Implementing the General Plan
Part 1

ESP 171 Urban and Regional Planning
Professor Susan Handy
4/16/15
The General Plan

Where are we?
Where are we going?
Where do we want to be?
How do we get there?
Do General Plans work?

Do they do more than fulfill a legal requirement?

*Or does the plan “sit on the shelf”?*
How to make it happen?

*How to bring the vision to fruition?*
The General Plan

Where are we?
Where are we going
Where do we want to be?
How do we get there?

Land Development Code
Regulates private development

Capital Improvement Program + Redevelopment
Dictates public investment
Why are we willing to accept restrictions on what we can do with our own land?
Search for “crazy house” in Google Images

http://brianabbott.net/travels/silverlinings/pics/crazyhouse.jpg;
http://farm1.static.flickr.com/21/25221442_3bfcce4173.jpg
20 OF THE MOST UNIQUE HOMES EVER BUILT

Houston – largest city in the U.S. without zoning...
"Part of what makes LA unique and attractive are our hillsides. There's nothing more upsetting for those of us who lived in the hillsides than to see the beautiful landscapes disturbed by a big box."

- L.A. Mayor Villaraigosa, April 2011

Traditional LU Regulation

- Zoning ordinance
- Subdivision ordinance

- Usually a part of the Development Code, Municipal Code, or City Code
- Purpose is to translate long-term objectives and policies in GP into everyday guidelines
- Caveat: Other states require these ordinances, but rules aren’t always the same
More recent approaches

• Specific plans
• Form-based codes

- More flexibility than traditional approaches to accommodate mixed-use development
ZONING
Legal Issues
- see textbook -

• Basis is local police power; must serve to protect public health, safety, and welfare
• Cannot be arbitrary or capricious; must be comprehensive and fair.
• Must be consistent with general plan as to what land uses are allowed where.
• Adopted by ordinance, carries weight of law.
Approach
- see textbook -

• Zoning map: shows category for each parcel
• Text: specifies rules for each category
  – **Land uses** for each category:
    • “immediate, allowable” uses
    • conditionally permitted uses
    • prohibited uses
  – **Development standards** for each category:
    • intensity or bulk or “envelope”: setbacks, height limits, FAR requirements
    • impact or performance: e.g. parking requirements
CHAPTER 25. ZONING ORDINANCE.*
Article 2. Establishment and Designation of Zones.

Sec. 25-2-20. Zoning maps.*
The designations, locations, and boundaries of the aforesaid zones are set forth on the officially approved zoning maps of the city on file in the office of the community development department. Said map or maps and all notations, references, data and other information shown thereon shall be and are hereby adopted and made a part of this chapter. (Ord. No. 1024, § 2; Ord. No. 1391, § 1.)
Sec. 25-4-01. Purpose.
The purpose of the residential land use table is to designate the residential uses permitted within each zone, subject to the development standards for such uses set forth in the articles describing those zones. (Ord. No. 1024, § 2; Ord. No. 1157, § 1 (part).)
<table>
<thead>
<tr>
<th>USES</th>
<th>ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A-1</td>
</tr>
<tr>
<td>Home occupations</td>
<td>e</td>
</tr>
<tr>
<td>Mobile homes on permanent foundations</td>
<td>h</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>h</td>
</tr>
<tr>
<td>Nursing and convalescent homes</td>
<td>a</td>
</tr>
<tr>
<td>Public and private schools</td>
<td>d</td>
</tr>
<tr>
<td>Residence for a caretaker or watchman</td>
<td>i</td>
</tr>
<tr>
<td>Second residential unit</td>
<td>f</td>
</tr>
<tr>
<td>Single family dwellings</td>
<td>x</td>
</tr>
<tr>
<td>Split lot duplexes</td>
<td>c</td>
</tr>
<tr>
<td>USES</td>
<td>A-1</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Accessory buildings including guesthouses and uses customarily</td>
<td></td>
</tr>
<tr>
<td>appurtenant to a permitted use</td>
<td></td>
</tr>
<tr>
<td>Apartments and multiple-family dwellings</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast inns</td>
<td></td>
</tr>
<tr>
<td>Boarding and roominghouses</td>
<td>a</td>
</tr>
<tr>
<td>Churches</td>
<td>d</td>
</tr>
<tr>
<td>Day care centers</td>
<td>d</td>
</tr>
<tr>
<td>Foster homes, residential care homes</td>
<td>b</td>
</tr>
</tbody>
</table>
Sec. 25-4-20. Special conditions.
The following special conditions apply to those land uses indicated by corresponding letter in Table 1:

(a) Existing uses in N-P zone on December 6, 1979. These uses may be replaced with new structures containing the same number of, but no additional, dwelling units, rooms or beds than existed on December 6, 1979. Nursing and convalescent homes may be expanded or enlarged by conditional use permit;

(b) Conditional use permit required if for more than six guests or persons; ←Foster homes

(c) Permitted on corner lots only. Each entrance must front on a separate street; ←Duplexes

(d) Conditional use permit required; ←Churches, day care centers, private schools

(e) Accessory use, incidental to principal use; ←Home occupations

(f) See Section 25-7-50; ←Second residential unit ⇒ Why...?

