

LEAGUE OF CALIFORNIA CITIES PLANNING COMMISSIONERS ACADEMY | 2020

# IN THE TRENCHES WITH YOUR GENERAL PLAN

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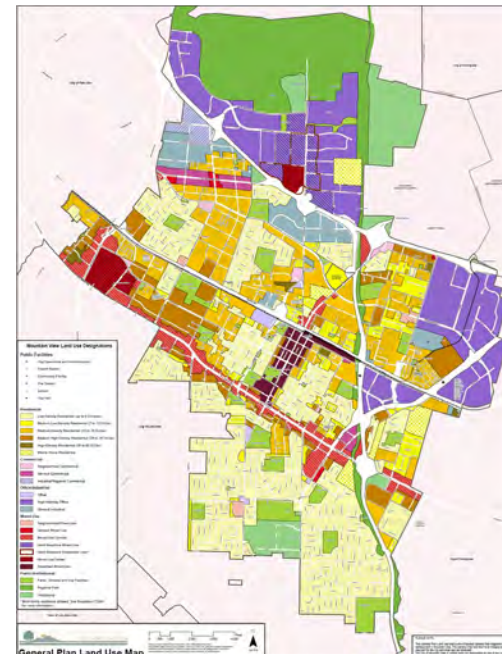
# GENERAL PLAN OVERVIEW

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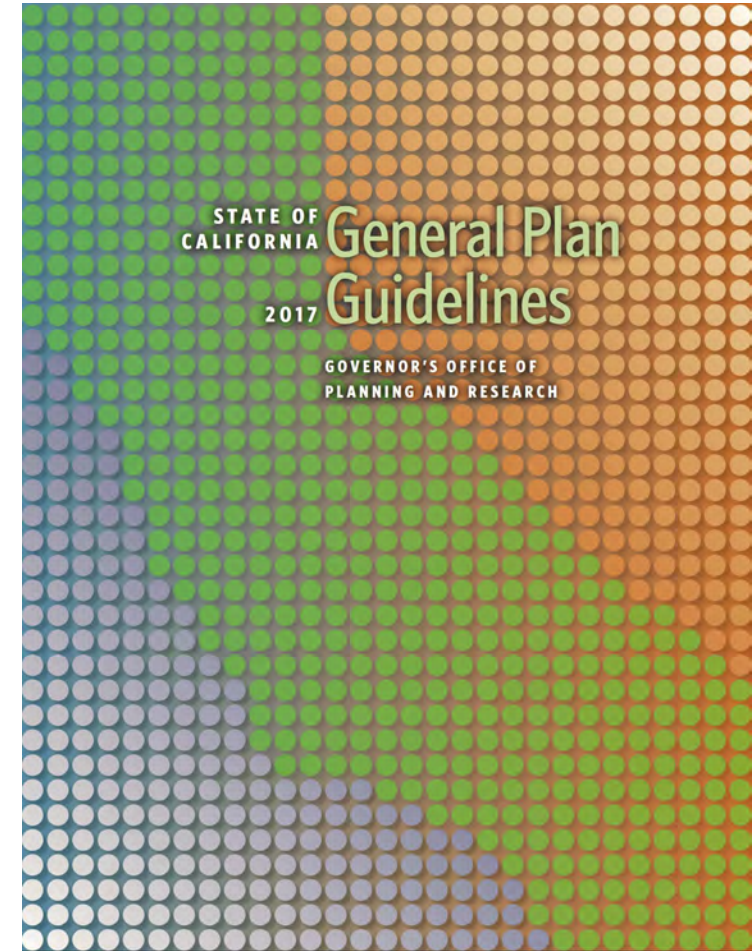
# Nature of the General Plan

