Planning Commission 101: The Nuts and Bolts of Planning

Panelists

» David Early, AICP, Senior Advisor, PlaceWorks
» Marc Roberts, City Manager, City of Livermore
» Bill Anderson, Director of City and Regional Planning, AECOM
  Former Planning Commissioner, City of San Diego
Topics

» Source of Power to Regulate Land Use
» General Plans
» Zoning
» California Environmental Quality Act (CEQA)
» Role of the Planning Commission

Land Use Regulation

» Arose from “good government” movements as a response to unsanitary urban conditions
» Embodied desire to rein in private market excesses through government regulation
» Based on local government’s Police Power: health, safety and welfare
Key Milestones -- Nationwide

» 1909 Los Angeles imposes first zoning ordinance limiting industrial uses (not comprehensive)

» 1916 New York imposes first comprehensive zoning ordinance

» 1922 Standard State Zoning Enabling Act (SZEA)

» 1926 Euclid v. Ambler – upholds constitutionality of zoning

Key Planning Milestones -- California

» California has long been a leader in planning and land use regulation:
  • 1927 California passes law requiring that cities and counties have a Master Plan
  • 1928 Standard City Planning Enabling Act (SPEA)
  • Zoning and planning laws have changed faster in California than the rest of the country due to rapid growth
Land Use Regulation Today

» Only two plan types are defined in California law:
  • General Plans lay out a jurisdiction’s future development plans through a series of policy statements in text and map form
  • Specific Plans are a special set of development standards that apply to a particular geographical area

» Zoning provides detailed land use and design regulation.

» Other planning documents include Master Plans, Area Plans, Vision Plans, etc., but these are not defined in the law.

Policy Plans and Regulations

General Plan
  - Specific Plans
  - Coastal Plans
  - Zoning
  - Design Guidelines

Subdivision Maps
Development Permit
Conditional Use Permits
Variance
Capital Improvements

Long-Term More General
Short-Term More Detailed
**General Plans**

» Bedrock of California planning; required by State Law
» The “constitution” for planning and development
» Provides long-range vision for conservation and development (20-30 year horizon)
» Basis for local land use decisions
» Identifies important community issues
» Promotes community participation
» Sets the ground rules

**Required General Plan Elements**

- Land Use
- Housing
- Circulation
- Conservation
- Open Space
- Noise
- Safety
- Air Quality
- Environmental Justice
Additional General Plan Topics

- Community Character / Design
- Public Health
- Economic Development
- Public Facilities and Services
- Parks and Recreation
- Implementation
- Community – Specific Topics

INTEGRATE INTO MANDATED ELEMENTS

GENERAL PLAN
General Plan Content

» Vision
  ▪ Aspirational statements describing the desired, positive future for the community.
  ▪ An image of the future that the community wishes to create.
  ▪ Succinct description of community values.

» Goals
  ▪ Ideal future end that is an expression of community values. May be abstract.
  ▪ Not quantifiable or time-dependent.

» Objectives
  ▪ Intermediate or achievable steps to
  ▪ Generally quantifiable, with achievement desired in a set period of time.

» Policies
  ▪ Specific statement that guides decision-making.
  ▪ Rule or measure establishing a required level of quality or quantity to be fulfilled by others.

» Actions (Implementation Programs)
  ▪ Action, procedure, program, or technique that carries out a general plan policy

» Indicators
  ▪ Measures that show whether the community is achieving its goals and objectives.
Typical General Plan Land Use Plan

General Plans - Typical Circulation Map
**Housing Element**

- Updated based on schedule in State law (4 or 8 years)
- Certified by the State’s Department of Housing and Community Development
- Annual report to the State on implementation
- **Required Contents**
  - Regional Housing Needs Assessment (RHNA)
    - Housing need by income category
  - Specific sites zoned for housing
  - Policies to facilitate housing development
  - Actions to remove barriers to housing production

**SB 2 & Technical Assistance**

- SB 2 establishes a permanent source of funding to increase affordable housing stock in California.
- Half of the first year funding ($125 million) for financial and technical assistance to update planning documents to streamline housing production.
- Funds distributed on an “over the counter” non-competitive basis
  - Application form will be released March 29th 2019.
  - Applications can be submitted April 1st through November 29th 2019.
- PlaceWorks will be providing technical assistance to applicants.
- Additional funds may be available for larger projects on a competitive basis later in 2019
SB 2 & Technical Assistance

