



Land Use and Zoning – Who is Making the Decisions?

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A FEW THOUGHTS ABOUT PLANNING

- Seeing the future is hard
- The public believes the future is now
- All planning is local
- External factors *always* affect local decisions



CHANGE IS INEVITABLE

SB – 35: Streamlining Affordable Housing Projects

SB – 330: Housing Crisis Act

SB – 9: The California HOME Act

AB – 686: Affirmatively Furthering Fair Housing

SB – 166: No Net Loss Zoning



SPECIAL INTEREST ROLE IN POLICY/ PLANNING



SB-35 —STREAMLINING AFFORDABLE HOUSING PROJECTS

Though Ministerial, Design Review Can Still Occur

- Must be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application,
- Standards shall be broadly applicable to development within the jurisdiction.
- Review shall be completed as follows within 90 days if less than 150 housing units, and 180 days if more, and shall not “...in any way inhibit, chill, or preclude the ministerial approval provided by this section...”

EX. PLASTER

EX. PLASTER

METAL RAILING



SB 330 – HOUSING CRISIS ACT

- Limits review to 5 hearings.
- Requires approval within 90 days of EIR certification or 60 days if 49% affordable
- Generally, cannot change zoning and designations to a less intensive use or reducing the intensity of land use, unless the change is offset through a concurrent increase elsewhere.
- Cannot impose or enforce design standards adopted after 2020 that are not objective.
- Cannot enforce any moratoriums or similar restrictions.
- No growth caps or controls that limit or cap the number of land use approvals or permits for housing approvals or construction except under certain provisions.
- No population caps except under certain provisions.
- Replacement requirements for housing being demolished.



SB-9 — CALIFORNIA HOME ACT

- Does not apply everywhere or to every lot
- Can still require development fees
- Can still be subject to design review
- Owner must reside on property
- Can not be part of a serial development
- Protects existing renters

The infographic is a grid of 12 panels, each with a text box and an illustration. The central panel features the title 'SB9 Duplexes and Lot Splits' and lists the authors: 'Introduced by Senators Atkins, Caballero, Rubio, and Wiener (Coauthors: Senators Lena Gonzalez, and McQuire, Assemblymember Robert Rivas)'. The bottom left corner has the 'CALIFORNIA YIMBY' logo, and the bottom right corner has the website 'www.cayimby.org'.

plexes are cute & cozy, offering more diverse & affordable housing choices for people looking to buy a home.

empowers homeowners to invest & create housing in their own communities.

replaces McMansions with smaller & more affordable home.

new construction will match existing height and scale, have yards, and meet design standards.

renters & rental housing are protected, and if you like your single family home, you can keep it!

lots can only be divided once, and only one at a time. a developer cannot divide adjacent lots.

SB9
Duplexes and Lot Splits
Introduced by Senators Atkins, Caballero, Rubio, and Wiener
(Coauthors: Senators Lena Gonzalez, and McQuire, Assemblymember Robert Rivas)

protects farmland, fire hazard zones, and other environmentally sensitive locations.

follows nationally recognized proposals Portland & Minneapolis to address the exclusionary history of single family only zoning.

provides new tools for homeowners to tap their home equity.

one piece of a larger legislative package to address California's housing needs.

CALIFORNIA YIMBY

www.cayimby.org

SB 166: NO NET LOSS ZONING

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



GENERAL PLAN

- Vision for the City
- Mostly very long term
- Expensive to change
- Not very nimble





