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Land Development Permitting: Agent's
Reputation, Project Characteristics, and
Processing Times

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Abstract

Despite the importance of the permitting process for local communities and their governments, little is known about the causes that explain the variations in the length of the reviews included in this process. This study introduces and tests a number of hypotheses that predict variations in the length of three reviews for land development. Specifically, the study examines the effect that applicants' expertise, networking practices, and reputation have on the length of reviews. The analysis was conducted in a fast growing city in Florida using Zero Truncated Poisson Regression. The study reports that, holding constant the effects of other factors, applicants' reputation of contributing to the public good is associated to shorter reviews. The paper also discusses the implications of these results for land use regulation by local governments. In particular, the paper elaborates on the argument that delays can be an unavoidable byproduct of the implementation of policies and regulations that promote the public good, avoiding undesirable land-uses, and protecting environmental amenities and endangered species, among other goals.

Keywords: land use regulation, land development permitting, cooperative regulatory enforcement, growth management.

Resumen

A pesar de la importancia de la emisión de permisos de construcción para las comunidades y sus gobiernos, poco se sabe sobre las causas que explican las variaciones en el tiempo que tardan estos en ser emitidos. Este estudio presenta y pone a prueba una serie de hipótesis que predicen las variaciones en la longitud de tres partes del permiso de construcción. En concreto, el estudio examina el efecto que la experiencia de los solicitantes, sus prácticas de socialización y su reputación tienen en el tiempo que se tarda un permiso en ser aprobado. El análisis se llevó a cabo en una ciudad de rápido crecimiento en la Florida usando un modelo Poisson de regresión. El estudio indica que, manteniendo constantes los efectos de otros factores, la reputación de los solicitantes de contribuir al bien público se asocia inversamente con el tiempo que tarda el permiso en ser aprobado. El documento también discute las implicaciones de estos resultados para la regulación del uso del suelo por los gobiernos locales. En particular, el documento desarrolla el argumento de que los retrasos pueden ser un resultado inesperado de la correcta aplicación de las políticas y regulaciones que promuevan el bien común, como la prevención de usos indeseables de

la tierra, y la protección del medio ambiente, o el cuidado de especies en peligro de extinción, entre otros objetivos.

Palabras clave: regulación del uso del suelo, permisos de construcción, desarrollo de la tierra, cumplimiento cooperativo de la reglamentación, gestión del crecimiento urbano.

The length of the review process for land development is a primary concern for urban governments and the development community (Quigley and Rosenthal, 2004). For developers, the time invested in the permitting process represents a substantial part of their regulatory cost. In order to develop a unit, the developer needs to obtain construction permits, file environmental impact assessments, evaluate the impact of the development on public services, and sometimes seek rezoning for existing parcels, among other reviews. These permit applications are often observed as delays that cause developers to incur an added interest cost, taxes, inflation and overhead expenses (Quigley and Rosenthal, 2004). In any enterprise time is money and delays are costly, but for the development of real estate, time is particularly valuable because delays at any stage of the process add explicit financial costs (Mayer and Somerville, 2000), making housing prices less competitive. In addition, longer reviews create uncertainty about the extent to which local authorities will demand costly changes in projected density or design before granting final approval, which generates a deficient environment for businesses.

For urban governments, a long permitting process for land development presents a practical dilemma. On the negative side, a long process is commonly associated to delays that are seen as a burden on the business community that limit economic development simply because the cost of completing a unit is higher (Mayer and Somerville, 2000). Also, delays have been consistently linked to the lack of affordable housing because its costs decrease competition among producers of various types of housing, particularly those affordable to low income households (Dowall, 1984). Moreover, delays in the permitting process make more difficult to redevelop neighborhoods and foster economic activity (Mayer and Somerville, 2000).

On the positive side, long permitting processes or delays can be mechanisms used for controlling growth and protecting the quality of life in communities, as in the case of moratoria on new constructions. Also, delays can be an unavoidable byproduct of the implementation of policies and regulations that promote the public good by preventing new developments from putting under stress existing infrastructure, avoiding undesirable land-uses, and protecting environmental amenities and endangered species, among other goals.

Determining whether long reviews in the permitting process are the result of efforts to manage growth or just an unavoidable byproduct of the regulatory processes can only be done if we understand the social, political, and bureaucratic processes in which land use regulations are implemented. This paper analyses the length of various reviews that form part of the land development permitting process. The analysis concentrates on the variations in the length of reviews and the extent to which they could be impacted by the reputation of applicants. The analysis tests a series of hypotheses

consistent with the expectations of cooperative regulatory enforcement (Bardach and Kagan, 1982; Scholz, 1991; Gunningham and Kagan, 2005; Potosky and Prakash, 2004; Scholz, 1984). These hypotheses are based on the idea that social desirability of projects, as perceived by professional public officials, and the reputation of engineering firms handling the permitting process have an important effect on the length of the permitting process for land development.