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

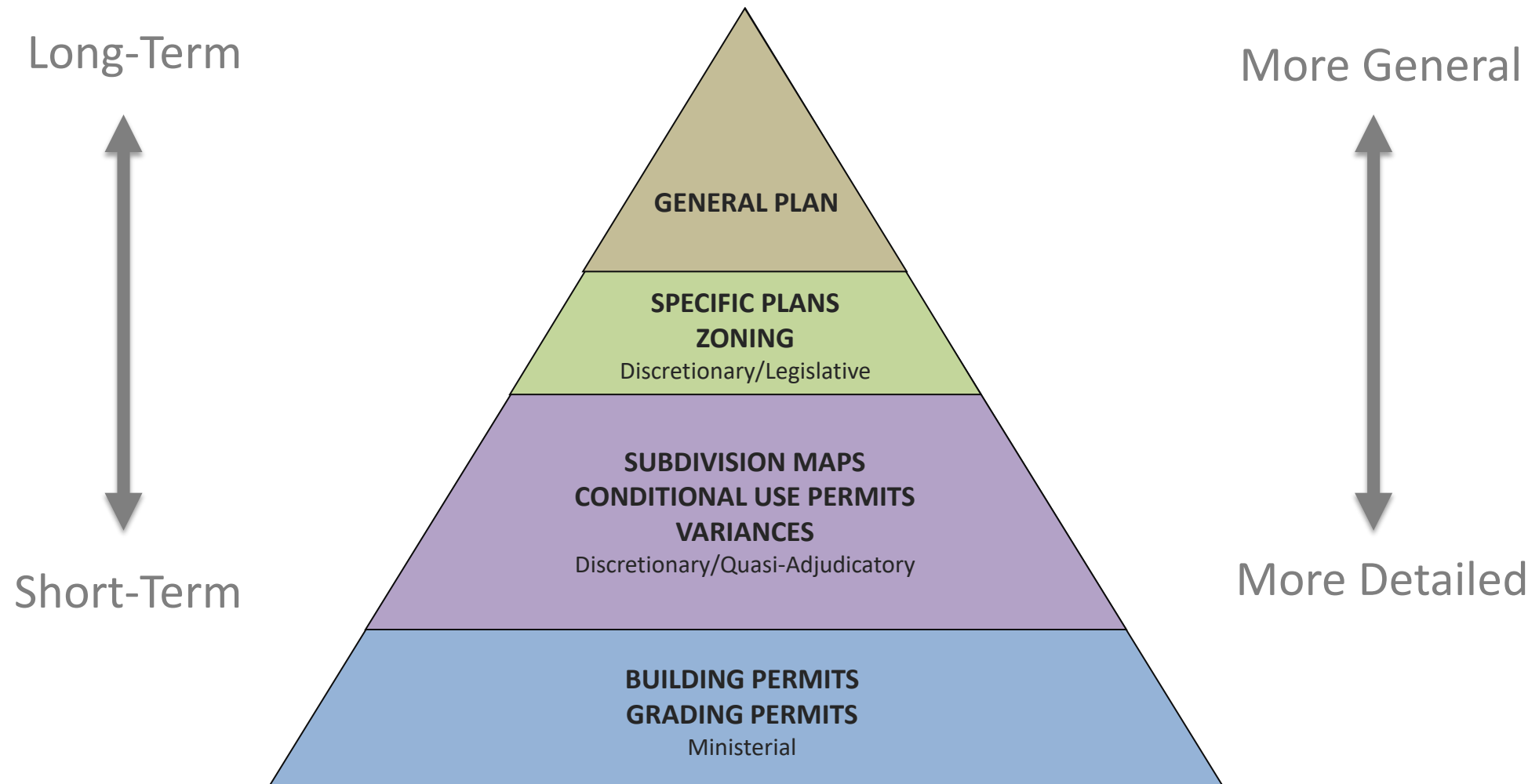


# Minimum Requirements

- Comprehensive
- Long-term planning horizon (20-25 years)
- Identified planning area
- Internal consistency



