Policy Role in Land Use Planning

Eric Nelson
Planning Commissioner
City of Dana Point

Mark Teague, AICP
Associate Principal
PlaceWorks

New Mayors & Council Members Academy
January 23, 2020

IMAGINE... AT YOUR FIRST MEETING
A BRIEF INTRODUCTION TO PLANNING

- Seeing the future is hard.
- The public believes the future is now.
- All planning is local.

TOOLS OF THE TRADE

GENERAL PLAN
SPECIFIC PLANS
ZONING
OTHER REGULATIONS & TOOLS
CEQA
GENERAL PLAN

• Vision for the City
• Mostly very long term
• Expensive to change
• Not very nimble

REQUIRED GENERAL PLAN ELEMENTS

1. Land Use
2. Circulation
3. Open Space
4. Conservation
5. Housing
6. Noise
7. Safety

Depending on Circumstances
1. Environmental Justice
2. Air Quality
EXAMPLES OF “OPTIONAL” ELEMENTS

- Parks and Recreation
- Sustainability
- Public Health
- Economic Development
- Public Facilities and Services
- Implementation

SPECIFIC PLANS

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

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

The General Plan’s implementation document

Divides the city into various zoning districts

Identifies different land uses permitted and allowed in each district

ZONING

Establishes Detailed Standards
- Building uses
- Building size (height, lot coverage and setbacks)
- Landscaping
- Signs and billboards
- Parking requirements
- Other performance standards
OTHER TOOLS

- DESIGN GUIDELINES
- SUBDIVISION REGULATIONS
- CONDITIONAL USE PERMITS
- DEVELOPMENT PERMITS
- SPECIAL OVERLAYS
- VARIANCES

WHAT DO THESE TWO HAVE IN COMMON?
THEY BOTH HAVE A DENSITY OF 30 DUA (DWELLING UNITS PER ACRE)

175 x 165 building
- 3 stories
- 60 units
- X 3 blds
- 180 units total
- 30 units/ acre

50 x 65 building
- 2 stories
- 5 units
- 29 units/ acre

DENSITY – NOT A SILVER BULLET

EXAMPLE – LA County Site
Land Cost $3mm Acre
Highest and Best Use 12 Du/Ac

Net Revenue Vs Density

[Graph showing revenue vs density]
MIXED-USE

- mixed-use
- Development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses.

The Reality

- Land Use Integration is easier than space/building integration.
- Developers tend to favor one land-use.
- It works, sometimes.
PLANS ARE POLICIES and policies, in a democracy at any rate, equals politics. The question is not whether planning will reflect politics but whose politics will it reflect?

- Opposition to a new policy renders it bad; A new policy with no opposition is good, right? Wrong.

- Knowledge and information will make you a better policy maker. The League of Cities has a plethora of information related to the topics discussed today.

- Change is hard because people overestimate the value of what they have—and underestimate the value of what they may gain by giving that up.
TIPS

- Listen to your staff, you pay them to help
- Not all experts are right
- Not all opponents are wrong
- Don’t be afraid to change your mind
- Mind reading is rare, tell staff what you want
- Ask questions
- Sometimes you must decide without answers to all your questions

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- Intent of CEQA
- Why does it take so long and cost so much?
- Mitigation Measures
- How to read an EIR
- Showing your work
- Tips to a speedy CEQA process... Really!
INTENT OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- To provide objective information regarding the environmental consequences of a proposed project to the decision makers who will be reviewing and considering the project.
- To provide the public and applicable regulatory agencies the ability to participate in the public decision-making process and comment on the environmental effects of a proposed project (based on established thresholds).

PAPERWORK IS NOT THE PURPOSE

- Reports on solutions to environmental impacts of the project
- Provides environmental alternatives
- No requirement to speculate (on some things)
- Not an advocacy document
- Not an exhaustive study
- Not Perfect
- Not a ‘worst-case’ analysis
WHY DOES CEQA TAKE SO LONG?

- Incomplete project information
- Changing project information
- Statutory review periods
  - 30 – days IS/MND
  - 85 – days EIR
- Timing of Technical Studies
- Having to solve the problem

LATE HITS

- A “late hit” = lengthy comment arriving just before a decision on a project.
  - Intentional delays to review comments
  - Delays decision by requesting additional studies after the CEQA document has been completed
- They happen so don’t let the late hit derail your process.
  - Give your staff time to review
  - Don’t be afraid to postpone a decision
  - Don’t be afraid to make a decision
CHANGES TO CEQA

- New Checklist
- New Acronym VMT instead of LOS
- Emphasis on Exemptions and Addendums (Particularly for Housing)
- Processing changes

WHAT TO READ FIRST...

- Final EIR & Errata
- Project Description
- Comment Letters & Responses
- Findings
- Staff Report

What to Skim

- Introduction & Setting
- Methodology & Thresholds
**EIR MYTHS**

- The EIR will stop the project.
- The EIR will tell me how to vote.
- The EIR will be more expensive than a mitigated negative declaration.
- The EIR will take longer and than a mitigated negative declaration.
- The EIR will be more thorough than a ND/MND.
- The EIR will be challenge-proof.

**FINAL THOUGHTS**

- All microphones are recording, all cameras are on.
- Someone who isn’t your friend will see that email/text.
- The EIR is not the project.
- Yes, you have read the EIR.
- A project can be environmentally sound... and still a bad idea.
- A project can impact the environment... and still be a good idea.
- The answer to any planning question is always “it depends”.
And in this diagram we see how CEQA works. Any Questions?