» Eligible projects:
  • Targeted General Plan updates
  • Community Plans and Specific Plans
  • Zoning updates, particularly by-right zoning for housing
  • Objective design standards
  • Accessory dwelling unit regulations
  • Environmental analyses that eliminate the need for project-specific review
  • Process updates to improve and expedite local permitting
  • Other planning projects that will directly enhance housing production

» Eligible funding amounts:
  • Population less than 60,000: $125,000 grant
  • Population 60,000 to 200,000: $250,000 grant
  • Population over 200,000: $500,000 grant

» Eligibility criteria:
  • Certified Housing Element
  • 2017 or 2018 Annual Progress Report submitted to HCD
Zoning

» Ordinance that implements and is consistent with General Plan policies

» Prescribes allowable land uses and development standards including:
  ▪ Building uses.
  ▪ Building size (height, lot coverage and setbacks).
  ▪ Landscaping.
  ▪ Signs and billboards.
  ▪ Parking requirements.
  ▪ Other performance standards.

Zoning

» Traditional “Euclidean” Zoning
  ▪ Based on identification and separation of uses.
  ▪ Focuses on:
    ▪ Uses
    ▪ Intensity
    ▪ Setbacks
    ▪ No emphasis on building form
**Form Based Zoning**

» Based on building form and design.

» Focuses on:
  • Building design and mass.
  • Building scale, type and context.
  • Relationship of buildings to public space.
  • Design of streets and public realm.

» Key Components
  • Building form.
  • Building frontage.
  • Building type.
  • Roadways.
  • Public spaces.
  • Architectural detail.

**California Environmental Quality Act (CEQA)**

**Goals**

» Inform decision-makers about environmental effects.

» Identify ways to avoid environmental damage.

» Prevent avoidable environmental damage.

» Disclose to the public why a project is needed, even if it results in environmental damage.

» Foster intergovernmental cooperation.

» Enhance public participation in decision-making.
**Purpose of Environmental Documents**

» Informational document that analyzes potential effects, tradeoffs and mitigation when considering a project.

» Identifies potential impacts, and where possible, mitigation measures City can apply to prevent or eliminate impact.

» Disclosure document vs. legislative document.

» Does not prohibit a jurisdiction from adopting a project.

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**CEQA Documents**

» **Categorical Exemption**
  
  • Minor changes that do not trigger environmental review.

» **Initial Study (IS)**
  
  • Determines whether the project may have a significant effect on the environment (also known as “the checklist”).

» **Negative Declaration (ND)**
  
  • If project found to have no significant effect on the environment.

» **Mitigated Negative Declaration (MND)**
  
  • If IS shows effect, a MND may be prepared if revisions to project plans can avoid or mitigate effects.

» **Environmental Impact Report (EIR)**
  
  • If IS identifies potential significant effects that cannot be eliminated through redesign.
Role of the Planning Commission

» Creation Process
  • Participate in the development of the General Plan, Housing Element, and/or Zoning Code
  • Facilitate community engagement
  • Conduct study sessions and other forums

Role of the Planning Commission

» Approval/Amendment Process
  • General Plan Elements.
  • Specific Plans and other specialized plans.
  • Zoning Code.
  • Review.
  • Conduct public hearings.
  • Make recommendations to the Council.
Role of the Planning Commission

» Implementation Process
  • Individual development project review
    ▪ Site and Architectural Permits
    ▪ Conditional Use Permits
    ▪ Other
  • Consistency with the General Plan and Zoning Code
  • Public hearings

» Project approval (Quasi-Judicial Action)

A Good Planning Commissioner Should:

» Know your community and bring special expertise to the Commission

» A good Commissioner should also have:
  • An open mind to listen to new ideas.
  • An ability to see both the strengths and weaknesses of proposals.
  • Critical thinking skills leading toward finding solutions when working with others.
  • Willingness to spend the time required to study materials and attend regularly.
  • Commitment to making the process fair to all.
  • Faith in the future and the ability of the community to shape that future.
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