TOOLS OF THE TRADE

**GENERAL PLAN
SPECIFIC PLANS
ZONING**

STANDARD CONDITIONS OF APPROVAL



SPECIFIC PLANS

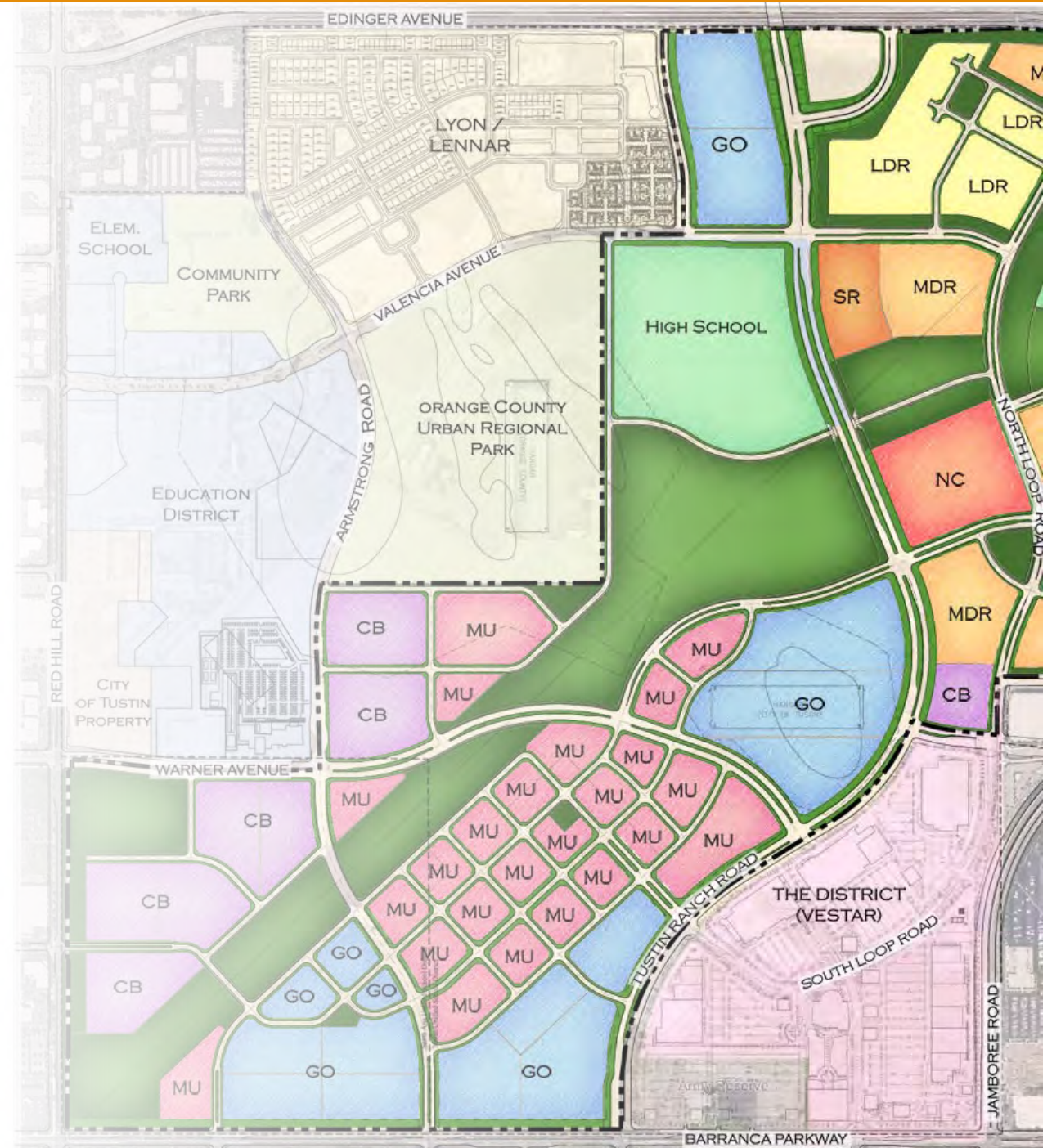
Implements the goals and policies of the General Plan for a specific area

Contains standards for land use densities, streets, and other public facilities in greater detail than the general plan map and text

SPECIFIC PLANS

Adopt by ordinance and...