The good inspector model (Kagan and Scholz, 1984) predicts that inspectors are tough, and scrutinize more closely the behavior of firms unwilling to contribute easily to the public good, acting with sanctions more readily if they are required. Given the behavior of good inspectors, firms are expected to increase their willingness to comply with regulations, either because they are moral calculators or because the threat has a cumulative effect on them (Thornton, Gunningham and Kagan, 2005). In the particular case of land use regulations, the participation of good inspectors has the potential for creating a context where reviewers expedite the review process for cooperative firms thus reducing their regulatory costs; and in return, firms are more forthcoming and willing to cooperate in pursuing the city's goals.

This study proceeds in the following stages. The next section describes the characteristics that make the permitting process for land development a distinctive case of regulatory policy in which the length of the review is as important as the outcome. The following section introduces a series of hypotheses to explain the length of the permitting process. Next, the paper shows the results of a Zero Truncated Poisson analysis that tests the hypotheses presented in the preceding section. Finally, the implication of the results for regulatory studies and the implementation of land use regulation are discussed.

The Regulatory Environment of Urban Land Development

The study of the length of the permitting process for land development needs to incorporate the context in which land-use regulations are implemented and enforced. Based on elite interviews conducted with officials of the Growth Management Department in a city in Florida, this study identified three salient factors of this context that need to be taken into consideration. First, some reviews of the permitting process for land development are mainly negotiations of the characteristics of a project, particularly the intensity of the use of land. Secondly, a critical and readily measurable outcome for testing regulatory theories in the context of land development is the length of reviews rather than the outcome of those reviews. And thirdly, since engineering firms, usually called agents or consultants, are the actual applicants and responsible for handling the entire process, they are the face of the project even more than the developer they are representing.

Therefore, an agent's professionalism, experience, and reputation could be fundamental factors for predicting the length of reviews. These factors are explained next.

Some reviews included in the permitting process require negotiations because policies and codes enforced in land development permitting are ambiguous and their strict enforcement is impractical. Moreover, strict enforcement can increase the costs of building projects and slow down growth, particularly in central cities (Burby, May, Malizia and Levine, 2000) and induce contractors to ignore inspectors' behavior and recommendations (Burby, May and Paterson, 1998). Public officials understand the importance of their role interpreting these ambiguous policies and codes. As one planner interviewed explained:

You can take a policy, one policy, and give it to five different people [and] you're going to get five different opinions on what the policy said. And that is the reason why the permitting process is so important. Comprehensive plans and regulations are really general. Goals and the policies sound great but we (the planners), via the permitting process, take those policies and turn them into hard numbers and projects.

In the negotiations during the permitting process, the length of reviews is one of the most salient issues. The length is not only relevant because of the costs that each additional day creates for projects, but also because long reviews create uncertainty in the process. The common expectation is that a permit is denied for a project that did not comply with the code; however, in land development permitting, denial is not a common ending. As a reviewer interviewed put it:

There are no projects rejected, or at least almost none, because we do not attempt to stop development. What they actually have instead of rejections are projects that [go] back and forth [between reviewers and applicant] until they [meet] the criteria and policies established by the city.

Since denial of a permit is a rare outcome, the main decisions developers and their agents make are related to how much time they are willing to invest and how profitable the final project needs to be to compensate for the time invested. The profitability of the project is defined by what characteristics are included in the final project, particularly the intensity of the use of land. Since developers submit the project that maximizes profitability, developers are often willing to invest all the time needed in order to obtain the approval of the project with as few changes as possible, as one planner stated:

I think they try to do as much as they can on the site as quickly as they can and sometimes we try to bend the rules, but sometimes they can't make that work. And that's why they have to do the iterations.

In order to make the decision of whether or not it is financially appropriate to invest more time during the review process, applicants need to be familiar with technical specifications of zoning, the type of unit to be constructed, and the impacts of the development on various aspects of the quality of life in the community. These specifications are presented in explicit and implicit form in a catalog of ordinances and policies, and often subject to the interpretation of reviewers.

To navigate through the process, developers frequently hire consultants familiar with the stages of the permitting process, also called agents, who represent and advise them (Kaya and Stiftel, 2005). These experienced consultants—normally engineering firms—understand the stages of the process and are able to negotiate its intricacies. Without the advice of consultants, developers frequently make uninformed choices during the application process and have more difficulties predicting outcomes at various stages. Agents who are familiar not only with the regulations implemented during the permitting process, but also with the reviewers they need to negotiate, are more likely to avoid longer reviews (Kaya and Stiftel, 2005). As one experienced reviewer explained:

The agent's responsibility is towards his client, to prepare the materials and [re]turn them in a manner that reduces the delay as much as possible [and] maintains the desires of his clients at the same time; so that's where the conflict comes in. Sometimes they can't make their clients' desires work. They'll try and when they try and it doesn't match the code that's what ends up causing delays.

According to informants, these consultants are highly visible and quickly develop a reputation among reviewers, because they interact with them frequently. For every agent there are dozens of developers working in the same city or region. An agent is therefore the face of a project to the eyes of reviewers and develop a reputation among reviewers based on their willingness to comply with standard engineering procedures and city codes.

