

Fundamentals & Tools of Planning



Principal Planner John Schmitz

Constitutional Basis

- **First Amendment** – Speech (signs, adult entertainment)
- **Fourth Amendment** – Search & seizure, secure in home (code enforcement)
- **Fifth Amendment** – Not deprive of property without due process (plan adoption, permit approval)

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1. ALL legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to three votes, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislatures thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The term of the Senators of the first class shall be extended to the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any state, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

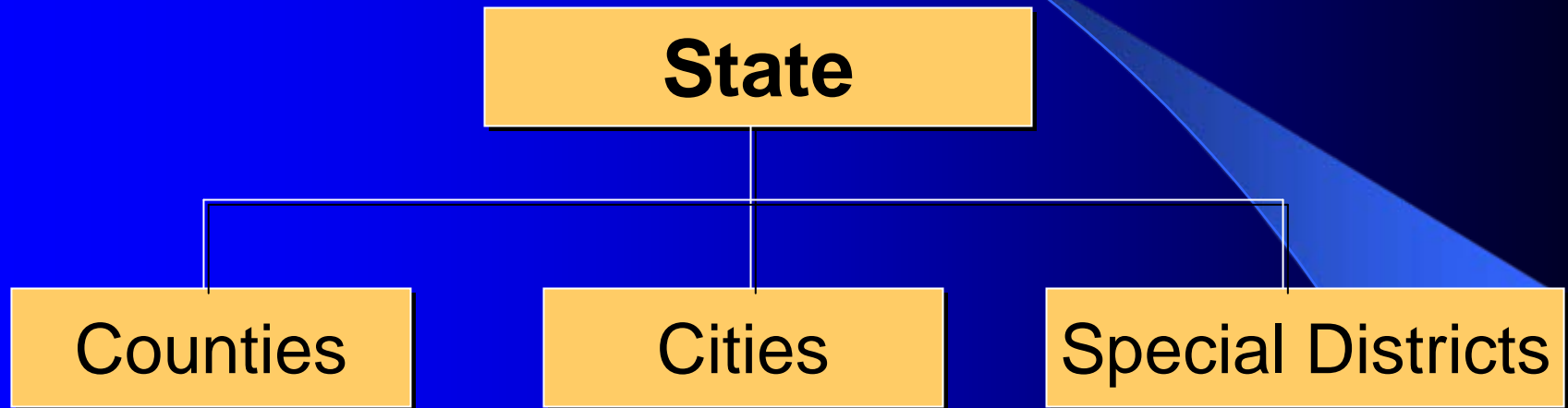
The Senate shall chuse their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the consent of two-thirds of the members present.

State Requirements and Local Role



California Governmental Structures



State Laws

- State sets general land use policy but leaves implementation to local governments
(Exceptions: Environment, Housing)
- California Government Codes (Title 7) regarding local planning
 - Must create a “planning agency”
 - Must adopt a general plan
 - Authorizes zoning
 - Must use Subdivision Map Act
 - Must conduct environmental (CEQA) review for “projects”

Local “Planning Agency”

Typically has:

- Legislative body (Board or Council)
- Planning Commission – Citizen advisors
- Planning Department – Technical expertise



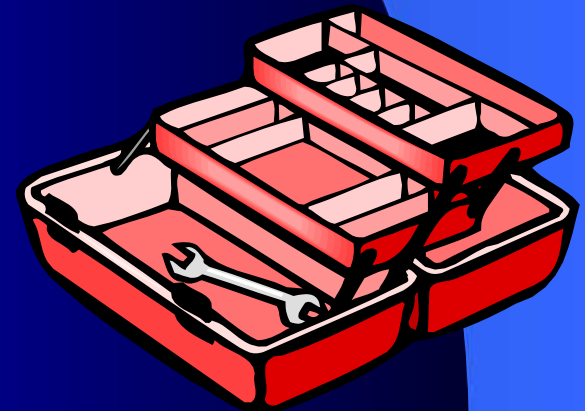
Planning Tools

Legislative

General Plan

Specific Plans

Zoning



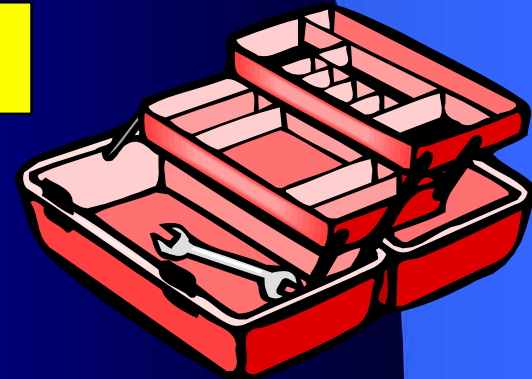
Planning Tools

Quasi-Judicial

Variances & Use Permits

Subdivisions

Design Review



Planning Tools

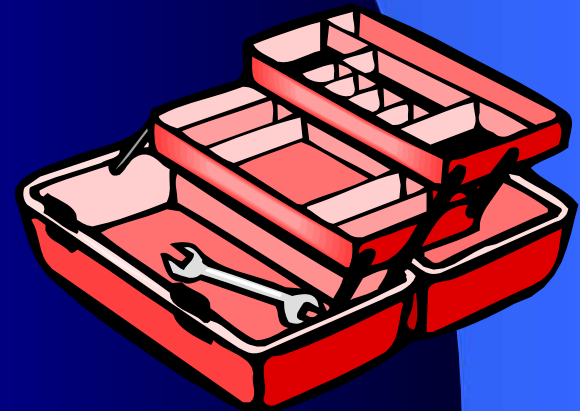
Related

**Environmental
Review CEQA**

Growth Management

Redevelopment

Design Review



The General Plan

- Lays out the future of the city's development.
 - Goals, objectives, policies
 - Diagrams or maps of land uses
- Other plans/regulations must be consistent (Specific Plans, Zoning, Subdivisions, public works projects).



