GETTING THE MOST OUT OF STAFF REPORTS

In nearly every community in the country certain development projects require review by a planning commission, board of appeals, or governing body that makes a recommendation or decision on the project. Whether the case is a rezoning, variance, or site plan, these development review cases will eventually garner a recommendation or decision of approval, conditional approval, or denial from the commission or board. A thorough and accurate staff report is an important resource for these decision makers. Although that final decision is the ultimate prize in the chess game that is the development review process, it is often anticlimactic after the drama surrounding the issuance of the staff report. Depending on which side of the chess board you sit, the staff report is either glorified or vilified—to be quoted repeatedly or tossed in the recycling bin.

THE PURPOSE OF A STAFF REPORT

Commissioners, attorneys, judges, applicants, neighbors, and the professional staff may have different perspectives on the purpose of a staff report—especially when caught up in the emotion of a particular case. While there are likely many other reasons for staff reports—both practical and political—that are not covered here, the following purposes are common to most development review reports:

• To factually describe the project and the applicant’s request
• To objectively describe why the application is before the board or commission
• To anticipate and answer questions likely to be asked at the hearing
• To provide a professional recommendation
• To inform officials and stakeholders on the issues of compliance, consistency, and compatibility with adopted plans and applicable regulations
• To build a public record and a legally defensible foundation—should litigation arise.

THE CONTENTS OF A THOROUGH STAFF REPORT

The contents of the staff report are both objective and subjective, and it should be clear to the reader which is which. The description of the project site and features should be objective and factual. Those parts of the report that include the analysis of compatibility and key findings are certainly more subjective but must be supported by and rooted in legal and local precedent as well as professional judgment.

At minimum, a staff report should include sufficient data and analysis to put the case in context for the commissioner and to support the staff recommendation. The reason for the application and what outcome or authority is expected of the commissioner should be clear up front. A balanced description of the proposal and the property, as well as maps and exhibits, is considered basic in any report.

The analysis should seek to answer whether or not the project is consistent with adopted plans and in compliance with zoning, engineering, utility, and other regulations. It should discuss precedents for the application, the potential impacts of the project on public infrastructure, and compatibility with the surrounding neighborhood. The analysis should evaluate the findings of fact, and finally, it should contain the staff recommendation along with any recommended conditions.

When evaluating such projects it is important for the report to paint a picture so commissioners can compare the “before and after” conditions. That is, what are the existing conditions of the site, natural resources, infrastructure, and the adjacent properties before the proposed development occurs, and what would be the impacts of this development on the site, infrastructure, environment, and neighborhood after it is built?
Even for the smallest project, this is a significant amount of information and analysis. For example, Loudoun County, Virginia, uses a table of contents in its staff reports to help the reader navigate. Although report details may be too technical for the novice, these details are necessary to analyze and summarize the case for the decision makers, the applicant, and the community stakeholders. Unless you have a crystal ball and know in advance which cases will be litigated, your staff must put the same level of detail and analysis in even the simplest of cases.

THE IMPORTANCE OF THE THREE CS
What are the key findings on which the approving authority is supposed to gauge its decision? Findings are typically related to the concepts of compliance, consistency, and compatibility and are often the factors considered should the case be litigated.

Compliance. The report should identify which codes the application is subject to and, generally, how it complies. It should specify sections of the code with which the project does not comply and note whether there are any waivers, alternatives, or conditions to be considered. The report should relay how the application complies with environmental, utility, traffic, and other regulations in addition to zoning.

Consistency. The staff report should describe not only the land-use map classification but whether the proposed project is consistent with the goals and policies of the adopted plan. Consistency in applying codes is also important to assure equal protection. The report should identify prior decisions, if any, and indicate why this recommendation is similar (or why it is not).

Compatibility. This is probably the most subjective and debated of the parameters. The staff report should evaluate the project’s compatibility with adjacent properties. Is the use compatible with those around it? Is the height and scale of the building compatible with those adjacent? Are the site improvements (e.g., parking) and operational features (e.g., hours of operation) in character with the surrounding uses?

WHAT A GOOD STAFF REPORT IS—AND WHAT IT ISN’T
The author of the staff report must recognize and balance its multiple audiences—the public stakeholders, the commissioners, the applicant, and (potentially) a judge. The report must be technical enough to be legally defensible but not so technical that the commissioners don’t want to read it.

Looks matter! Use a consistent and interesting format; maps and photos can reinforce the text. The City of Orlando uses different fonts, page layouts, and boxes to keep the reader’s interest and maximize information per page.

While no amount of conditions can mitigate an incompatible use, planners should have a vehicle to make suggestions to improve a project even if they are not mandatory. Staff reports from Alexandria, Virginia, note whether conditions are required, recommended, or suggested.

A staff recommendation of approval does not mean the staff is advocating for the project or applicant. Instead, this professional interpretation and recommendation is an affirmation that the project is harmonious with adopted plans and codes that represent the community’s values about development. The report is not just an exhaustive list of conditions or a reminder of code requirements so that the staff can say “we warned you” during the permit process. Orlando handles this by differentiating “Conditions of Approval” from “Information for Permit Review.”

Commissioners depend on a good staff report that is fair, balanced, and accurate. It is material provided to decision makers—in addition to public testimony, site visits, and values—which they will consider in making their vote. The challenge for planners who author such reports is to make them technical and defensible while still readable. It is not a PowerPoint but a summary of a thorough analysis providing needed information and key findings for decision makers as well as a variety of stakeholders.