All these particularities of the process, including the participation of agents in a negotiation with public officials, make the permitting of urban land development an excellent laboratory to test regulatory theories to explain the processing time of reviews. The next section introduces a series of hypotheses to explain the length of the permitting process. These hypotheses are classified in two groups. Hypotheses 1 through 3 are based on regulatory theories that highlight the importance of interaction between participants and reputation to predict the length of a permitting process. The second group—

hypotheses 4 through 7— incorporates the expected effects of factors that could increase complexity of reviews as well as the capacity of agents to deal with such complexity. These hypotheses in the second group are based mainly on the empirical experience of reviewers who identify the capacity of agents and the type of permits as fundamental factors to predict the length of reviews.

Hypotheses

Applicants' frequency of interaction

Regulatory theories predict that communication between participants during the review process increases the possibility that firms or individuals understand the regulations, thus facilitating compliance (Kagan and Scholz, 1984). During the permitting process, agents can implement a strategy of communication with reviewers in order to deal with the complexity of the process and to clarify the expectations of planners and their interpretation of codes. The tendency of individuals to engage in strategic communication has been observed as a network management strategy (Meier and O'Toole, 2003); which in the permitting process will lead agents to seek frequent interactions with reviewers. These interactions will form a network in which the review process is embedded (Granovetter, 1985) and could help to develop a cohesive regulatory system that reduces information asymmetries and increases understanding about reasonable behavior and interpretations of regulations (McCaffrey, Smith and Martinez-Moyano, 2007). In this regulatory system, agents are likely to convey information faster and more easily to reviewers and vice versa. The concepts of network management and cohesive regulatory systems suggest that frequency of interaction between agents and reviewers could reduce the length of the process. As one reviewer pointed out,

A lot of times we spin our wheels because people misunderstand what we want. Or maybe we don't do a good job communicating or they don't do a good job listening or both. But those people who have dealt with us a lot and know what we want, they're good to work with.

Hypothesis 1: Projects submitted by agents who interact frequently with reviewers will be approved after shorter reviews.

Applicants' reputation

Although the review process is frequently seen as an adversarial one, there are remarkable examples in which an agent's good reputation generated

partnership opportunities for self regulation. Based on agents' reputation, regulators can allow applicants to make alterations and modifications to their projects or buildings without explicit permits (Loesch and Hammerman, 1998). With these partnerships, the city benefits from the assurance that renovations and construction work are done in compliance with applicable codes without paying the costs of policing them. Developing these partnerships requires trust, dedication to common goals, and an understanding of mutual expectations (Loesch and Hammerman, 1998). Partnerships between regulators and firms that foster cooperative behavior have been widely studied in other regulatory arenas too (Potosky and Prakash, 2004; Scholz, 1984).

In the case of land development permitting, some interviewed planners indicated that they slow down the review of projects submitted by agents who do not have a good reputation in order to carefully examine every detail of their applications. This behavior suggests that having a reputation for representing projects that contribute to the public welfare could reduce the length of reviews. The more the reviewers trust the agent, the more likely it is that reviewers will use their discretion to reduce unnecessary delays to new projects and expedite their approval. In the same way, it is plausible that reviewers speed up the process for projects submitted by applicants who have consistently showed commitment to protecting quality of life in the city and contributing to the achievement of city goals. As two reviewers stated,

The problem is some engineers who act like (...) and take measures where they do not reflect the real situation of the site. If a planner wants he can just let it pass (...) I don't know. There are some (agents) that I hate seeing. I see their little engineering logo and I just know that they're not going to be right.

Once we approve the project, we sign and stamp the final plans. I trust the engineers, but sometimes they try to take advantage. Like one time, I trusted the engineer and I did not slow for sign up. After finish to sign up I saw a page on the back of the plans that I never had seen before and I trusted him and I pay for being a nice guy. And I'll never be a nice guy with them again.

Hypothesis 3: Projects submitted by agents who have a reputation of contributing to the public welfare will have their projects approved after shorter reviews.

Applicants' capacity

The permitting process is technically complex, requiring the calculation of sophisticated measures and forecasts of the impacts of new developments on

local public goods, city amenities, and environmental resources. Reviewers are expected to ensure that projects comply with a variety of codes. The level of sophistication of these reviews requires a deep understanding of the applicable codes and the ability to estimate the impacts of projects. Given this characteristics, from a bureaucratic perspective the permitting process is mainly a compliance review; in which learning through experience will continually improve an applicant's capacity to deal with its intricacies (Dutton, Thomas and Butler, 1984).

Based on this assessment, applicants with more capacity are more likely to have their project approved after shorter reviews. The capacity of agents can be associated to at least two factors the experience and size of engineering firms. First, experienced firms in the permitting process are less likely to confront long reviews since they are more familiar with procedures, codes, and policies, and in turn the permitting process. Likewise, the more experience an agent has with the permitting process the more familiar he is with how planners interpret codes. Secondly, larger firms are likely to have more agents working together in a way that each additional agent adds to the expertise of the overall firm. A variable that can capture the capacity of a firm is the number of permits handled during a given period because larger firms are likely to manage more projects.

Hypothesis 4: Projects submitted by agents who have handled a large number of projects during a given period will be approved after shorter reviews.