The General Plan

7 Mandatory Elements

- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety



The General Plan

Elective Elements

- Public Facilities & Services
- Growth Management
- Historic Preservation
- Parks & Recreation
- Economic Development
- Cultural Arts



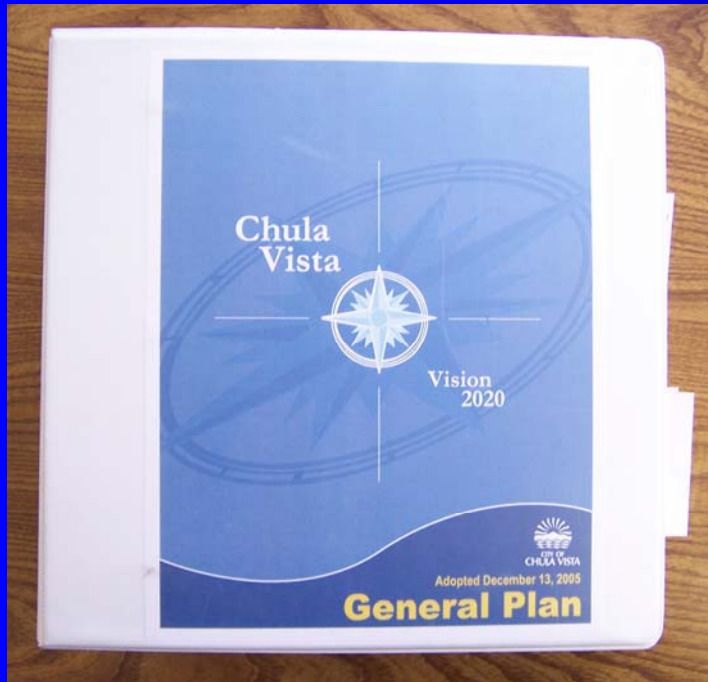
General Plan

Consistency Issues

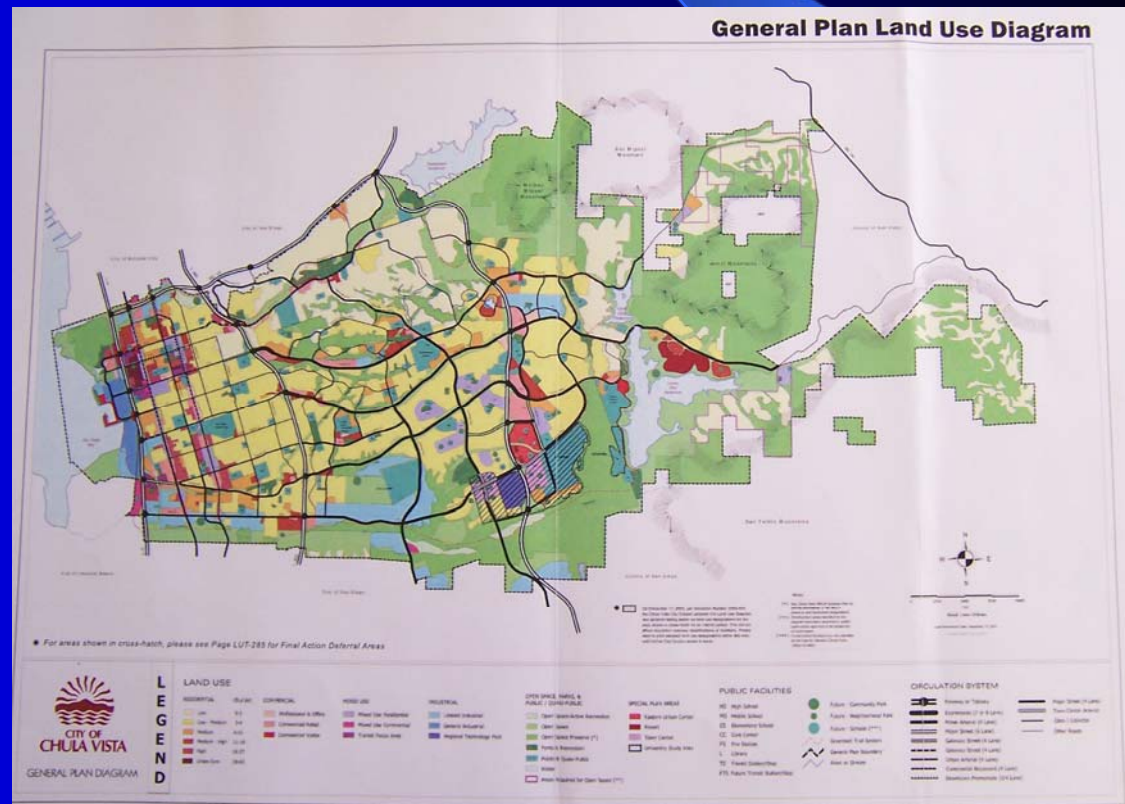
- Equal status among Elements
- Consistency between Elements
- Consistency within an Element
- Area Plan consistency



