

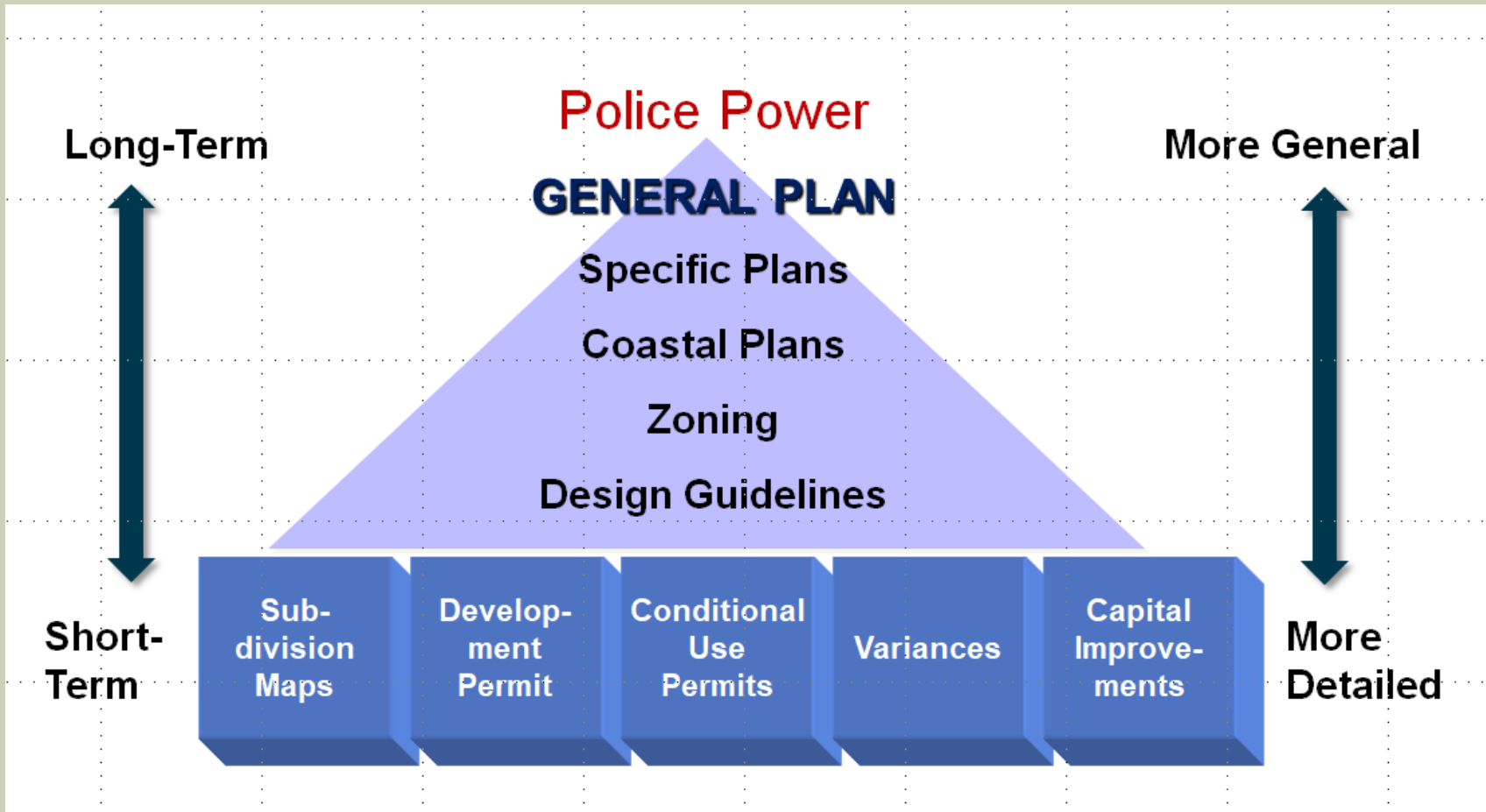
PLANNING COMMISSION 102

The Nuts and Bolts of Planning

Patricia Curtin
Niroop K. Srivatsa

General Plan
Specific Plans
Zoning Ordinance
Capital
Improvement
Program
Development
Agreements
Subdivisions
Land Use Permits
Variances
Lot Line
Adjustments
Development
Permits
Land Acquisition

from Planning Commission 101.....