Projects' complexity

The level of complexity of a project could also affect the length of the review. However, identifying the level of complexity of a project is complicated unless a project is thoroughly analyzed because, according to reviewers, several elements play a role and many of them are not easily identifiable. Nevertheless, reviewers also indicate three easily measurable variables that capture the level of complexity to a limited extent and could help to predict the length of the review. First, according to reviews, the size of a project is likely to make the review more complex or time consuming because large projects require more in depth analysis of their impacts on city goals. Also, larger projects can also have a larger number of features that must be considered before approval.

Hypothesis 5: The larger a project is, in terms of the number of units, the longer it will take to be approved.

It has also been observed by reviewers that uncommon projects take longer to be approved because they are more complex than the customary projects

reviewed. Reviewers pointed out that the land development code dismisses several impact assessments and reviews for typical projects since there is an assumption that such impacts are well known by planners and do not require special analyses and are likely to pay less fees than atypical projects. For uncommon projects, the code requires more extensive impact assessments during the permitting process. In summary, applicants pay fees that add up depending on the number and complexity of reviews that the project must go through. Since it is expected that more complex projects also require longer reviews because the number of items to be evaluated is larger, the amount of fees paid by a project can be seen as a proxy to the rarity and complexity of projects.

Hypothesis 6: Projects required to pay more fees will be approved after longer reviews.

Finally, reviewers indicate that complex projects are also developed in adjacent parcels with different zoning determinations. Projects are commonly developed in lots within a single zoning area; however, it is not rare that a development project combines lots within different zoning categories. Land development codes frequently establish standards of the intensity of land use and allowable uses that apply to only certain zoning categories. It is expected that when a project includes adjacent parcels of different zoning determinations the complexity and length of the review increases as more restrictions need to be taken into consideration.

Hypothesis 7: Projects developed in lots comprised of multiple zoning categories will be approved after longer reviews.

Analysis

Data collection

Testing hypotheses on the length of the permitting process presents a number of challenges, particularly for collecting reliable data that can be systematically analyzed to produce consistent results because the permitting process for land development is highly complex and multiple variables can affect its length. In order to deal with this problem, the research design included three stages for data collection: elite interviews, coding of permits applications, and interview with reviewers. In the first stage, elite interviews were conducted with a group of officials of the Growth Management Department in a fast growing city in Florida.¹ These interviews were intended

¹ The specific name of the city is omitted due to a confidentiality agreement with informants, given sensitive information about applicants provided during interviews.

to understand the logic of the permitting process and identify the way in which bureaucratic and regulatory theories could be operationalized in the analysis of the length of the process.

In this stage three types of reviews subject to be studied were identified: small and large site plans and concurrency reviews. These reviews need to be analyzed separately because their differences represent important variations of the type of reviews that can be studied. Small and large site plans evaluate the compliance of projects with several standards and policies and good engineering practices. These standards and policies are presented in explicit and implicit form in the land development code and the comprehensive plan of the city. Site plan reviews require planners to interpret ambiguous policies and goals, which increases the room for negotiation between parties.

Concurrency reviews are required for almost any construction because they apply to both expansion of existing buildings and development of vacant land. These reviews estimate the impact of new developments on the available capacity for public service provisions and compare the impact of projects with the adopted standards for service provision. A project passes the concurrency review if it does not put at risk the capacity of the city to deliver services at the level defined by the code. In addition, through the concurrency review, a portion of the available capacity in the public facilities is reserved for the proposed project. Since the standards of the level of services are clearly defined in the city's code, public officials have neither discretion nor authority for interpreting and negotiating standards under review. This is a type of review where it is expected that the variations in the length of reviews are minimum, and mostly explained by the technical complexity of the project.

In the second stage of data collection, a team of researchers reviewed and coded all applications submitted between October 1997 and July 2006 for the three types of reviews. Information in these applications included the length of the review process as well as variables that according to reviewers could explain the length of the permitting process. Among those other variables, files included information on characteristics of the project and its size, the amount of fees paid by the applicant, the purposed use of the new development, characteristic of the parcel such as the zoning area, and the agent/consultant responsible for the application.

The third stage of data collection included a series of semi structured interviews with 14 of the 21 members of the review committee in the Growth Management Department (66%). The interviews were needed to collect information on the reputation and practices of agents. The officials that accepted to participate in the study review the applications and have generally a large experience in reviewing them. At the time of the interviews, they had been working in their positions an average of 11.9 years, with a standard deviation of 6.2 years. The interviews consisted of two parts, a

section of open questions and a survey. The section of open questions was intended to collect general information about the permitting process and the social and political environment of land development. When allowed by the participant, the conversation was audio taped. When authorization was not granted, notes were taken for further analysis. Open questions in many cases confirmed expectations previously provided by the literature or during the elite interviews.

In the second part of the interview, participants were presented with a list of the twenty three more active engineering firms in the city that handle permit applications in the city, which were identified in the previous stage. This study considers the most active agents as those who have submitted at least ten applications during the period studied. As a group, these agents handled approximately fifty-two percent of all projects under review in the period studied.