Sample General Plan



← Both A Text

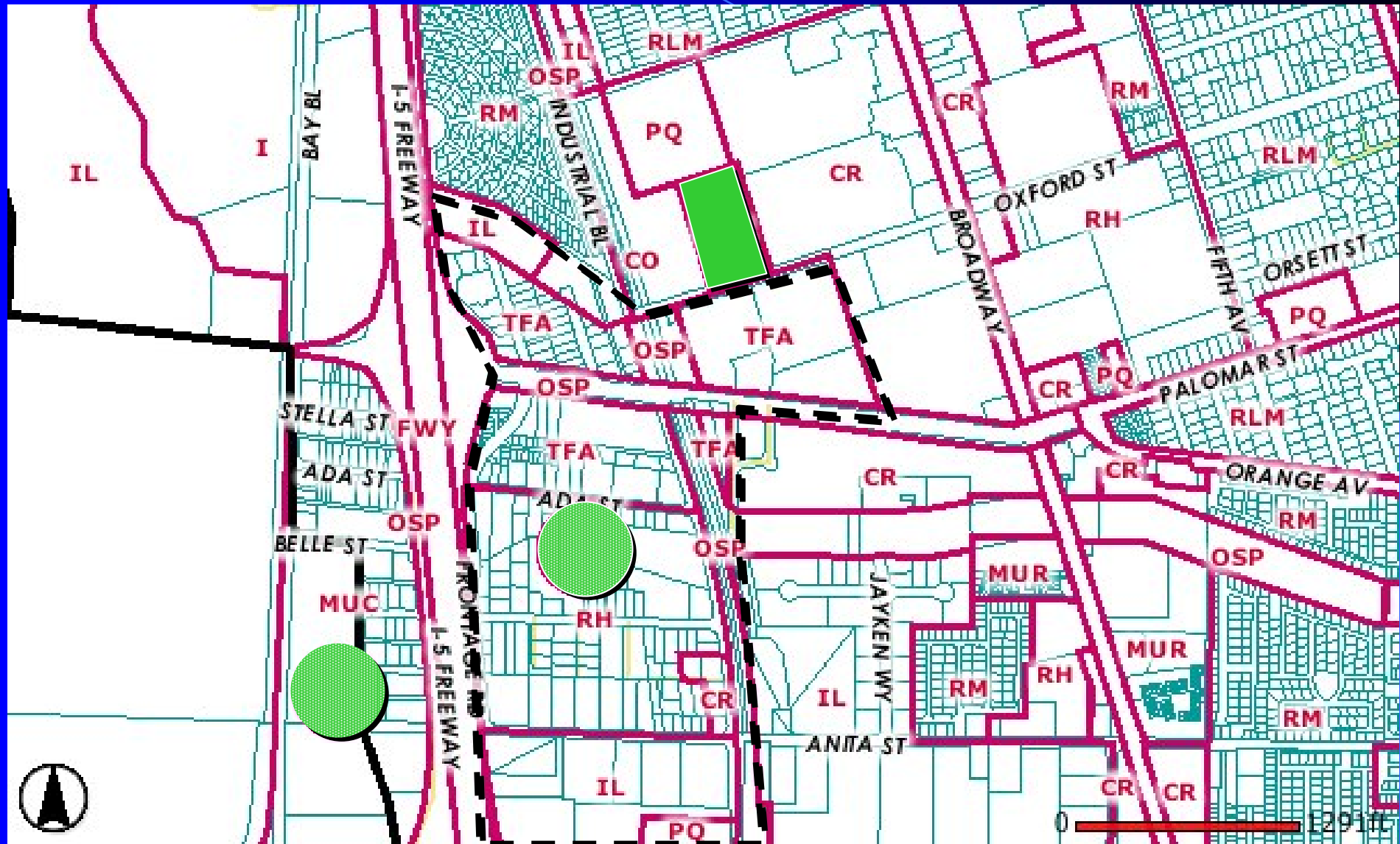


→ And A Map

Sample General Plan Study Area



Sample General Plan Study Area



Specific Plans

Mini-General Plans consisting of text & map specifying:

- Land use distribution
- Infrastructure necessary
- Development standards
- Implementation program
- Other subjects as necessary