# Land Use Planning Hierarchy





# 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

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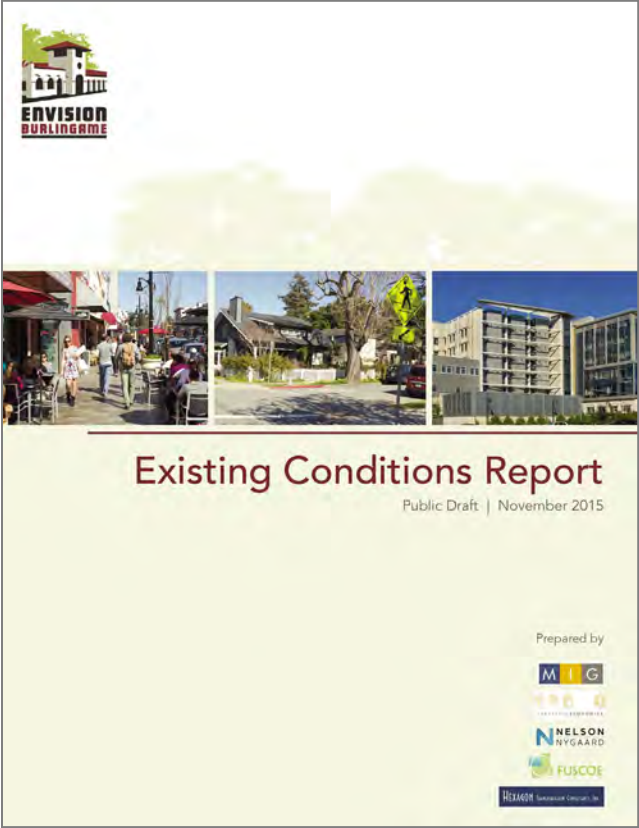
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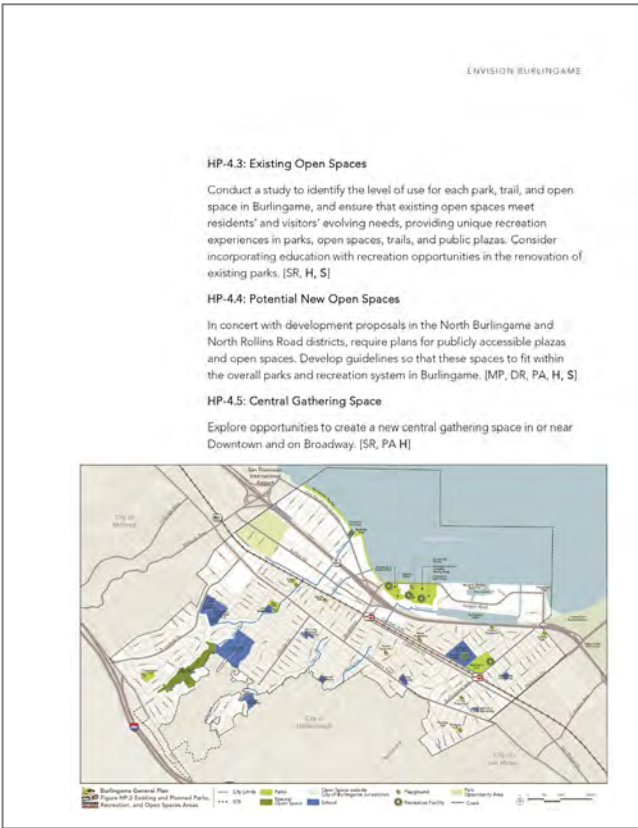
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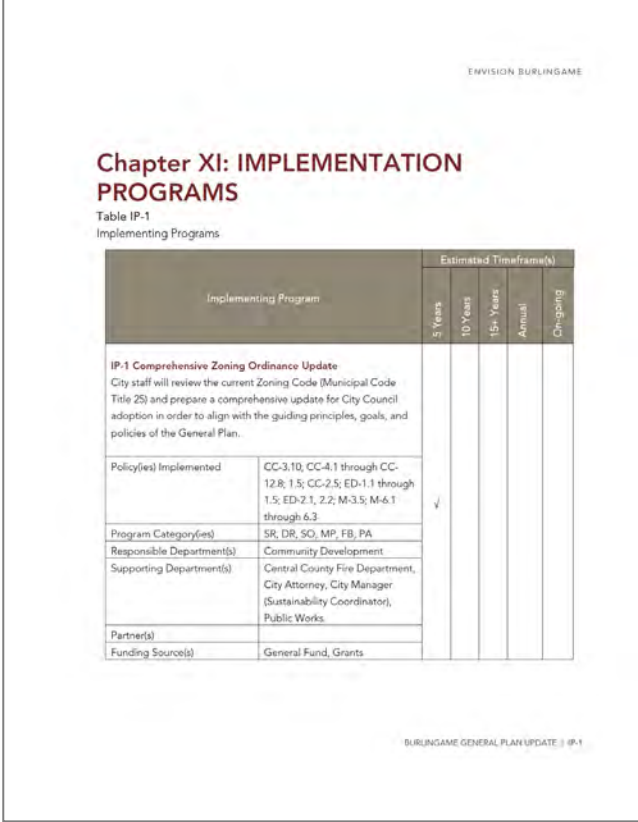
# Basic Structure