IN PLANNING COMMISSION 102.....

Describe types of applications before a Planning Commission

Explain the role of the Commission (what to look for)

Highlight key findings



ROLE OF THE PLANNING COMMISSION

Legislative Actions

Recommending body to the City Council



Quasi Judicial Actions

Decision making body

GENERAL PLAN
SPECIFIC PLANS
ZONING ORDINANCE
CAPITAL IMPROVEMENT
PROGRAM
DEVELOPMENT
AGREEMENTS
LAND ACQUISITION

**Planning Commission as a
Recommending Body**

GENERAL PLAN

Constitution for development

Legal document adopted by the legislative body

Establishes goals and policies of a city regarding its long-term development in the form of a map and accompanying textual elements

Also called a comprehensive plan or comprehensive master plan



Scope of review: all elements of the general plan must be internally consistent

Recommendation by commission must be made by majority of its members, not a majority of the quorum

Adoption/amendment of a general plan is a legislative act, so its approval will be upheld if it is not arbitrary, capricious or entirely lacking in evidentiary support

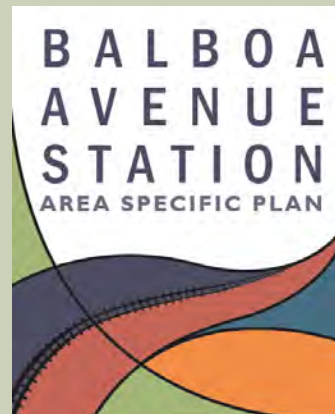
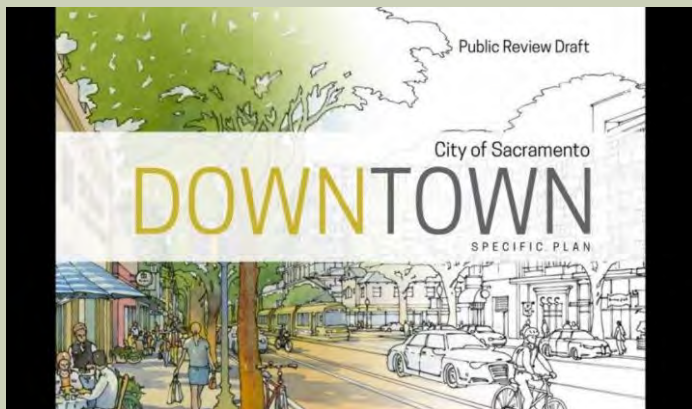
Findings not required by law

**GENERAL
PLAN**

SPECIFIC PLANS

Implements the goals and policies of the General Plan for a specific geographic area

Contains locations and standards for land use densities, streets, and other public facilities in greater detail than the general plan map and text



Scope of review: must be consistent with the general plan and internally consistent

Recommendation by commission must be made by majority of its members, not a majority of the quorum

Adoption/amendment of a specific plan is a legislative act, so its approval will be upheld if it is not arbitrary, capricious or entirely lacking in evidentiary support