Sample Specific Plan

NORTHWEST PROPOSED GENERAL PLAN LAND USES




CITY OF CHULA VISTA KEY MAP

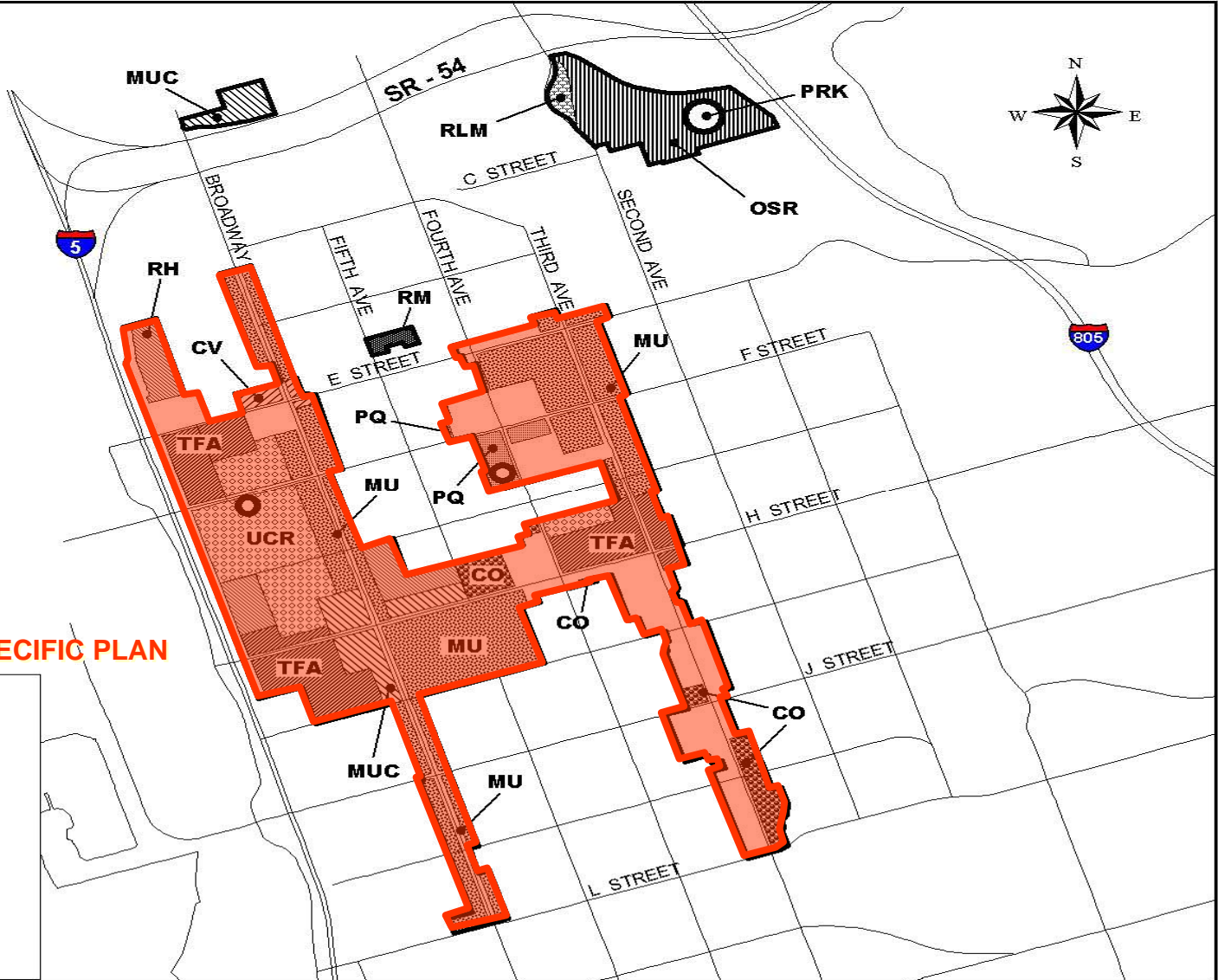


URBAN CORE SPECIFIC PLAN

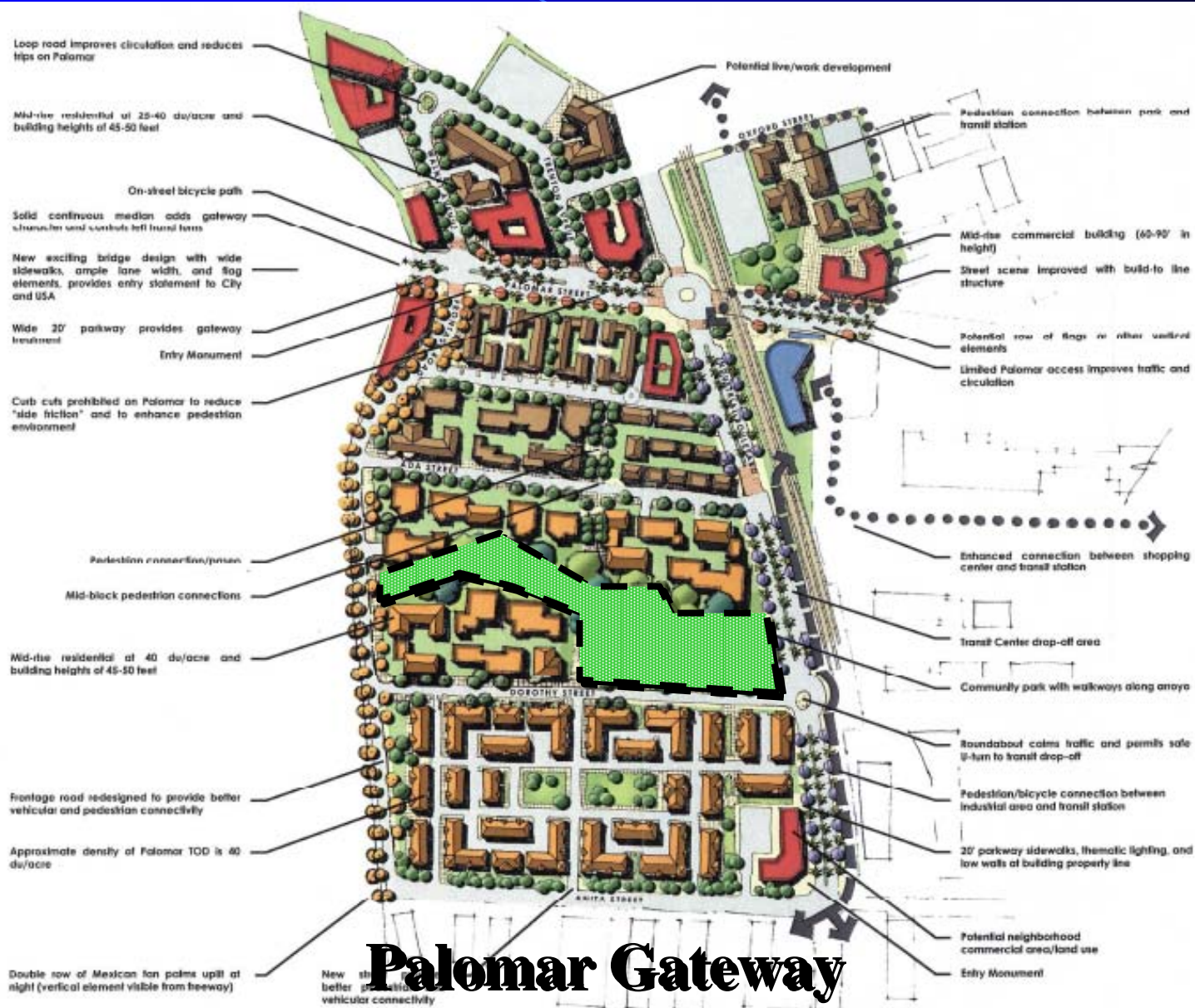
LAND USE DESIGNATIONS

LEGEND

-  COMMERCIAL OFFICE (CO)
-  COMMERCIAL VISITOR (CV)
-  MIXED USE RESIDENTIAL (MU)
-  MIXED USE COMMERCIAL (MUC)
-  TRANSIT FOCUS AREA (TFA)
-  RESIDENTIAL LOW MEDIUM (RLM)
-  RESIDENTIAL MEDIUM (RM)
-  RESIDENTIAL HIGH (RH)
-  URBAN CORE RESIDENTIAL (UCR)
-  OPEN SPACE RECREATION (OSR)
-  PUBLIC QUASI-PUBLIC (PQ)
-  FUTURE PARK (PRK)
-  AREA OF CHANGE



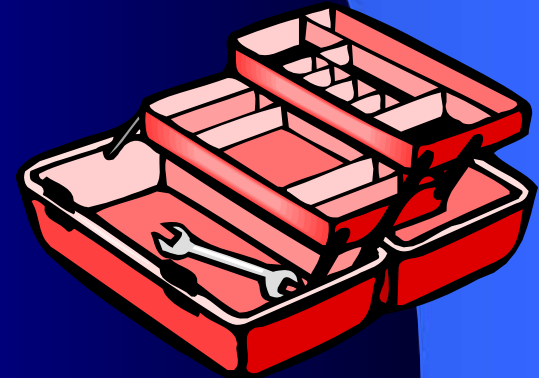