## 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

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# 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

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# 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.**

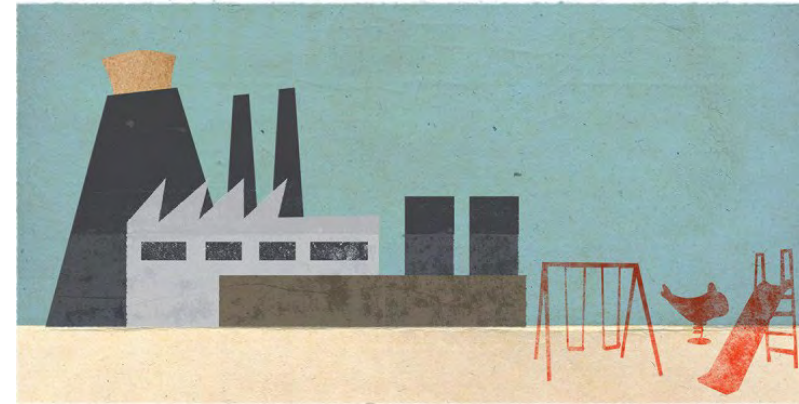




# Environmental Justice (SB 1000)

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



# 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



# HOUSING ELEMENTS

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# Housing Elements

- Required element of the General Plan
- State-mandated update schedule
- Review and certified by State Department of Housing and Community Development (HCD) for compliance with State law
- Plan for accommodating a jurisdiction's “**fair share**” of the regional housing needs