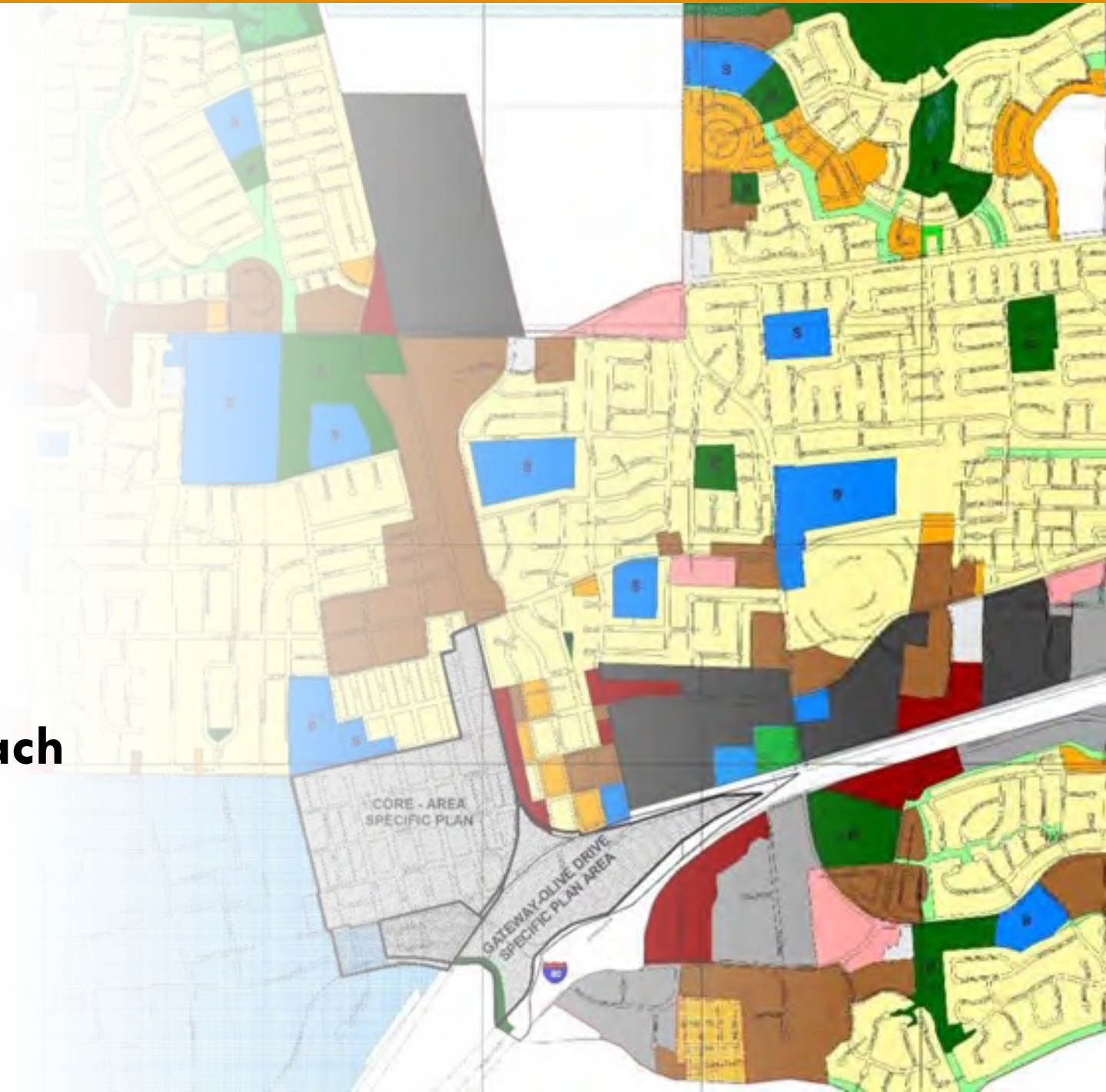
- **Include Development Standards**
- **Be clear on the types of uses**
- **Link to zoning when possible but,**
- **Be sure to keep a copy of the zoning on file if the buildout horizon is lengthy**
- **Spend time on the intent**



ZONING

The pointy end of the stick.

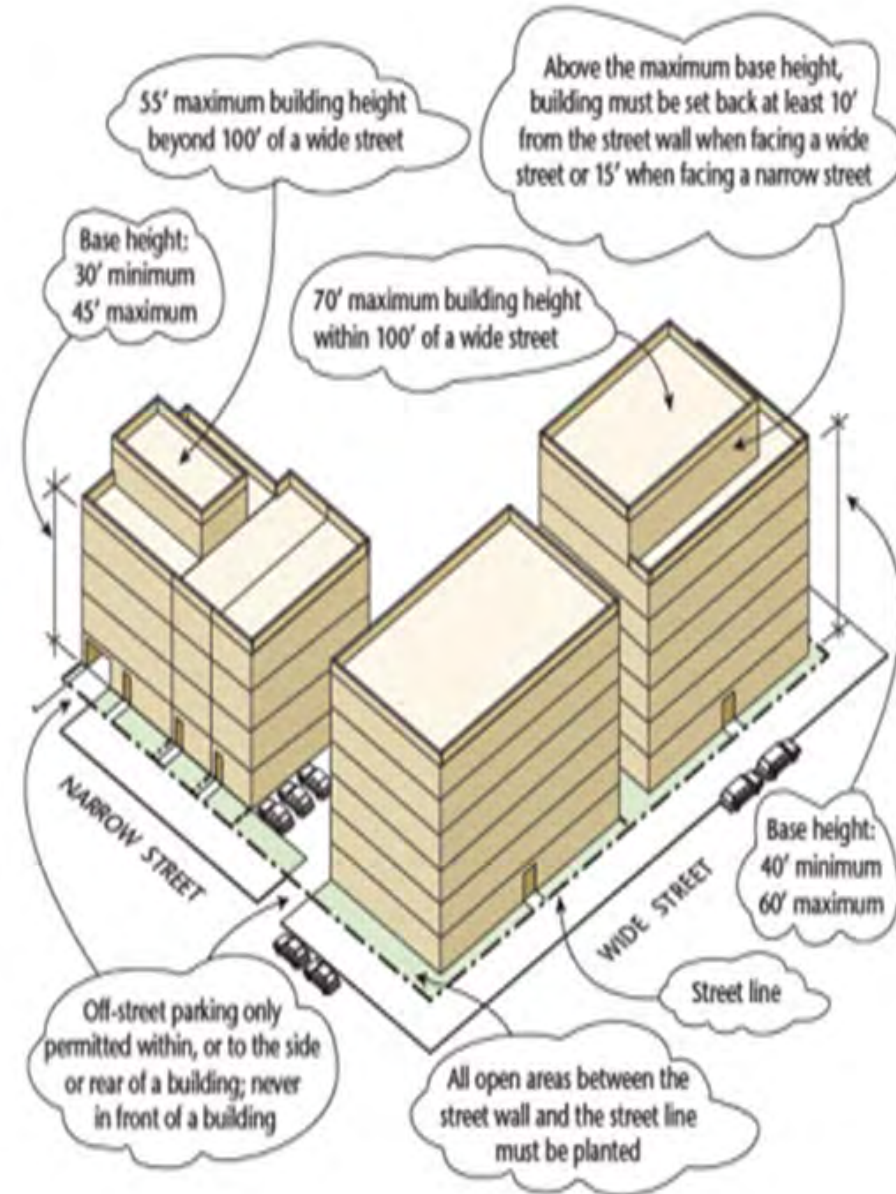
- **The General Plan's implementation tool**
- **Divides the city into various zoning districts**
- **Identifies different land uses permitted and allowed in each district**