Sample Specific Plan



Palomar Gateway

Zoning

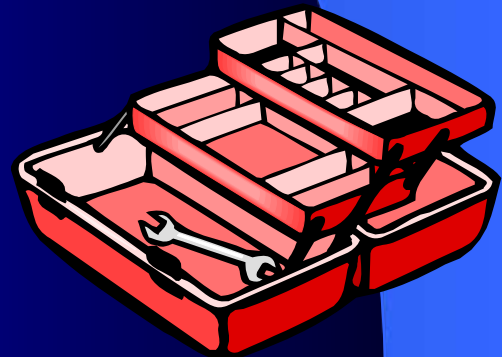
- Tool to Implement General Plan - Land Use Element
- An Ordinance - Police Power
- Allowable Uses for Each Piece of Property
- In California Must Comply With the General Plan



Zoning

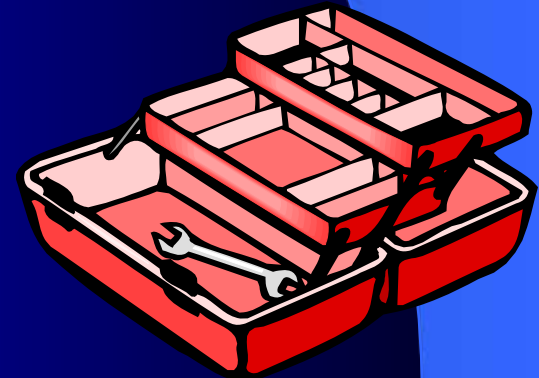
Consists of:

- Text - Land Uses & Standards
 - ▶ Land Uses – Residential, commercial, industrial, etc.
 - ▶ Development Standards
(i.e. Set Backs, Height, Parking, Open Spaces etc.)
 - ▶ Performance Standards
(i.e. Noise, Light, Odors etc.)
- Map - Illustrating Zone Districts