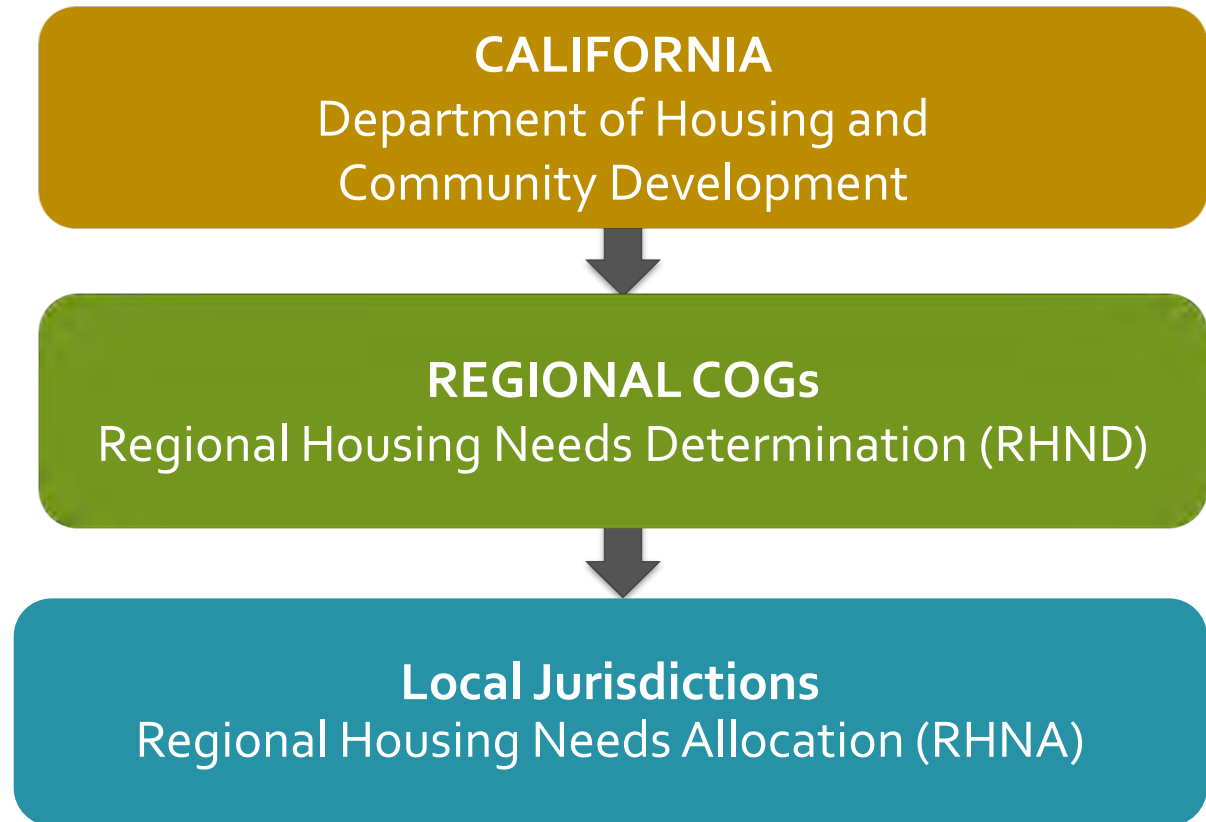




# Regional Housing Needs Assessment (RHNA)

RHNA is divided by income category, typically

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

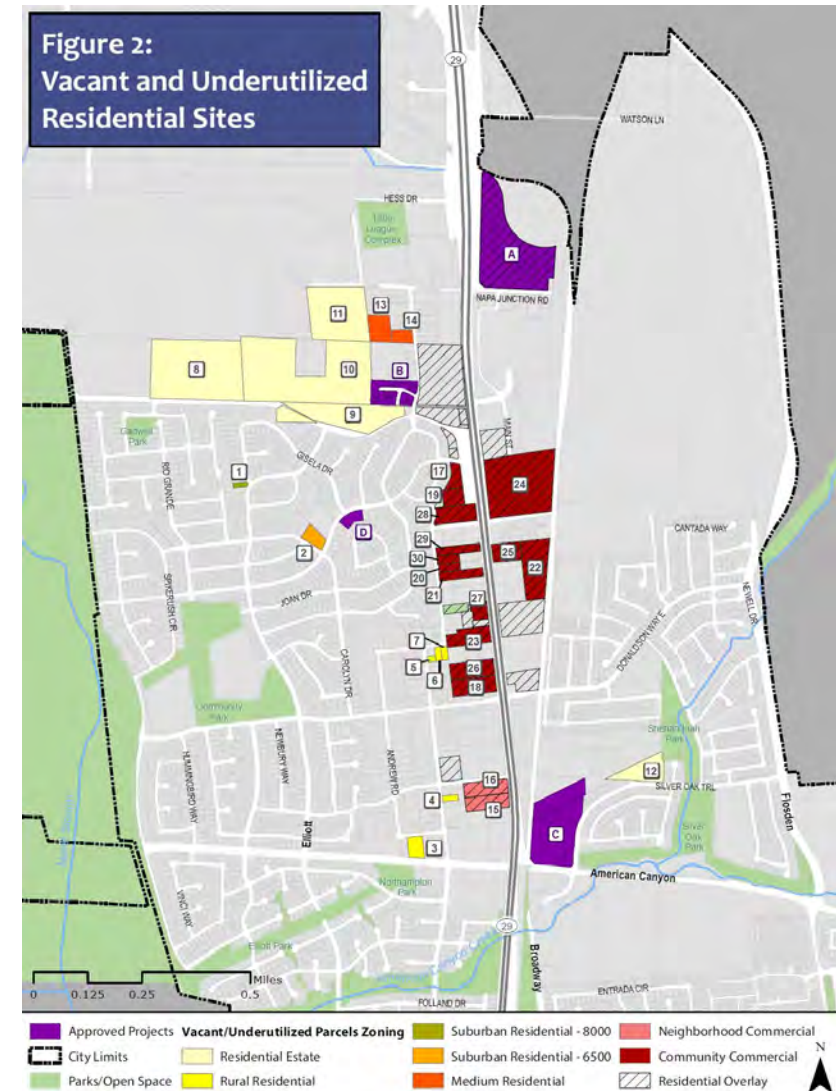


# Accommodating the RHNA

Cities and counties must show adequate land zoned for housing to accommodate the RHNA at each income level.