The first question asked to reviewers in this section was: How often are you contacted by this agent when he has a project under review? For each agent, a respondent could choose an answer from a six-point scale ranging from "daily" to "never". The second question asked the planners' opinion about the following statement: "A development submitted by [insert name of agent] contributes to the public good of the city as submitted to the growth management department". Planners responded to this question using a six-point scale that ranged from "fully agree" to "fully disagree", including the option "do not know". Since not all permits coded were handled by one of the twenty two most active agents, the analysis includes 1,115 applications.²

The decision of concentrating the study to the most active and mature agents in the community was taken based on two factors. First, during the interviews, agents were frequent hesitant to indicate the reputation of the less active agents arguing they did not have enough information about them. This suggests that the reputation of firms outside this range is unlikely to have an important effect on the length of their reviews. Secondly, collecting information on the more than two hundred agents that managed permits during the period studied would be at least impractical. Therefore, the study was limited to permits for which reliable data on the reputation and practices of agents was available. Concentrating in the analysis of permits handled by these agents helps to confront a common dilemma of studies in social science, generalizability versus detailed analysis of cases. On the one hand, concentrating on projects submitted by the most experiences consulting engineers limits the generalizability of the findings of the study. However,

² The applications removed from the sample were analyzed in a separate regression, omitting explanatory variables related to applicants. In general terms the variables that reported a significant association to the length of reviews are the same as those in the results presented here. However, in that analysis correlation coefficients were significantly lower than those reported here, which provides support for the explanatory power of agent characteristics to explain the length of reviews.

concentrating the study to the most active agents, whose reputation was well established in the development community by 1996, allowed collecting reliable information about their reputation.

Table 1 presents a summary of the variables collected for the analysis. The table introduces three dependent variables, one for each type of review. These dependent variables are the counts of the number of days elapsed between the day each application was received for a particular review and the day that the project was approved.

Also, table 1 includes two perceptual indices that measure the reputation of agents and are intended to measure hypotheses about regulatory theories. These variables were constructed using an additive index from responses collected in interviews with reviewers. These indices are standardized to facilitate the interpretation of their coefficients in the analysis. The first index –interaction– reflects the reported frequency with which agents contact reviewers. The second index –reputation– measures the extent to which agents have a reputation of contributing to the public good among reviewers. As noted above, while reputation is expected to reduce the length of the permitting process, there are competing expectations on the effect of frequency of interaction.³

The next independent variables measure the complexity hypotheses outlined above. These variables were collected directly from the application files. First, the total number of applications submitted by agents to the city in the period studied. This variable is intended to capture agents' capacity which is expected to be associated with short permitting process. The following variables measure the level of complexity of projects as suggested by some reviewers. All these variables are expected to increase the length of the permitting process. Total fees are presented in thousands of dollars in order to facilitate the interpretation of the impact on the length of the review. The variable units represents the number of units in the project, measures the size of the project in units, which allows a comparison between residential and non-residential developments.⁴ The variable zoning is a dichotomous variable that assess whether or not a project is located in more than one zoning category.

³ Since these indexes were measured at the end of the period studied, we conducted analyses using interaction terms to tests whether the reputation index has different effects for the years studied. None of these tests reported any significant results that suggest that reputation has such different effects.

⁴ This variable was constructed combining two separate measures of the size of the project because the size of residential and non-residential projects is reported in different units. In the application files, the size of residential projects is reported in number of dwelling units, while the size of non-residential projects is reported in square footage. The equivalency of projects was calculated based on the equivalencies defined by the land development code, which vary for each zoning area.

TABLE 1. DESCRIPTIVE STATISTICS

	MEAN	STD. DEV.	MIN.	MAX.
DEPENDENT VARIABLES				
COUNT OF DAYS (SMALL SITE PLAN)	57.602	75.165	6	553
COUNT OF DAYS (LARGE SITE PLAN)	79.513	96.063	1	920
COUNT OF DAYS (CONCURRENCY)	59.478	70.506	1	1127
INDEPENDENT VARIABLES				
AGENT'S INTERACTION	0	1	-2.767	1.463
AGENT'S REPUTATION	0	1	-2.329	1.572
AGENT'S APPLICATIONS	116.868	89.239	10	244
FEES (THOUSANDS OF DOLLARS)	2.115	4.236	0.063	111.217
UNITS	107.693	273.205	0	5600
ZONING	0.078	0.268	0	1
COMMERCIAL USE	0.184	0.388	0	1
OFFICE USE	0.171	0.376	0	1
MEDICAL USE	0.023	0.151	0	1
CHURCH USE	0.024	0.152	0	1
EDUCATION USE	0.024	0.152	0	1

The remaining variables are dichotomous variables that control for the intended use of the new development according to five categories that were presented in the application files. In some cases, projects were intended for more than one use. For example, office buildings can include retail areas. In these cases the use that was presented first in the file was considered as the main use. The one category left out of the estimated model is residential use and it will serve as the base category for comparing the effect of a particular use on the length of reviews. Given that these variables are solely intended to control for the effect of specific types of constructions their coefficients and significance will not be discussed in detail, and the discussion will concentrate on the main hypotheses tested in the analysis.

