Planning Commission 101:
The Nuts and Bolts of Planning

Cal Cities 2021: Planning Commissioners’ Academy | March 25, 2021
Panelists

» **David Early**, AICP, Senior Advisor, PlaceWorks

» **Marc Roberts**, City Manager, City of Livermore

» **Bill Anderson**, 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 (SZEÀ)

» 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

Long-Term
More General

Short-Term
More Detailed
General Plans

» Bedrock of California planning.

» Required by State Law

» The “constitution” for planning, development and conservation

» Provides long-range vision (20-30 year horizon)

» Basis for local land use decisions and other policies

» 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 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 “housing poor” jurisdictions to approve affordable projects as of right.
  • SB 330:
    ▪ Prohibits application of non-objective standards to housing projects
    ▪ Prohibits moratoria and growth control adopted after xxx
    ▪ Sunsets in 2025.
  • AB 101 creates a new funding streams
  • PlaceWorks is helping State to implement the programs
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): LEAP / REAP Grant Amounts

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

» REAP:
  • COGs, Regions and independent counties get an amount equal to the amounts received by their members

» Eligibility criteria:
  • Certified Housing Element
  • 2017 or 2018 Annual Progress Report submitted to HCD
AB 101: Prohousing Communities

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

» 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.
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.
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)
Thank You!

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