EUCLIDIAN ZONING

Establishes Detailed Standards

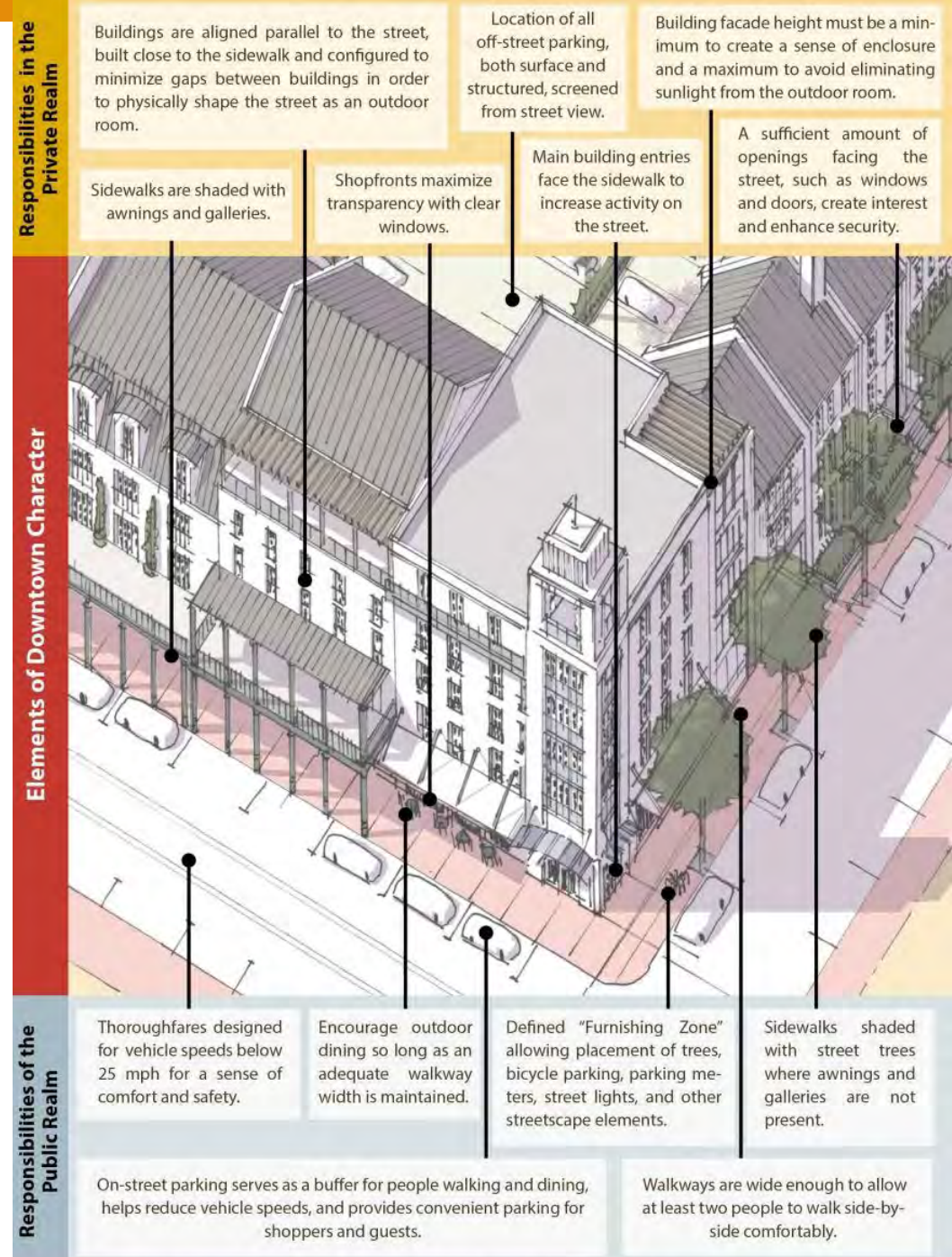
- Building uses
- Building size (height, lot coverage and setbacks)
- Landscaping
- Signs and billboards
- Parking requirements
- Other performance standards



