Planning Commission 101:
The Nuts and Bolts of Planning

Panelists

» David Early, AICP, Senior Advisor, PlaceWorks
» Marc Roberts, City Manager, City of Livermore
» Anders Hauge, Planning Commissioner, Placer County
**Topics**

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

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**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
- Variances
- Capital Improvements

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**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

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.
General Plan Content

» 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

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**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 at appropriate densities
  - Policies to facilitate housing development
  - Actions to remove barriers to housing production
Housing Element Law

» Legislature and Governor seek to address State Housing Crisis

» Key legislation passed in 2017 and 2019
  • SB 35: Requires approval of affordable projects meeting certain criteria as of right.
  • SB 330:
    ▪ Prohibits:
      o Lessening allowed densities ("downzoning")
      o Application of non-objective standards to housing projects
      o Housing development moratoria and growth limitations adopted after 2005
    ▪ Sunsets in 2025.
  • Multiple other bills

SB 2 (2017)

» Established a permanent source of funding to increase affordable housing stock in California.

» Half of 2018 funding ($125 million) dedicated to technical assistance for local government.

» 2019 and onward, about $250 million per year for housing construction.
**AB 101: 2019-2020 Budget Act**

**Funding**
LEAP and REAP Grant Programs

**Incentives**
Prohousing Designations

**Accountability**
Housing Element compliance

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**AB 101: LEAP / REAP Grants**

» LEAP:
  - Population less than 20,000: $65,000 grant
  - Population 20,000 to 60,000: $150,000 grant
  - Population 60,000 to 100,000: $300,000 grant
  - Population 100,000 to 300,000: $500,000 grant
  - Population 300,000 to 750,000: $750,000 grant
  - Population over 750,000: $1,500,000 grant

» REAP:
  - COGs, Regions and independent counties get an amount equal to the amounts received by their members
**AB 101: Prohousing Communities**

» Creates new designation for “prohousing” communities.
  • Meet all basic housing element and fair housing requirements.
  • Implement additional prohousing policies.

» State will make additional funds available to communities that earn the prohousing designation.

**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.
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Zoning

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

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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.
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 of Plans and Regulations
» Plan and Regulation Amendment
» Implementation (Project Review and Approval)