Estimation

Hypotheses were tested using Zero Truncated Poisson Regression with Robust Standard Errors.⁵ Exhibit 2 presents three estimated models, one for each

⁵ This model was selected based on three considerations. First, Poisson and negative binomial are analyses commonly used to model the number of counts of an event. In this case the count of days between submission and approval of a project was used. However, Poisson and negative binomial models include probabilities for zero values. In the case of the length of the review, there are no permits that have been approved in zero days. As a minimum, the applications have taken one day to be approved, which make the zero truncated model more accurate because it allows nonzero values. Secondly, for this analysis, the Poisson model is preferred because the dependent variable is not extremely over-dispersed. The small level of overdispersion was confirmed by the value of

type of review examined, including standard errors in parentheses and the incident rate ratios in a separate column. The incident rate ratios (odds ratios) are also reported in order to facilitate the interpretation of coefficients (Isaac and Christensen, 2002).

Results

Hypotheses 1 predicted effects of the frequency of interaction. The results did not provide support for hypothesis 1. In fact, the results suggest that permit applications submitted by agents who contact reviewers frequently are more likely to be approved after longer reviews. The coefficient indicates that, other things being equal, an increase of one standard deviation in the index of frequency of interaction is associated with a 38% increase in the length of concurrency reviews. This association is significant only in concurrency reviews, which is a technically sophisticated review of the impact of a project on specific standards. This coefficient suggests that the process may include additional information in relation to the standards that tend to be ambiguous; resulting in more interaction between agents and developers.

The results provide support for previous researcher pointing out that when the information being communicated is confusing and ambiguous, too much communication can lead to lengthy permitting processes (DeHart-Davis and Bozeman, 2001). According to DeHart-Davis and Bozeman, equivocal information is frequently transferred during interactions between regulators and firms. In such situations, the more information agents obtain, the more confused they could be about how to interpret the codes and expedite the process. In this case, frequent interaction that conveys more information could increase contradictions and ambiguity. The level of confusion could be higher in reviews that implement complex projects involving ambiguous and contradictory city goals in which the same policy could be interpreted in different ways by reviewers.

Hypothesis 3 indicated that an agent's reputation for contributing to the public good is expected to be associated with a shorter permitting process; the result provided support for this hypothesis in both small and large site plan reviews. The coefficients indicate that a one standard deviation increase in the Contribution to the Public Good index is associated to a review process which is 0.84 times as long for small site plan reviews, and 0.83 for reviews large site plans.⁶ A more intuitive interpretation of the incident rate ratios is

the dispersion factor, lambda, generated in an estimation of the model using the zero truncated negative binomial model. Finally, the estimation with robust standard errors was selected because it adjusts standard errors for intergroup correlation between applications submitted by the same agent. This clustering assumes that the observations are independent across clusters, but not necessarily within them, which produces a more accurate estimation of the standard errors.

⁶ The parameters are interpreted in terms of changes in standard deviations given that the indices were standardized to facilitate interpretation.

the following. If two projects submitted to a large site plan review have the same characteristics, but one permit is handled by an agent who has an index of reputation higher by one standard deviation, the project handled by the agent with higher reputation would have a predicted review process 16.6% shorter than the project submitted by the agent with a lower reputation index.

**TABLE 2. ZERO TRUNCATED POISSON ANALYSIS OF COUNT OF DAYS OF REVIEWS
(WITH ROBUST SE IN PARENTHESES)**

	TYPE A	INCIDENCE RATE RATIO	TYPE B	INCIDENCE RATE RATIO	CONCURRENCY	INCIDENCE RATE RATIO
AGENT'S INTERACTION	-0.075 (0.120)	0.927	-0.119 (0.143)	0.888	0.328*** (0.105)	1.388***
AGENT'S REPUTATION	-0.172* (0.092)	0.842*	-0.182** (0.090)	0.834**	-0.054 (0.053)	0.947
AGENT'S APPLICATIONS	0.001 (0.001)	1.001	0.001 (0.001)	1.001	-0.003** (0.001)	0.997***
FEES	0.002 (0.032)	1.002	0.014 (0.018)	1.014	0.035*** (0.013)	1.036***
UNITS	0.002*** (0.001)	1.002***	0.0004 (0.0002)	1.000	0.000002 (0.00001)	1.000
ZONING					0.305*** (0.118)	1.356***
COMMERCIAL USE	-0.033 (0.164)	0.967	-0.131 (0.243)	0.877	-0.173 (0.105)	0.841
OFFICE USE	-.0552 (0.191)	0.946	0.000 (0.292)	1.000	-0.157 (0.132)	0.855
MEDICAL USE	-.696 (0.292)	0.498	-0.385* (0.210)	0.680*	0.125 (0.340)	1.133
CHURCH USE	0.335 (0.385)	1.398	-0.284 (0.197)	0.752	-0.513*** (0.094)	0.599***
EDUCATION USE	-1.010 (0.330)	0.364	0.686 (0.699)	1.985	-0.299** (0.147)	0.742**
CONSTANT	3.827*** (0.211)		4.305*** (0.154)		4.400*** (0.171)	
<i>N</i>	328		205		482	
<i>PROB CHI</i> ²	0.0013		0.0367		0.000	
<i>LOG-LIKELIHOOD (FULL MODEL)</i>	-10992.75		-6919.626		-8556.823	

*** $P \leq .01$; ** $P \leq .05$; * $P \leq .10$

The results partially support hypothesis 4, which states that the capacity of agents is associated to shorter reviews. This association is significant only for concurrency reviews and the results do not show a significant association in small or large site plan reviews. It was mentioned above that concurrency reviews are the most mechanical of the three reviews analyzed, which makes these results highly relevant. Concurrency reviews assess compliance with specific standards and not with ambiguous policies subject to interpretation as in the cases of site plan reviews. This result indicates that the experience

of agents, and their capacity in general, is more likely to have an impact on the length of reviews where standards under review are specific and not subject to interpretation or negotiation.

