Policy Role in Land Use Planning

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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
• No one should have to guess what you want
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
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
SB 166 – NO NET LOSS ZONING

• Downzoning and Reduction in Density
  • Reducing density requires the agency to:
    • Make a No Net Loss finding for Housing
    • Within 180 days rezone to make up the density
  • Burden is on the local jurisdiction, not the developer.

SB 330 – HOUSING CRISIS ACT

• Prohibits Downzoning
• Reduces Process Time
• No Subjective Design Standards
SB 35 – STREAMLINED APPROVAL FOR HOUSING PROJECTS

• SB 35 Applies to Most Jurisdictions
  • If number of building permits issued is less than the share of the RHNA by income category for the reporting period.
  • Not met above moderate RHNA: projects with 10% low-income eligible for streamlining.
  • Not met low-income RHNA: projects with 50% low-income eligible for streamlining.

• Objective Standards!
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
Density – Not a Silver Bullet

Economics of Density

- Increased Density = Increased Cost(s)
- Increased Density = Decreased Sales Price
- Increased Revenue = Potential Community Benefits
MARKET REALITY

- Housing is Hyper Local
- Location Location Location
MIXED-USE

- mixed-use
  - [mikst-yoos]

- Development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses.
MIXED USE SUCCESS EXAMPLE

- Small Scale, Walkable Community
- Abundant parking on-street and on-site
- 3 Story, ground floor retail w/ 2 levels of residential flats

- Located in CBD (downtown)
- Commercial, residential, hospitality within 1 block
- Scale, massing and design fit neighborhood character
MIXED USE REALITY…
THINK ADJACENT FIRST

• Locational dependent
• Infill more likely to be mixed use
• Can be difficult to permit, and operate
• Unlikely to work on greenfield
• Horizontal vs. vertical
• Accessory Dwelling Units / Junior ADU’s
  • External
  • Internal

“It’s a mixed-use building.”
RULE OF MIXED USE

PEPPERS NOT PASTA!
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”.
QUESTIONS?

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