FORM BASED 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 STANDARDS
- SUBDIVISION REGULATIONS
- CONDITIONAL USE PERMITS
- DEVELOPMENT PERMITS
- SPECIAL OVERLAYS
- VARIANCES



OBJECTIVE VS. SUBJECTIVE STANDARDS

Advance Planning Pays Off

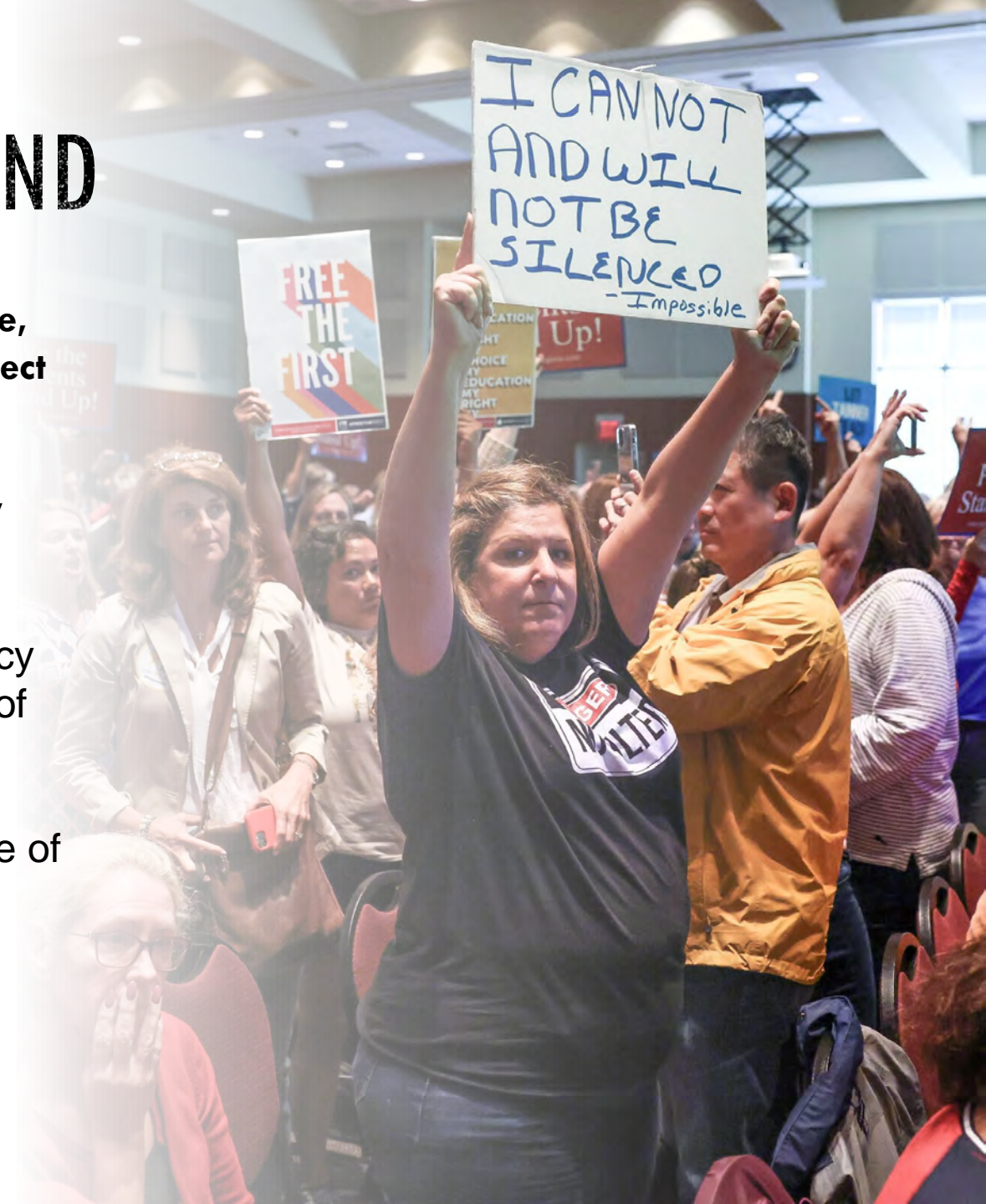
- Design Guidelines are Negotiable
- Design Standards are Not (normally)
- Discuss the look and feel of a land use **before** an application
- Pay the most attention to edges
- Write it all down



A FEW THINGS TO KEEP IN MIND

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 California 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.



