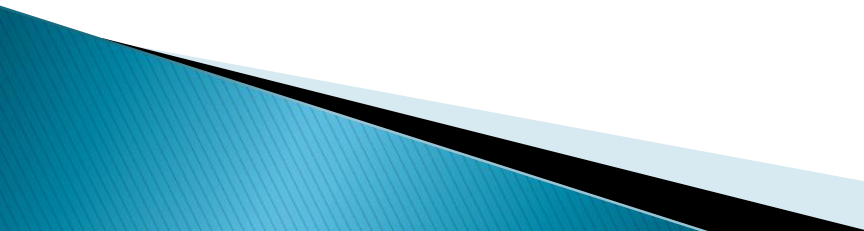
# Beware of Ethical Pitfalls

- ▶ Just this time.
  - ▶ Compromising professional work products.
  - ▶ Developer interests over city policies.
- 

# Ethical Pitfalls Continued


- ▶ Maintaining design quality.
  - ▶ Public input short cuts.
  - ▶ Loss of credibility for planning staff.
  - ▶ Communication up the chain of command.
- 

# Scenario – Last Minute Submittal


- ▶ A new business requiring a CUP has missed the deadline for submittal.
  - ▶ Council members are emailing your boss, the CD Director.
  - ▶ New business means sales tax revenue.
  - ▶ What do you tell the staff planner to do and why?
- 



# Scenario – Cargo Container as Office Space

- ▶ New high paying manufacturing jobs.
  - ▶ Code doesn't allow cargo containers to be used as office space.
  - ▶ What options do you have as the project planner? Factors to consider?
  - ▶ What do you do and why?
- 

# Conclusions

- ▶ Be creative.
  - ▶ Embrace the opportunity to lead the business friendly effort.
  - ▶ Work to change the culture that needs to be changed.
  - ▶ Make sure that the commitment to ethical behavior remains in place.
- 

# Thank you!

- ▶ Upcoming SDAPA Events:

- Membership Appreciation (July 12)

Planner's Night at the Padres

- Tailgate party beforehand

- Luncheon Program (August 27)

Collaborative Planning: A Navy perspective on Energy & Mission Compatibility

- SDG&E's Energy Innovation Center with a tour of the facilities after

[www.sdapa.org](http://www.sdapa.org)