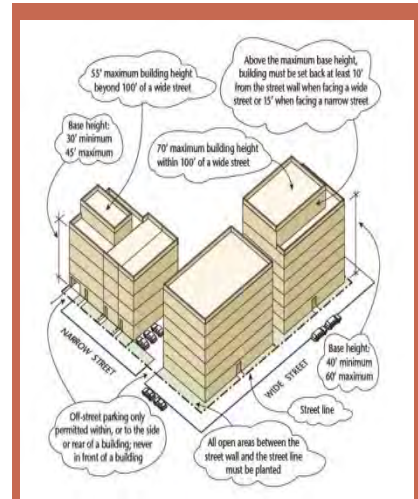
Findings not required by law

**SPECIFIC
PLANS**

Detailed standards and procedures to implement the general plan

Divides the city into various zoning districts

Identifies different land uses permitted and allowed in each

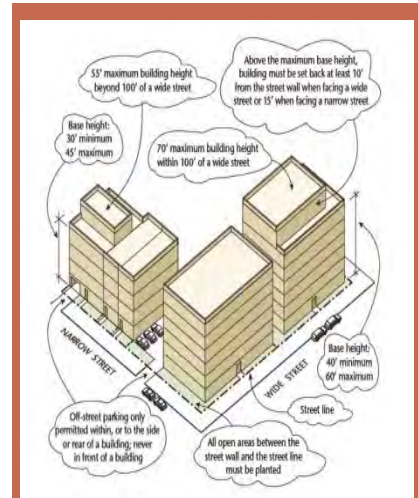


ZONING ORDINANCE

Scope of review/findings:

Consistency with the general plan and each of its elements

Community need is demonstrated



ZONING ORDINANCE

Annual review of the capital improvement program for consistency with the general plan

Planning Commission review links planning to the annual budgeting process



**CAPITAL
IMPROVEMENT
PROGRAM**

DEVELOPMENT AGREEMENTS

Agreement between a developer and city establishing conditions under which a particular development may occur

Local government “freezes” regulations applicable for agreed-upon period prior to actual development

Finding of consistency with the general plan



LAND ACQUISITION



Report to the City Council on the consistency of proposed public land acquisition or disposal with the general plan

SUBDIVISIONS
CONDITIONAL USE
PERMITS
VARIANCES
LOT LINE ADJUSTMENTS
DEVELOPMENT PERMITS

**Planning Commission as
Decision Making Body**

SUBDIVISIONS

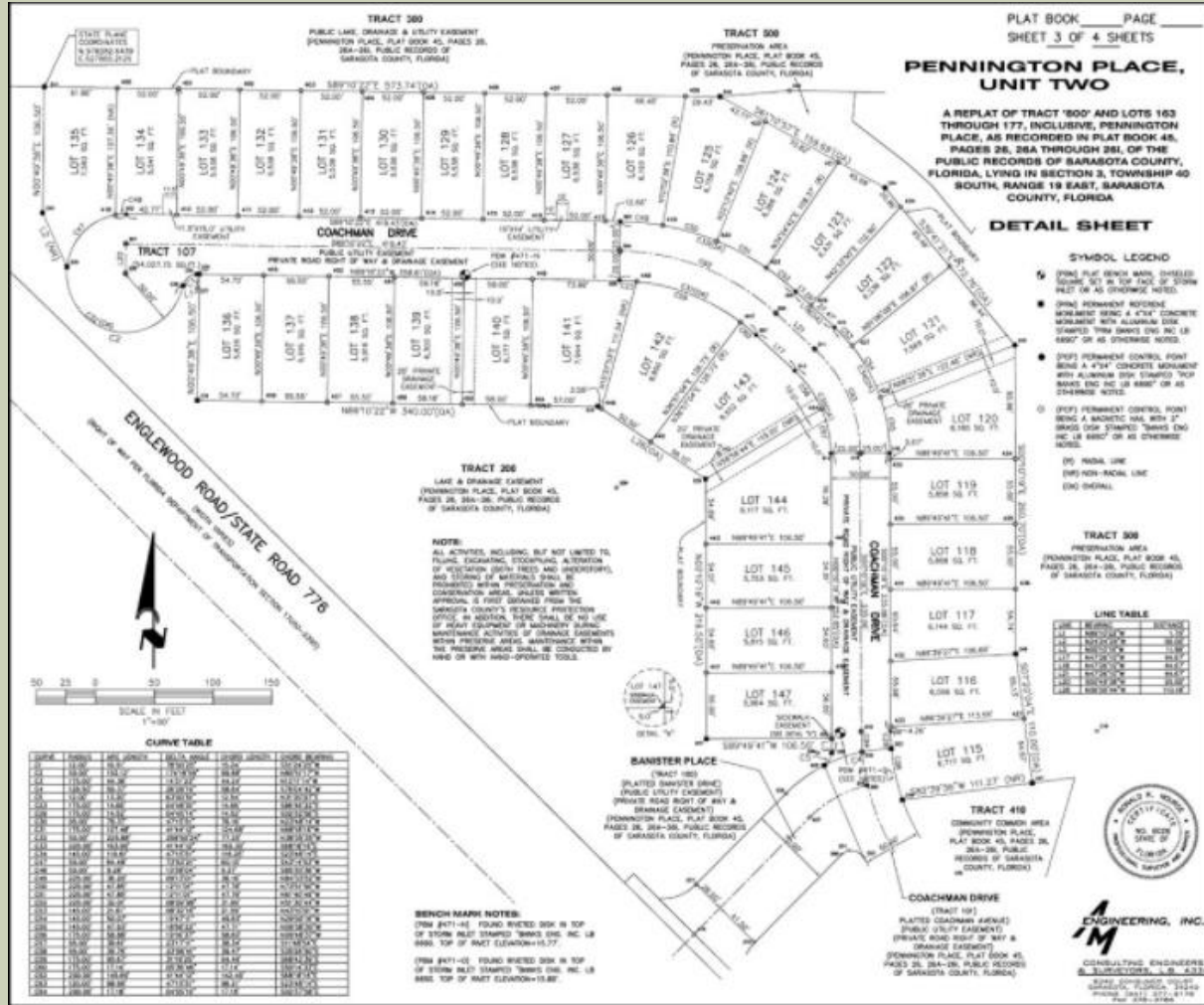
A division of land into two or more parcels