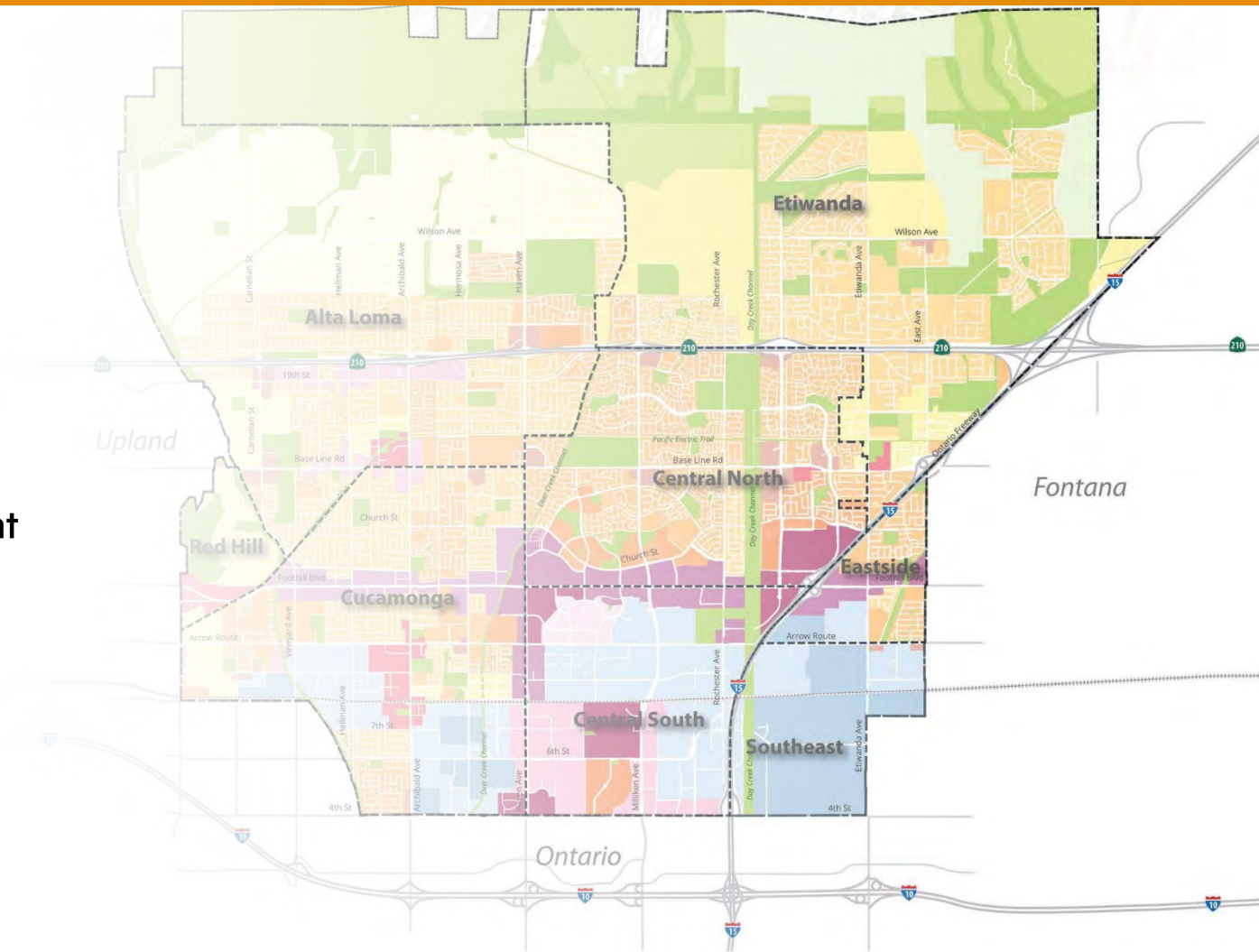
OTHER TOOLS

- DESIGN STANDARDS
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BEST PRACTICES

- Include Policy Statements in Land Use Element
- Provide Context for Community Design
- Links to Zoning and Standard Conditions of Approval as Implementation
- Consider Standard Conditions of Approval
- Review and Revise Regularly
- Check Your Ordinances for “Gaps”



NEIGHBORHOODS

- Semi-Rural Neighborhood
- Traditional Neighborhood
- Suburban Neighborhood - Very Low
- Suburban Neighborhood - Low
- Suburban Neighborhood - Moderate
- Urban Neighborhood

