GENERAL PLAN OVERVIEW
Nature of the General Plan

The general plan is often described as a **blueprint** or **constitution** for land use, development and resource decisions.

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**A Vision for Cupertino**

Cupertino aspires to be a **balanced community** with quiet and attractive residential neighborhoods; exemplary parks and schools; accessible open space areas, hillsides and creeks; and a **vibrant, mixed-use “Heart of the City.”** Cupertino will be safe, friendly, healthy, connected, walkable, bikeable and inclusive for all residents and workers, with ample places and opportunities for people to interact, recreate, innovate and collaborate.
Minimum Requirements

- Comprehensive
- Long-term planning horizon (20-25 years)
- Identified planning area
- Internal consistency
Land Use Planning Hierarchy

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

1. **GENERAL PLAN**
2. **SPECIFIC PLANS**
   - **ZONING** (Discretionary/Legislative)
3. **SUBDIVISION MAPS**
   - **CONDITIONAL USE PERMITS**
   - **VARIANCES** (Discretionary/Quasi-Adjudicatory)
4. **BUILDING PERMITS**
   - **GRADING PERMITS** (Ministerial)
Required General Plan Elements

- **Land Use Element**: Identifies how land can be used and distributes those uses.
- **Conservation Element**: Addresses the conservation and development of natural resources.
- **Circulation Element**: Identifies transportation and mobility solutions for all modes of travel.
- **Safety Element**: Establishes programs to protect communities from natural hazards.
- **Housing Element**: Addresses housing issues and projects future housing needs.
- **Noise Element**: Identifies noise issues in the community and addresses their impacts on sensitive uses.
- **Open Space Element**: Details plans for open land preservation and parks.
- **Environmental Justice Element**: Ensures all people are treated fairly by land use decisions.
Required General Plan Elements

**Land Use Element**
Identifies how land can be used and distributes those uses.

**Conservation Element**
Addresses the conservation and development of natural resources.

**Circulation Element**
Identifies transportation and mobility solutions for all modes of travel.

**Safety Element**
Establishes programs to protect communities from natural hazards.

**Housing Element**
Addresses housing issues and projects future housing needs.

**Noise Element**
Identifies noise issues in the community and addresses their impacts on sensitive uses.

**Open Space Element**
Details plans for open land preservation and parks.

**Environmental Justice Element**
Ensures all people are treated fairly by land use decisions.
Basic Structure

Background Information

Policy (text + diagrams)

Implementation Programs
Consistency with the General Plan

- There are over **20 types of approvals and actions** that must be consistent with the General Plan
- CEQA review of projects **requires** a General Plan consistency analysis

- Specific Plans
- Zoning
- Conditional Use Permits
- Development Agreements
- Development Projects
- Capital Improvement Programs
- Public Works Projects
- Open Space Zoning
- Acquisitions
- Disposals
- Easements
- Reserving Land For Public Uses (Police/Fire Stations, Parks)
- Road/Utility Rights-of-Way
Inadequate General Plan Consequences

- **Court order** to fix the General Plan
- **Limits** on future development
- **Vulnerability** of past approvals
- **Attorney’s fees**
GENERAL PLAN AMENDMENTS AND UPDATES
General Plan Amendments

- The State encourages general plans to be **current and relevant**
- However, cities and counties are limited to **four amendment “cycles”** per year for any required elements
General Plan Updates

- While amendments are good, general plans typically require more comprehensive updates every 15 to 20 years.
- General plan updates are opportunities to engage the community, confirm the long-term vision and fully update, analyze and evaluate all parts of the document.
RECENT CONTENT REQUIREMENTS
Complete Streets (AB 1358)

Requires Circulation Elements to include a plan for a balanced, multi-modal transportation network to meet the needs of all modes of transportation and users.
Climate Change (AB 32, SB 97, S-13-08)

Requires local jurisdictions to identify ways to reduce greenhouse gas emissions by 40 percent in 2030 from their 2020 levels through land use and mobility policy and programs.
Sustainable Communities Strategies (SB 375)

Links land use, transportation and housing planning to greenhouse gas reductions strategies, and requires regional coordination.
Environmental Justice (SB 1000)

Requires the fair treatment of people of all races, cultures and incomes with respect to the development, adoption, implementation and enforcement of the general plan.

