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
Recommendating body to the City Council

Quasi Judicial Actions
Decision making body
GENERAL PLAN
SPECIFIC PLANS
ZONING ORDINANCE
CAPITAL IMPROVEMENT PROGRAM
DEVELOPMENT AGREEMENTS
LAND ACQUISITION
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.
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
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
Scope of review/findings:

Consistency with the general plan and each of its elements

Community need is demonstrated
Annual review of the capital improvement program for consistency with the general plan

Planning Commission review links planning to the annual budgeting process
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
Report to the City Council on the consistency of proposed public land acquisition or disposal with the general plan
Planning Commission as Decision Making Body

- Subdivisions
- Conditional Use Permits
- Variances
- Lot Line Adjustments
- Development Permits
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
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
 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
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.
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

Variance Request 1
Requesting a variance to reduce front setback requirement along Bogard Street from 25' to 10'

Variance Request 2
Requesting a variance to reduce side setback requirement along Rose Lane from 7' to 0'

The addition will remain clear of the 10' corner vision clearance triangle.

The addition will be built 12' from the property line to allow for a planting strip and a 12' roof overhang.
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.
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
Type of permit varies by community...

Each type of permit could have its own set of findings
QUESTIONS?