1893 Map Act Statute: California State Legislature created very first notable state-level mandated subdivision land law ever imposed in the United States

"Major Subdivision" or Tract - the division of land into five (5) or more lots

"Minor Subdivision" - creating four (4) or fewer lots

SUBDIVISIONS



SUBDIVISIONS

Finding of consistency is adequate unless there is evidence from which no reasonable person could have reached the same conclusion

Map must be denied if Commission makes any of following findings:

- 1. Map inconsistent with general or specific plans**
- 2. Site not physically suited for proposed type or density of development**
- 3. Design likely to cause substantial environmental damage**
- 4. Design will conflict with public easements for access through or use of property within proposed subdivision**

a.k.a. Land Use Permit, CUP, LUP

A zoning exception which allows property owner use of land in a way not otherwise permitted within the particular zoning district

Commonly granted to add commercial, educational, or religious services to residential zones



Conditional Use Permit

Runs with the land; thus a city cannot condition a CUP on its non-transferability

State zoning law silent on criteria to evaluate whether a CUP should be issued

This is determined by local ordinance



**Conditional Use
Permit**

Findings

- Is not detrimental to the health, safety, and general welfare of the city;
- Will not adversely affect the orderly development of property within the city;
- Will not adversely affect the preservation of property values and the protection of the tax base within the city;
- Is consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan;
- Will not create a nuisance or enforcement problem within the neighborhood;
- Will not encourage marginal development within the neighborhood; and
- Is consistent with the purpose section of the zoning district in which it is located.