Includes specific requirements to address EJ when revising two or more General Plan elements and when disadvantage communities have been identified.
Safety Element Updates

State also requires Safety Elements to be updated regularly.

- Update flooding, earthquake and wildfire information and policies
- Address changes to climate-related hazards
- Identify and address areas facing evacuation constraints
- Includes other updates for new information and best practices
ADDITIONAL TOPICS THAT RELATE TO ALL ELEMENTS
Healthy Communities

While not a legal requirement, addressing community health through the general plan is a growing trend:

• Safer communities
• Walkable neighborhoods
• Access to healthy foods, parks and recreation
• Access to Healthcare
• Worksite wellness
Social Equity

Addressing social equity is vital for the health, well-being, and prosperity of a community. Areas of focus:

- Community Engagement
- Infrastructure
- Public Services and Amenities
- Equitable Economic Development
- Housing
- Education
- Health
- Sustainability
HOUSING ELEMENTS
Housing Elements

• Plan for accommodating a jurisdiction’s “fair share” of regional housing needs
• State-mandated 8-year update cycle
• Reviewed and certified by State Department of Housing and Community Development (HCD) for compliance with State law
Regional Housing Needs Assessment/Allocation (RHNA)

RHNA is divided by income category, typically:

- 40% lower income (very low and low)
- 20% moderate income
- 40% above-moderate income
Accommodating the RHNA

Cities and counties must demonstrate availability of land zoned to accommodate the RHNA at each income level.

Default density standard for lower-income housing:

- Metropolitan jurisdictions: 30 units/acre
- Suburban jurisdictions: 20 units/acre
- Non-metropolitan with micropolitan area: 15 units/acre
- Non-metropolitan jurisdictions: 10 units/acre
RECENT CHANGES TO STATE HOUSING LAW
Regional Housing Needs Allocation

- Higher housing targets to address prior underachievement plus new growth
- Other considerations: Overcrowding and household cost burdens
No Net Loss (SB 116/SB 1333)

If a project is approved on a housing element site with either fewer units or a different income category, cities and counties must either:

- Make written “no net loss” finding that other housing element sites are adequate to meet the RHNA for lower- or moderate-income housing; or
- Identify and make available within 180 days other sites zoned at a density suitable for lower- or moderate-income housing.
Housing Accountability Act (HAA)

- Applies to all multi-family housing developments and certain mixed-use projects, not just affordable projects.

- If a housing project complies with all "objective" general plan, zoning, and subdivision standards, it may only be denied or have its density reduced if a city or county can find that the project would have a "specific adverse impact" on public health and safety.
Objective Design Standards  (SB35 and HAA)

Standards that involve "no personal or subjective judgment by a public official and uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal."

- Density and Floor Area Ratio (FAR)
- Building height
- Lot coverage
- Percentage of open space
- Setbacks and stepbacks
- Façade breaks every “x” feet
- Screened utility equipment
- Well-defined walkways separated from car traffic
- Front porches or stoops for ground-floor units
- Paned windows
Affordable Housing Streamlining (SB 35)

Allows a ministerial permit instead of discretionary review if a project/developer meets the following:

- The site is **suitable for development** and adjoins urban uses
- The project **includes affordability requirements** and a determined percentage of affordable units
- The project is **consistent with local zoning** and design review requirements
- The construction workers for the development will be paid with at least general **prevailing wages**
Key 2021 bills winding through the legislature...

**AB115/SB6:** Housing in commercial zones if 25% of units affordable

**SB9:** Duplexes allowed in single-family zones

**SB10:** Allow at least 10 units on a lot in transit-rich, jobs-rich, and infill areas

**SB290:** Density bonuses for student housing with 20% affordable units

**SB55:** Restrictions on new housing in very high fire severity areas
ADDITIONAL RESOURCES
California Department of Housing and Community Development

**RHNA and Housing Element Website**

https://www.hcd.ca.gov/community-development/housing-element/index.shtml
California Planning Roundtable

Reinventing the General Plan

http://reinventingthegeneralplan.org/models/
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