CORRIDORS

- Neighborhood Corridor
- City Corridor - Moderate
- City Corridor - High

CENTERS

- Neighborhood Center
- Traditional Town Center

DISTRICTS

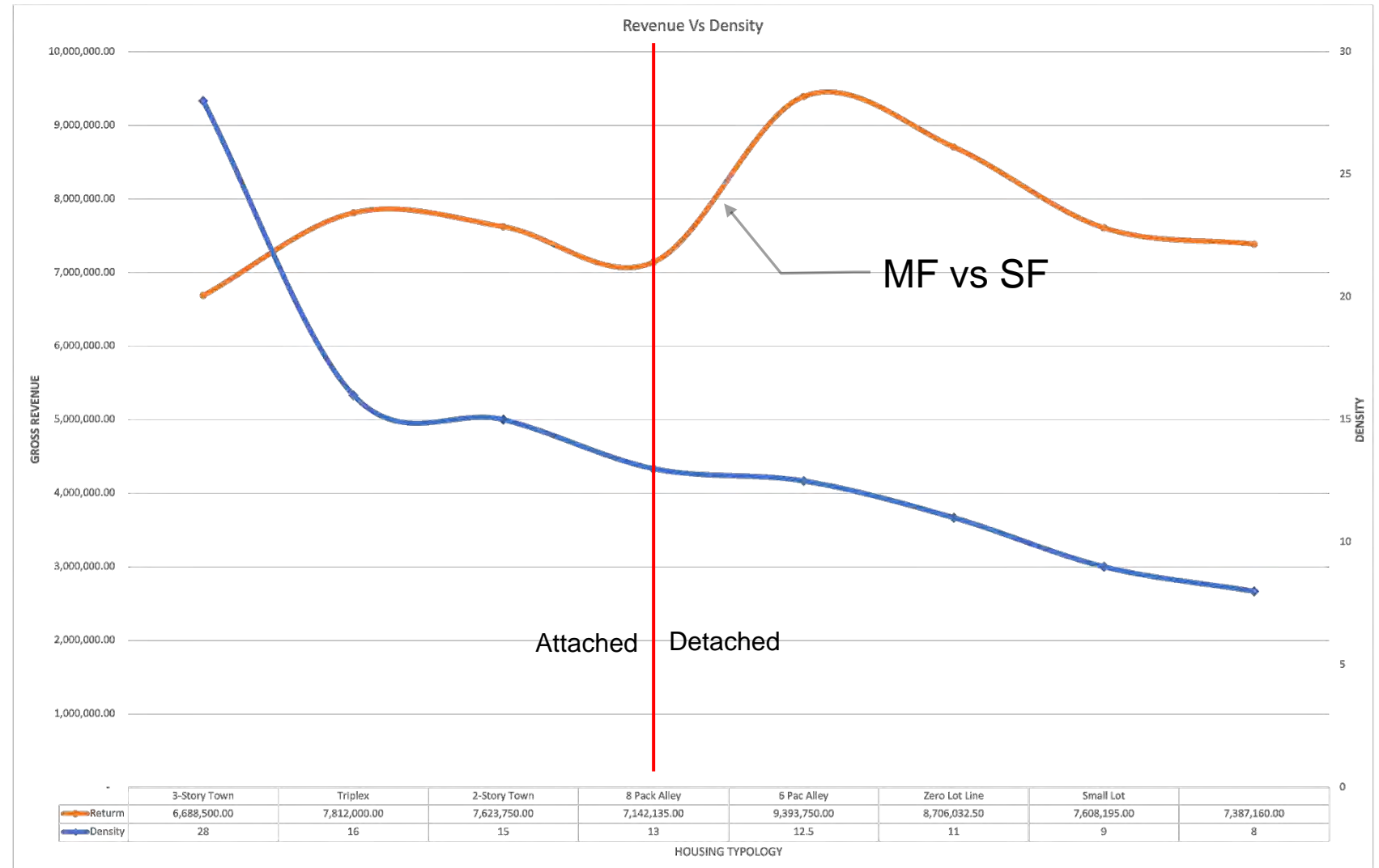
- Office Employment District
- 21st Century Employment District
- Neo-Industrial Employment District
- Industrial Employment District