SAMPLE FINDINGS

Conditional Use Permit

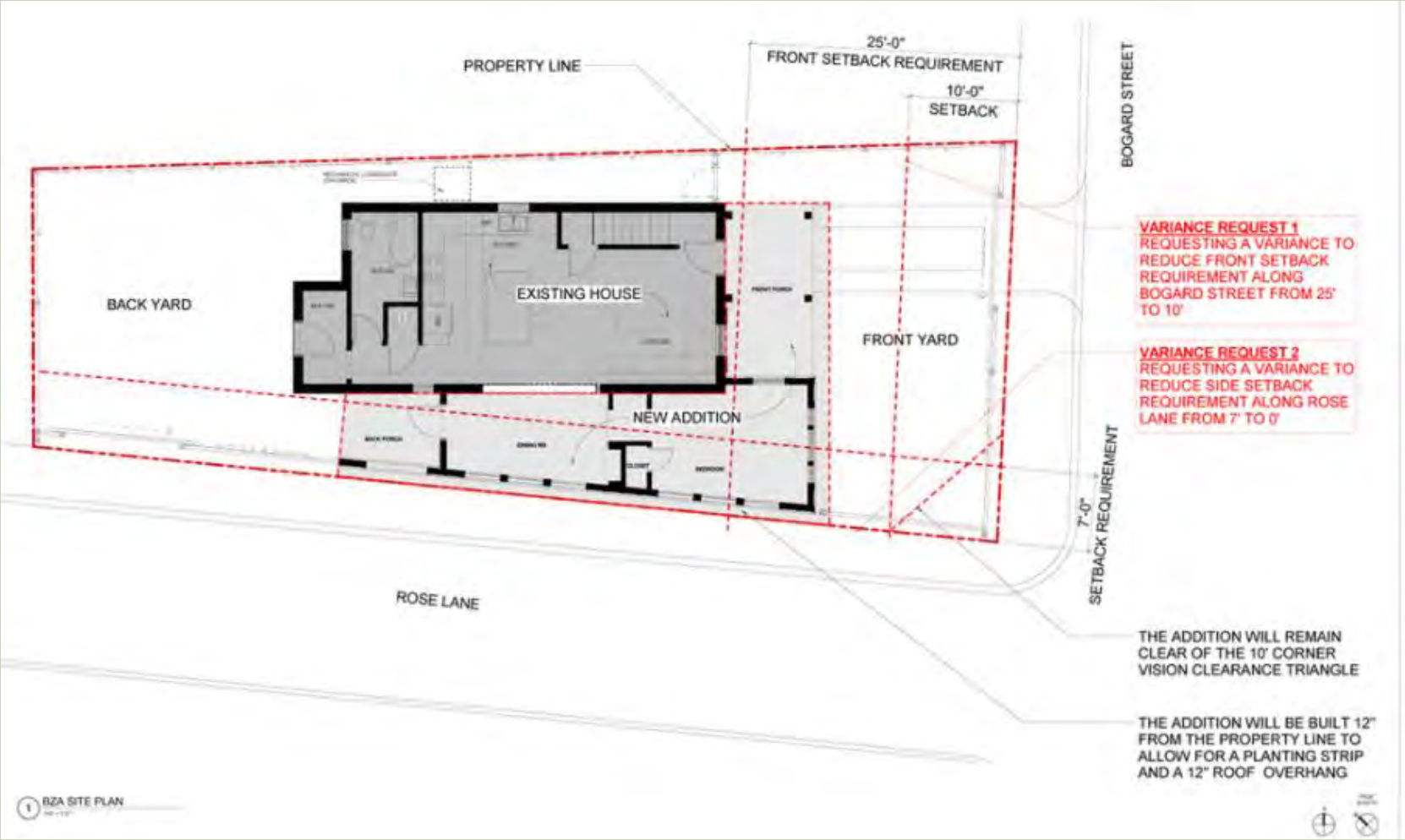
VARIANCES

Form of equitable relief allowing applicant to use his land in an efficient way by bypassing local zoning laws

Offers an exception to property owner encountering difficulties complying with physical requirement issues such as adding a second story to the house or a setback of the building

Runs with the land; thus a city cannot condition a variance on its non-transferability

VARIANCES



VARIANCES

Planning Commission considerations and findings:

Circumstances surrounding the situation must be unique; i.e., they create disparities between the applicant's property and other properties in the area

The unique circumstances must cause unique hardship to the property owner to justify the variance. Generally, circumstances have been limited to physical conditions of the property.

A variance may not be granted if it will adversely affect the interests of the public or other residence and property owners within the vicinity of the premises in question.

VARIANCES

Considerations, continued.....

A variance must be consistent with general plan and zoning ordinance



The existence of a peculiar situation that will result in unnecessarily hardship if the current zoning is enforced does not require the granting of a variance

A variance must not grant a “special privilege” inconsistent with the limitations of other nearby properties

Type of permit varies by community...



Hillside development permits

Tree removal permits

Design review permits

Wireless facilities permits

Grading permits

Development Permits

Type of permit varies by community...



Each type of permit could have its own set of findings

Development Permits

QUESTIONS?

Planning Commission 102