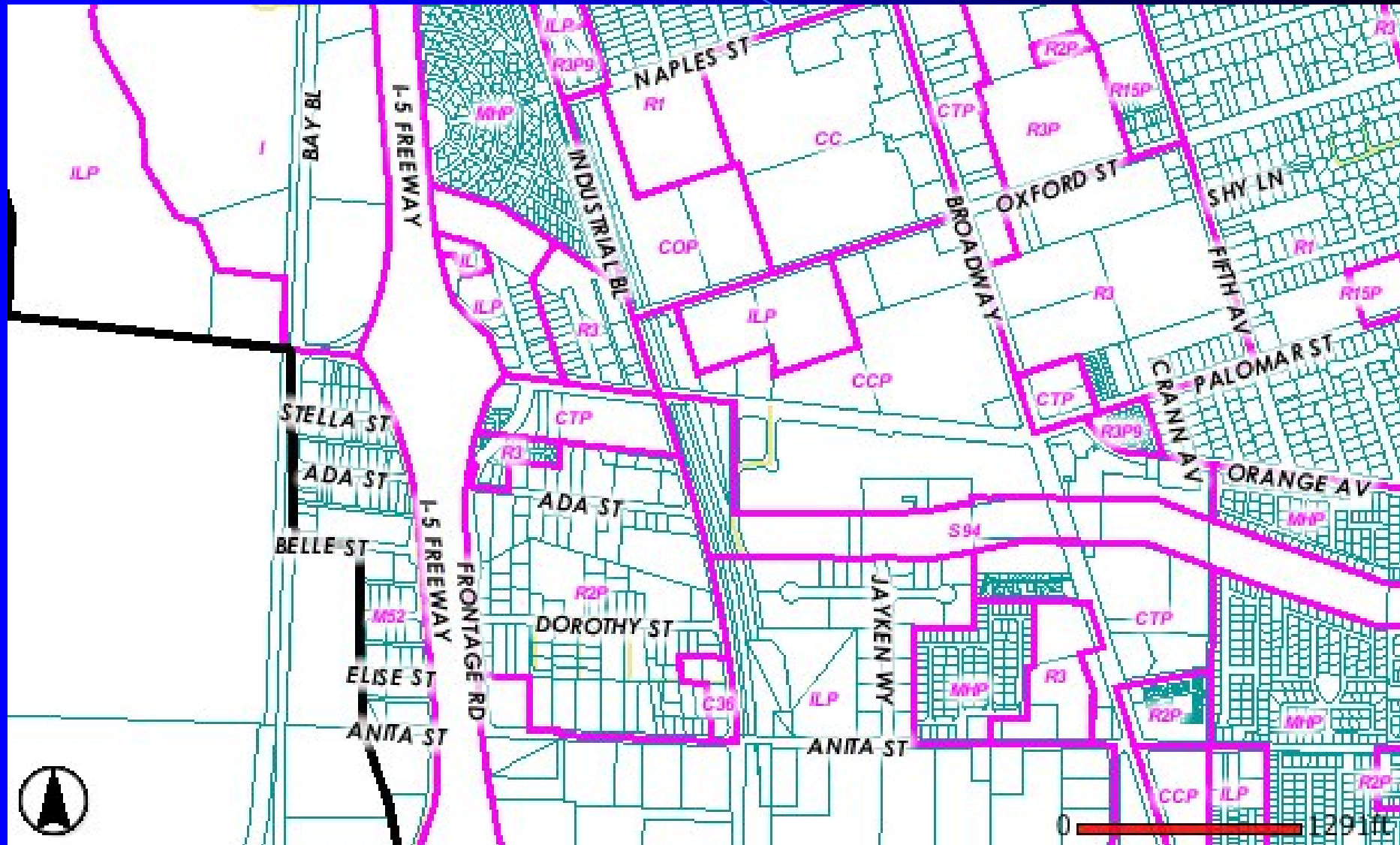


Zoning

- Comprehensive – Applied to every piece of property
- Fair - Each property within a zone treated equally
- Nonconforming uses – AKA “grandfathering”



Zoning



Zoning



How high?

How close?

How dense?



Zoning



What uses?

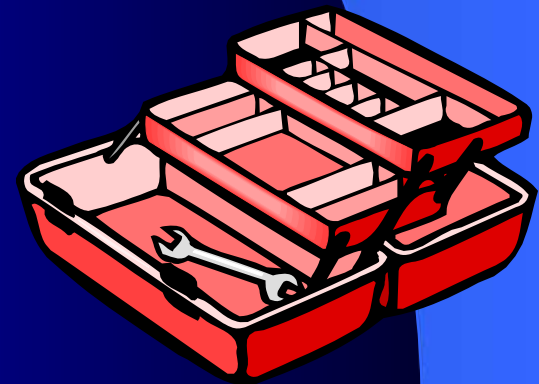
How much parking?

What type signs?



Conditional Use Permits

- To allow uses with potential impacts
 - No specified findings but usually “no impact on public”



Conditional Use Permits



What can they do?

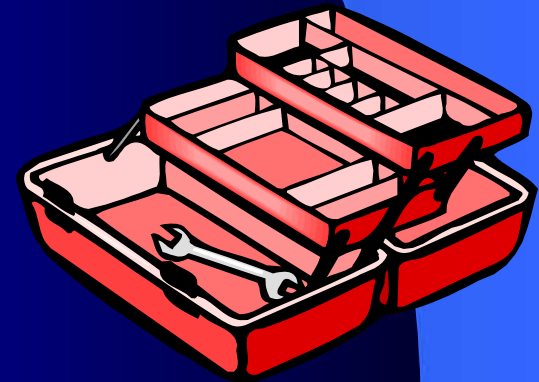
Where can they locate?

What signs?

How must they operate?

Variations

- Deviate from development standards not use
- Required findings:
 - Unique property circumstances
 - Not a special privilege
 - Not detrimental to surroundings
 - Consistent with General Plan



Variations



Fundamentals & Tools of Planning



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Design Review

- Aesthetic issues only
- Must have standards to apply
- Should articulate the public benefit being sought
- Perceived as extremely subjective