## Default density standard for lower-income housing:

- Metropolitan jurisdictions: 30 u/a
- Suburban jurisdictions: 20 u/a
- Non-metropolitan with micropolitan area: 15 u/a
- Non-metropolitan jurisdictions: 10 u/a



# RECENT CHANGES TO STATE HOUSING LAW

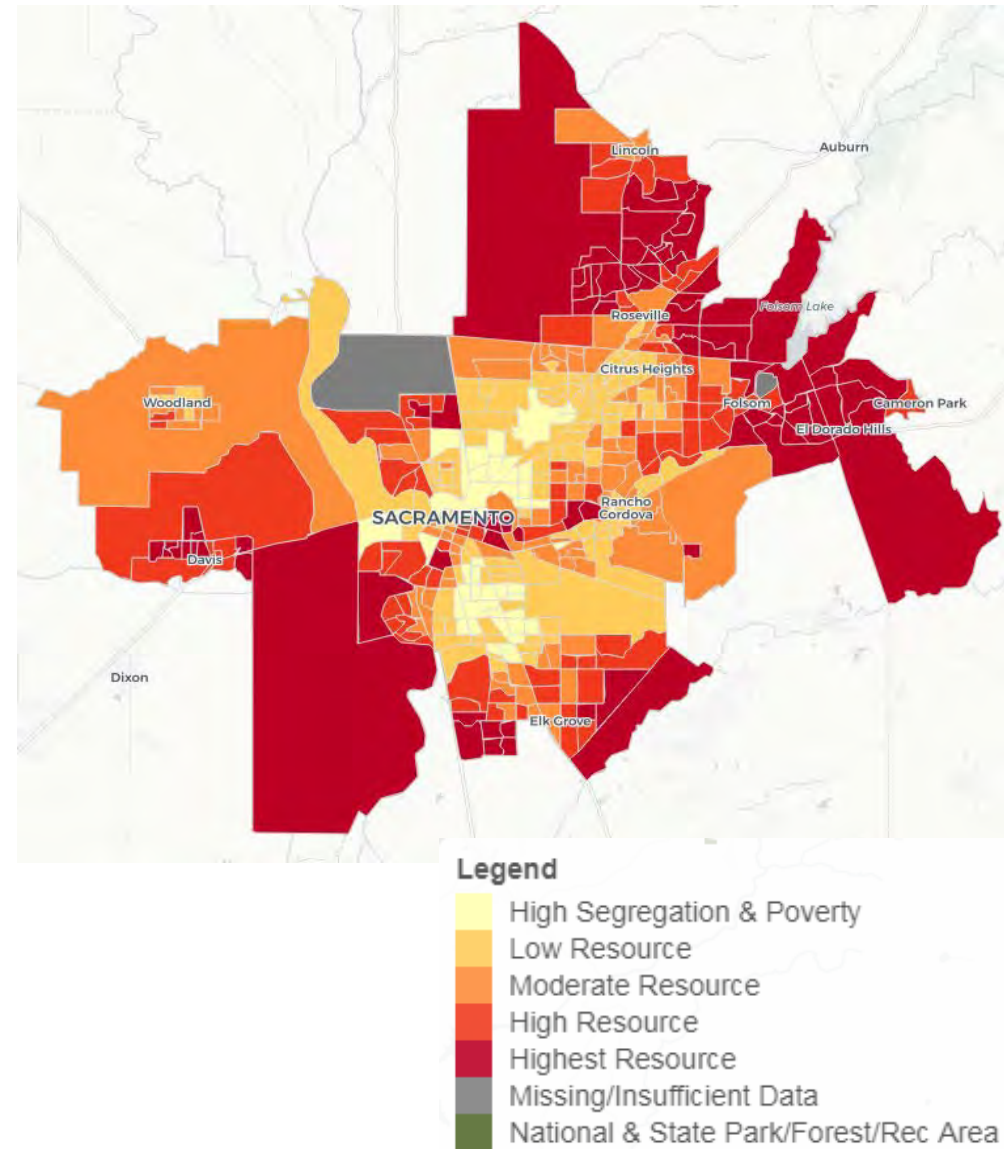
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# Regional Housing Needs Allocation

Expect Higher Housing Targets.