Two measures of the level of complexity of projects, number of units and fees, resulted in different significance in the models tested. First, hypothesis 5 predicted a positive relationship between the number of units in a project and the length of the review process. The results support this expectation only in the review of small site plans. In these reviews, every additional unit in a project resulted in an increase of the length of the review by 0.2%, which is a considerable increase if we take into consideration that developments subject to type a reviews can often accommodate more than ten units. In concurrency and small site plan reviews, the effect of the number of units is in the expected direction, but it is not statistically significant. In other words, the results suggest that once a site plan has passed a threshold size, the number of units do not have a significant effect on the length of reviews.

Secondly, in hypothesis 6, the amount of fees associated with a project was hypothesized to have a positive relationship with the length of the review process. The results supported this association only in the case of concurrency reviews, indicating that the more fees are charged to a project, the longer it will take for the project to be approved. The coefficient indicates that an increase of one thousand dollars in fees is associated with a 3.6% increase in the expected length of the review. The differentiated effects of these two variables —number of units and fees— suggest that what can complicate a review in which negotiation is a key factor may not create complexity for a more standardized review, and vice versa. For example, while the number of units can add complexity to negotiations during site plan reviews, it does not add complexity for concurrency reviews.

The results also provided support to the reviewers' intuition that a project in an area with multiple zoning categories is likely to increase the length of the review process. Based on hypothesis 7, it was expected that multiple zoning areas in a project will increase the complexity of the review process, and thus increase the length of the review. In concurrency reviews, other things equal, the location of a project in parcels with different zoning determinations is associated with a 35.6% increase in the length of the review process. These results suggest that the inclusion of multiple land uses in a review complicates the evaluation of its impact, particularly on service provision.

Some control variables provide also significant results. Projects for educational use are associated with concurrency reviews shorter by 26%. And, also in concurrency reviews, projects intended for religious use are expected to result in reviews 41% shorter than residential projects, holding constant all other variables. Small site plans for medical use are associated to shorter reviews than projects for residential use. Developments for medical are

associated with a review process which is 0.68 times as long as projects for residential use, holding constant all other variables in the model. There is a possibility that complexity also explains the variation in the length of the review of projects for different uses. For instance, projects for medical use are a good example of this possibility. Medical facilities can have shorter reviews not because they contribute to public health, but because they require simpler reviews, as is the case of doctors' offices, which do not have a major impact on the infrastructure for service provision.

Discussion

A great deal of scholarship point out that regulatory compliance requires a commitment from firms to implement actions such as adequate training of employees or diligence in implementing internal processes (Scholz, 1991; Gunningham and Kagan, 2005). Also, studies point out that agencies should promote cooperative behavior from firms in order for public agencies to reduce the costs of policing regulations and increase their effectiveness. The case presented here finds that public officials seem to promote cooperative behavior from firms by rewarding them with shorter reviews. It is important to notice that the association of shorter reviews and the reputation of firms is significant in reviews where regulators have the discretion and flexibility to interpret policies.

During interviews, reviewers stated a potential cause for the significant association between the length of reviews and reputation of applicants: projects submitted by applicants with bad reputations need to be examined and scrutinized more closely. In other words, they point out that longer reviews to projects are the by-product of the detailed review of projects submitted by applicants with bad reputations. However, another plausible explanation exists: public officials can act as enterprise leaders (Ben, 1998; Borins, 2000). In this capacity, reviewers may intentionally expedite projects submitted by applicants with good reputations because they want to make the project more profitable and delay those which contribute little or nothing to the public welfare.

Unexpectedly, the analysis did not provide evidence of association between frequency of interaction with shorter reviews in the permitting process for land development. On the contrary, the results indicate that frequency of interaction is associated to longer processing time in concurrency reviews. It is notable that this association was significant only in the permit that evaluates well defined standards which are not subject to been negotiated. The results of the effect of frequency of interaction have two potential interpretations. As it was indicated previously, they can support the idea that equivocal information is likely to be communicated in such interactions. However, they also support an idea expressed by reviewers

during the interviews. Some reviewers expressed that some times, applicants with whom they have frequent interaction are those who have the most ambitious projects in terms of the intensity of the use of land. For that reason, they seek frequent interaction with reviewers in order to persuade them of the benefits of a project.