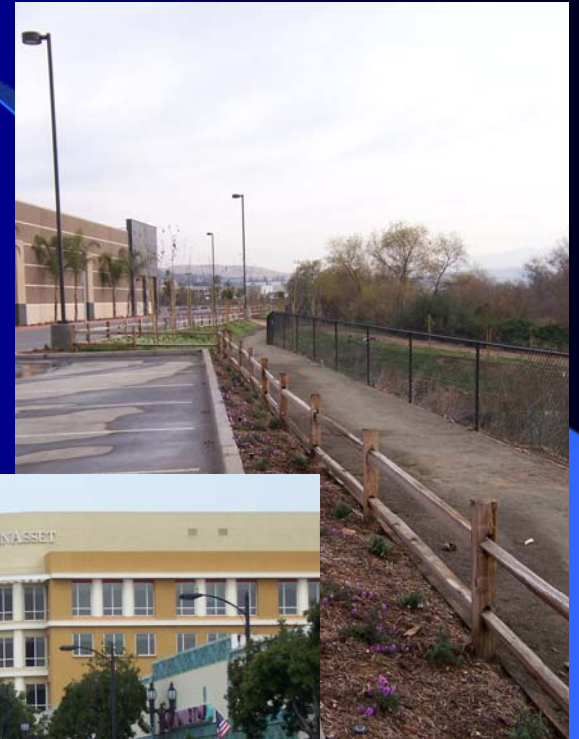
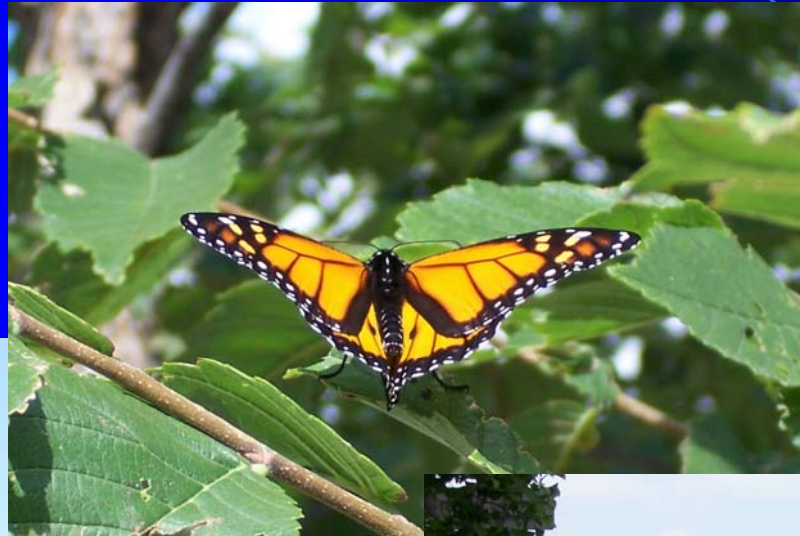
Design Review



CEQA

- A process for impact analysis, not a policy document
- Must consider impacts from development
- Must notify public of pending studies and findings
- Possible to not mitigate all impacts if greater overall benefits (EIR)

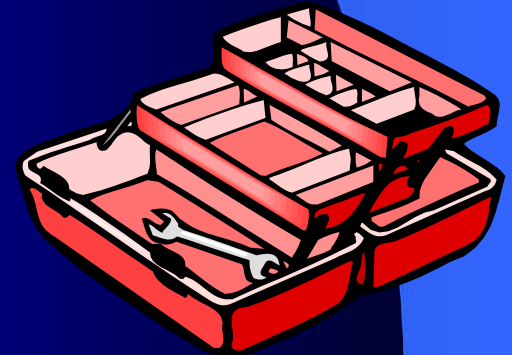
CEQA





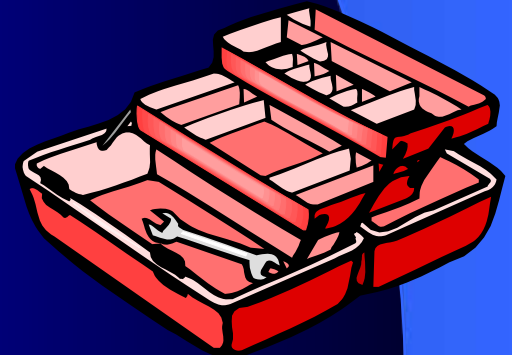
Subdivision Map Act

- Maps Needed to Divide Land for:
 - ▶ Sale
 - ▶ Lease
 - ▶ Financing
- Establishes Dimensions
- Provides Associated Improvements
- Fees



Subdivision Map Act

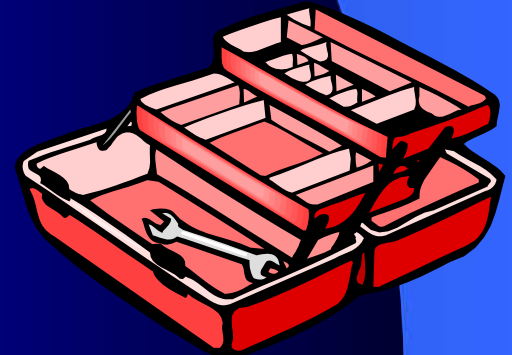
- Parcel Maps (4 lots or less)
 - Improvements deferred
- Subdivision Maps (5 or more)
- Adjust Lot Lines