OPEN SPACES

- Natural Open Space

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

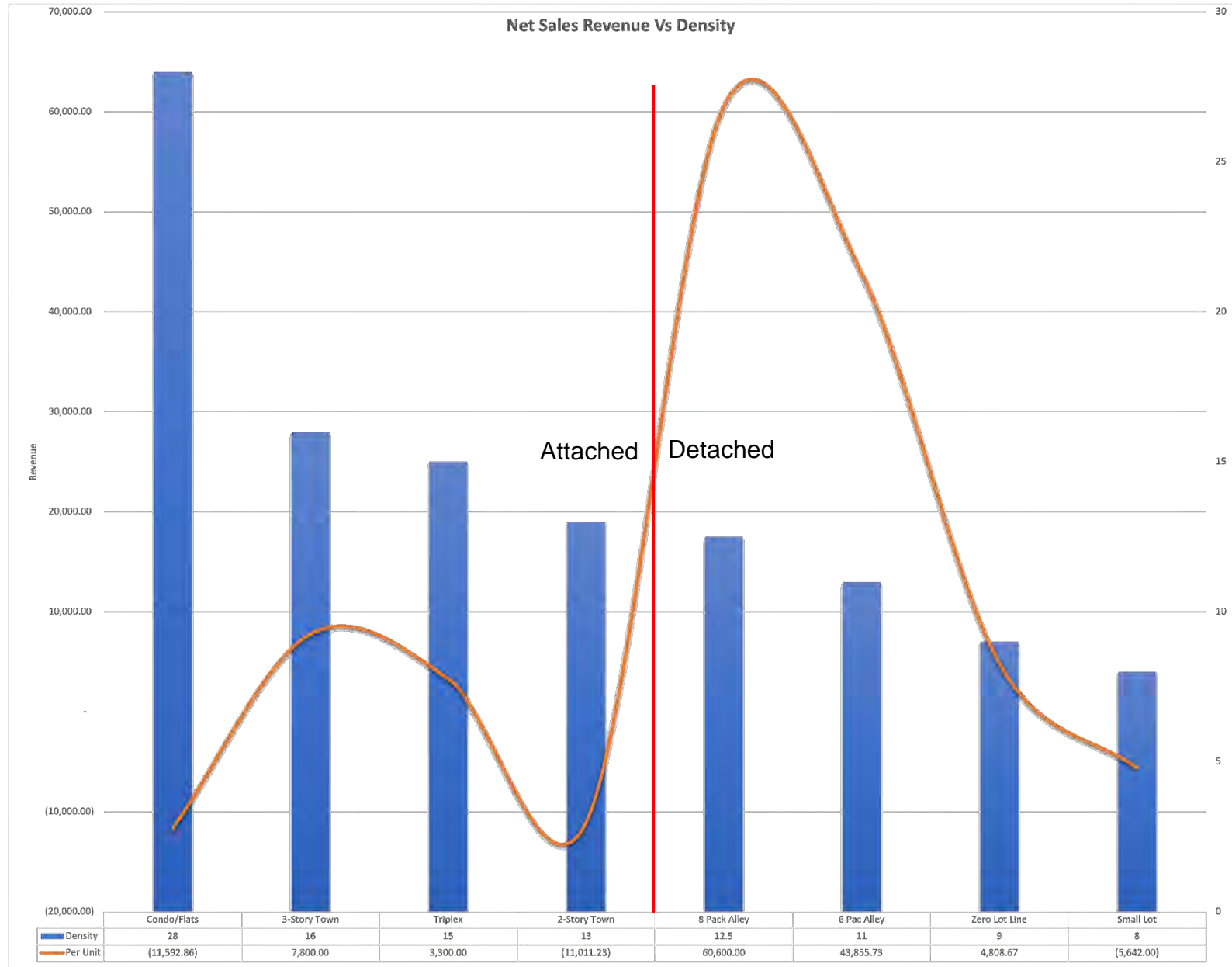
- Increased Density = Increased Cost(s)
- Increased Density = Decreased Sales Price



DENSITY – NOT A SILVER BULLET

MARKET REALITY

- Housing is Hyper Local
- Location Location Location



Market Forces and Housing Barriers

Available Real Estate

Land (raw or developed) is hard to find and expensive thus driving up the overall development cost and housing costs.

Existing Environmental Conditions

Today, many of the new developments are occurring on sites previously developed for commercial or industrial use. Contamination, protection or cleanup increase cost of direct construction.

Building Codes | Energy Code

The pending Net Zero and existing energy code needlessly increase the cost of new home, commercial (soon) and apartment construction.



CEQA

A Reform has been a topic of conversation dating back to the 1970's. It is an ongoing issue that must be addressed, specifically within Urban Orange County.

Neighborhood Opposition | NIMBY

There are few new development projects located within a built community that don't meet some resistance or opposition. This obviously leads to delays, increase cost and high level of risk.

Zoning & Development Standards

Every city has its unique set of standards. These ultimately dictate what is built vs building to meet the market needs.

Politics

There Recalls, Ballot Box Zoning and lack of political will exacerbate the challenges facing cities in Orange County.

QUESTIONS?

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And in this diagram we see how Planning and CEQA works. Any Questions?