As with any empirical study, there are caveats to these findings. First, the study is limited to a single city in a rapidly growing state during a period of expansion. Secondly, the study analyses the length of the review process for mature and well established firms, who have established reputations and generate a high volume of applications. These factors present potential problems for the generalizability of the finding produced here. First, the preferences of reviewers could change with the economic environment. For instance, in regions characterized by limited growth or economic contraction, reviewers could be more permissive of deficient applications and less interested in the reputation of agents. Secondly, consulting engineers who had managed ten or more proposals could not be representative of all applicants, for that reason the findings cannot help to understand how the length of the review varies for all agents, in particular those for whom reviewers have little information.

Taking those limitations into account, the association between good reputation and length of reviews in this case suggest that in a fast growing communities the land development permitting is likely to be conducted by "good inspectors" (Bardach and Kagan, 1982) who may act as enterprise leaders to improve the regulatory process. Good inspectors are expected to be preoccupied with differentiating between violations caused by the negligence or errors of violators, versus those attributed to destructive behavior. This seems to be the case in the community studied here given the differential treatment of agents indicated by the results. This behavior among regulators is exactly the type that has the potential of creating a cooperative relation in which reviewers expedite the review process for cooperative agents and in return, agents are more forthcoming and cooperative with the city's goals. This flexible application of codes could encourage cooperative behavior between businesses, thereby creating win-win outcomes from the regulatory process (Potosky and Prakash, 2004; Scholz, 1984).

In land development permitting, these inspectors can be explained as the result of the structures and methods used to implement land use regulations, which stem from the Progressive Era and the desire to gain orderly professional administration of the public interest since the 1920s (Boschken, 1977). To achieve these goals, the public interest perspective has promoted the participation of professional planners and appointed planning commissioners based on their technical reasoning (Fleischmann and Piernunzi, 1990). The analysis presented here suggest that in the context of rapidly growing cities, the professionalization of local public servants has the

potential to fosters an effective and efficient implementation of regulations when repeated interaction with agents is common. To summarize, the professional formation of city planners seems, combined with ambiguous and contradictory policies create the conditions in which firms are rewarded by their cooperative behavior during the regulatory process of land development, at least in fast growing communities.

In addition, these findings have implications for both agents and regulators. First, the prescription for agents is straightforward: establishing a good reputation could reduce the length of reviews, at least in those reviews for which there is room for negotiating with reviewers. In the case of regulators, the study suggests that the regulatory processes could be improved if regulators can openly make consultants aware of the future implications of their behavior during further reviews of projects.

Moreover, in order for the regulatory process to be improved and encourage good behavior of agents, the results suggest that local governments may need to reassess regulatory reforms that target the length of permitting processes. Often, the length of review processes is considered a measure of the efficiency of regulatory processes and long reviews associated to inefficiencies, ineffectiveness, and red tape in public agencies (Bozeman and Scott, 1996). In particular, the length of time that organizations take to accomplish tasks has been used to measure red tape in public organizations (Bozeman, Reed and Scot, 1992). For that reason, when local governments attempt to improve their performance and facilitate economic development by means of regulatory reforms, they place an important attention in reducing the length of reviews such as those included in the permitting process for land development (Morgan, England and Pelissero, 2007). However, this study suggests that long reviews may be the result of good regulatory practices rather than inefficiency. In summary, if we consider the length of the permitting process as the result of negotiations of the impact of growth, the length of the permitting process may be the least important indicator of the performance of city planners.

Finally, the study finds that agents play an important role as mediators between public officials and citizens/developers. Some agents seem to learn and understand better the interpretation that public administrators give to land use regulations and the extent to which this interpretation is essential for contributing to the public welfare. Since agents can advise, suggest, and even convince developers to what extent it is beneficial and profitable to push for reinterpretations of policies and standards, despite the delay in the permitting process. Further research needs to study the mediating role played by these agents and consulting firms between public administrators and developers. The study of this mediating role can produce valuable insights on the role of third parties in the effective and efficient implementation of regulations in general.

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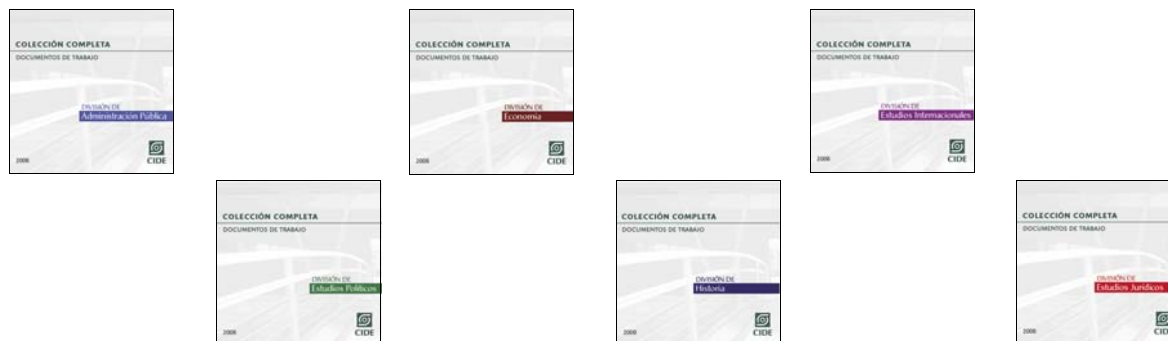
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