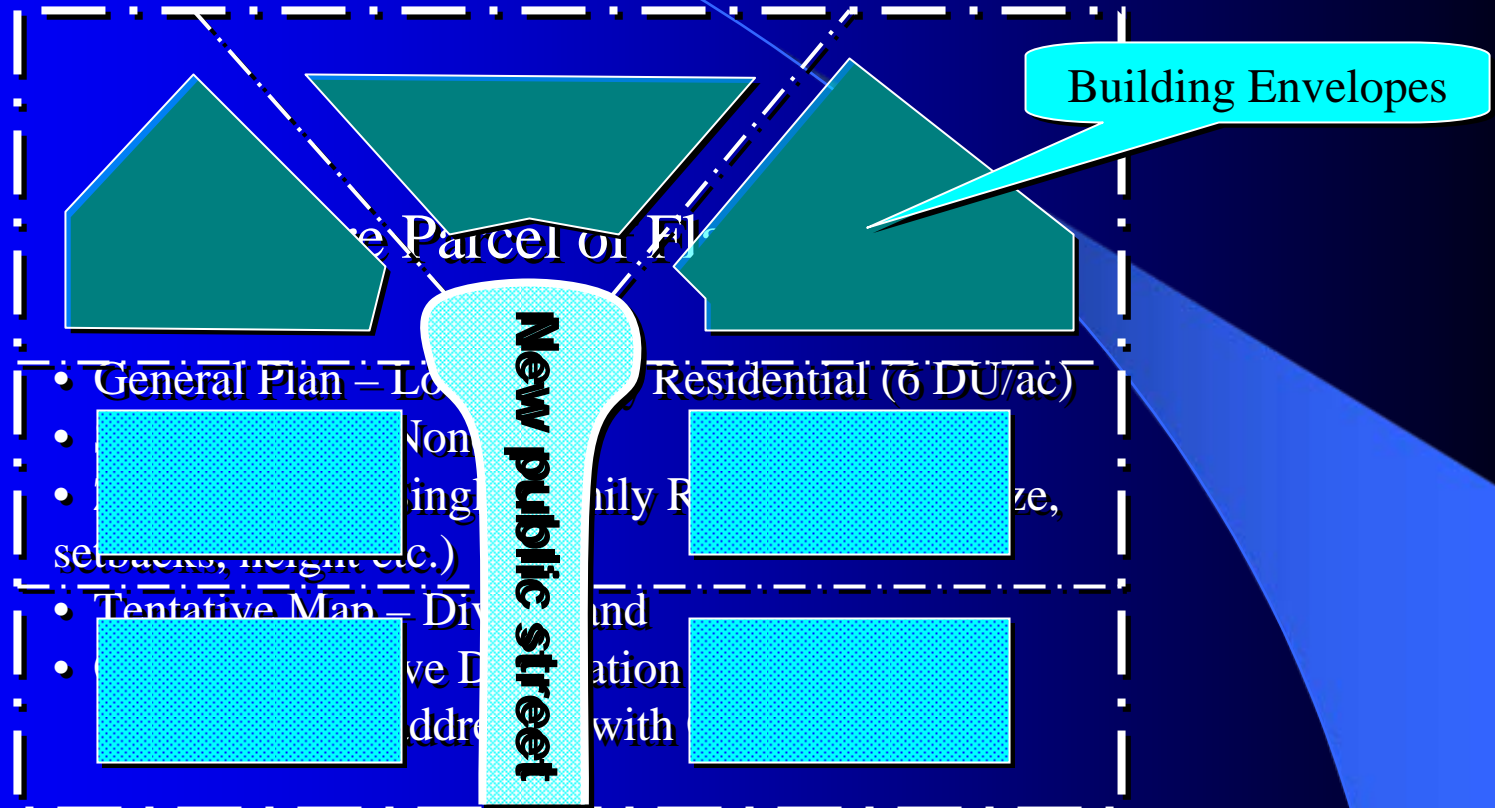
Subdivision Process

Findings:

- Consistent with General Plan & Zoning
- Site physically suited to type or density
- Design or improvements not detrimental to environment
- Preserves public access easements

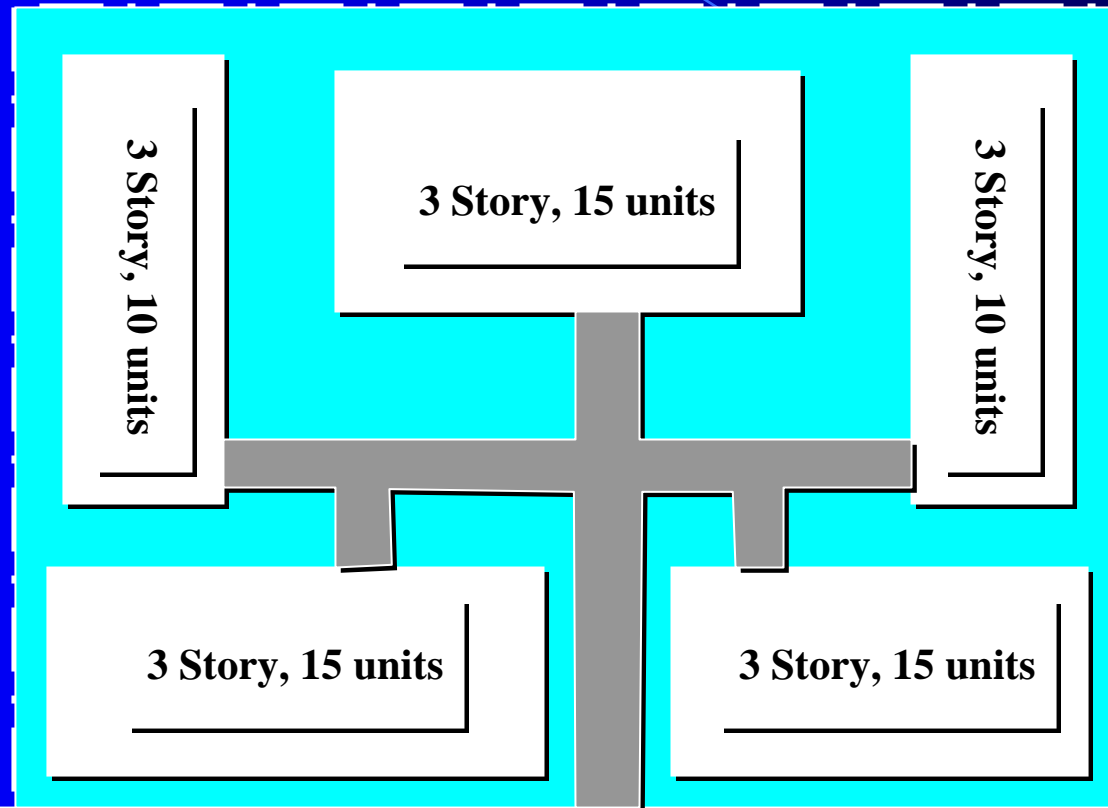


What Does It All Mean?



Existing Public Street

What Does It All Mean?



Existing Public Street