Overall RHND will likely be higher because HCD must consider:

- Overcrowding of existing households
- Cost burdens of existing households
- No longer limited to projected future household growth





# Housing Element Sites Analysis (AB 1397)

It is **more difficult** to count capacity on non-vacant sites, and if more than 50% of lower income sites are non-vacant sites, existing uses are presumed to impede development absent findings

## Previously Identified Lower-Income Sites

- It will be difficult to continue to count sites that have been in previous housing element inventories
- Sites presumed inappropriate for lower-income housing:
- Vacant sites counted in two or more previous housing elements
- Non-vacant sites counted in one previous housing element

## No Net Loss (SB 116/SB 1333)

Maintain the sites inventory at all times:

- **“At all times”** the Housing Element land inventory and site identification program must accommodate the remaining unmet RHNA.
- **“At no time”** may a community allow development that causes the land inventory to become insufficient to meet the unmet RHNA for lower- and moderate-income households, unless alternative sites are made available in 180 days.

## 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 housing** development, 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

- “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards" in effect when the application was deemed complete; and there is no feasible method to mitigate the impact.

# Objective Design Standards

SB 35 defined “**objective**” standards as one that involves "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."

Examples:

- Density and Floor Area Ratio (FAR)
- Building Height and Setbacks
- Lot Coverage
- Percentage of Open Space

# 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**





# 2019 Proposed Bills...



## California Housing Legislation Highlights

as of April 4, 2019

### FASTER APPROVALS

#### AB 1484

Development fees published and constant throughout project approval process.

#### SB 330

Faster approvals for housing & zoning changes; no parking requirements; statewide ban on downzoning.

#### AB 1485 & AB 1706

Incentives and faster approvals for moderate-income housing built with prevailing (union) wage labor.

### UPZONING

#### SB 50

Upzoning near jobs, good schools, and mass transit.

#### AB 1763

80% density bonus for affordable housing.

### SHELTERS

#### SB 48

By-right approval for homeless shelters.

#### AB 723

Property tax exemption for housing leased for 35+ years to nonprofits in Alameda or Contra Costa County.

#### SCA 3

Ends inheritance of Prop 13 tax break, unless heir lives in the house.

### TAX POLICY

CC-BY Alfred Twu  
mail@firstcultural.com

more details at [tinyurl.com/2019housingbills](http://tinyurl.com/2019housingbills)

### TENANT PROTECTIONS

#### AB 36

Costa-Hawkins reform, allows cities to rent control houses, condos, and new buildings after 10 years.

SB 529  
Protections for tenant organizing

#### SCA 1

Eliminates requirement that public housing be approved by ballot measure.

#### ACA 1

Allows bonds for housing & infrastructure to pass with a 55% majority.

### BALLOT MEASURES

### ACCESSORY DWELLING UNITS

#### SB 13, AB 68, & AB 69

Simplifies process of approvals and allows more houses to add Accessory Dwelling Units.

### TRANSPORT

#### AB 1568

Ties transport funding to housing production.

#### AB 725

Limits use of sprawl as way to meet housing planning goals.

### FUNDING

#### AB 10

Expands Low Income Housing Tax Credit funding program by \$500 million per year.

#### AB 11 & SB 5

Creates new local funding agencies for affordable housing, infrastructure, and community investment.

### DATA

#### AB 1483

Creates housing production database.

#### AB 724

Creates rental housing database.

#### AB 857

Allows cities to create Public Banks.

### FUNDING

#### AB 1487

Creates Housing Alliance for the Bay Area, regional entity to raise \$1.5 billion via ballot measure for affordable housing.

#### SB 18

Funds for legal aid and rent assistance.

### LEGAL AID

#### SB 329

Requires landlords to accept Section 8 vouchers.

### MOVE-IN ASSISTANCE

#### AB 437

Move-In Loans for security deposit and first month's rent.

#### AB 53

Ban the Box: no questions on criminal record on initial rental applications.

Contact your representatives @  
[findyourrep.legislature.ca.gov](http://findyourrep.legislature.ca.gov)



# Contact Info



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