(g) Conditional use permit subject to Section 25-21-30;

(h) Subject to Section 25-21-50; ←Mobile homes ⇒ Implications...?

(i) Residence must be located in the building of the use. If use is open storage that has no buildings, a mobile home is permitted;

(j) Office must be converted to residences when sales activity ceases;

(k) Conditional use permit required. Only allowed in neighborhood preservation/transitional overlay zone (NP/T);
CHAPTER 25. ZONING ORDINANCE.*
Article 7. R-1 Single-Family Residential Zone.

Sec. 25-7-01. Purpose.
To provide living areas where development is limited to low density housing; to ensure adequate light, air, privacy and open space for each dwelling; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment. (Ord. No. 1024, § 2.)
Sec. 25-7-20. Height regulations.
No principal building shall exceed thirty feet in height, except as provided in Article 25. (Ord. No. 1024, § 2.)

Sec. 25-7-30. Area, lot width and yard requirements.
The following minimum requirements shall be observed:

(a) Lot width:
Single-family:
Corner lot: 60 feet
Interior lot: 50 feet

Duplex:
Corner lot: 70 feet
Split lot duplex, half lot width:
Corner lot: 30 feet minimum

impliCations...?
The Parking Standards Problem
CHAPTER 20.08: DEVELOPMENT STANDARDS

Section

20.08.010 Lot area and dimensions
20.08.020 Yards
20.08.030 Outdoor living space
20.08.035 Small lot development standards
20.08.040 Off-street parking and loading
20.08.050 Transportation demand management requirements
20.08.060 Corner cut-off areas
20.08.070 Utility service lines — underground

Appendix: Parking standards; Diagrams A through F
§ 20.08.040 OFF-STREET PARKING AND LOADING.

A. Intent and purpose. These regulations are established to provide for on-site maneuvering and parking of motor vehicles that are attached to and generated by land uses within the city. The parking requirements contained herein are assumed to be minimums only. It is the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking and maneuvering facilities. The following requirements are designed to lessen traffic congestion and contribute to public safety by providing sufficient on-site parking facilities.

⇒ Does that make sense...?
D. **Parking space requirements.** All land uses shall provide off-street parking in conformity with the following requirements, unless otherwise modified by the provisions contained herein.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Stalls Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile service stations</td>
<td>A minimum of five (5) parking spaces per use plus an additional space for each service bay.</td>
</tr>
<tr>
<td>Automobile washing and cleaning establishments</td>
<td>Minimum twenty (20) queuing spaces; minimum (not self-service) ten parking stalls; plus two (2) stalls per detail bay; minimum seventeen (17) drying stalls (drying stalls shall be a minimum ten (10) foot by twenty (20) foot clear area).</td>
</tr>
<tr>
<td>Banks, savings and loans, other financial institutions and related offices</td>
<td>One (1) per two hundred (200) square feet may include stacking credit for drive-through window on the basis of one (1) car for every twenty-three (23) lineal feet of striped stacking lanes. A maximum credit not to exceed thirty percent (30%) of the total required parking for the site or no more than twenty (20) spaces for stacked credit, whichever is less. Drive through lanes shall provide a minimum of one hundred fifteen (115) feet per lane for required stacking space.</td>
</tr>
<tr>
<td>Barbershops and beauty parlors</td>
<td>One (1) per two hundred fifty (250) square feet.</td>
</tr>
<tr>
<td>Coin-operated laundromats</td>
<td>One (1) per two hundred (200) square feet.</td>
</tr>
<tr>
<td>Coin-operated dry cleaning</td>
<td></td>
</tr>
</tbody>
</table>

*See Donald Shoup article*
West Edmonton Mall – 20,000 spaces

What are the negative effects of parking requirements…?

Fun fact: parking spaces outnumber drivers 3 to 1

Source: Forbes, 4/10/08
§ 20.08.050 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS.

A. The provisions of this section are intended to meet the requirements of Cal. Gov't Code § 65089(b)(3) which requires development of a trip-reduction and travel-demand element to the Congestion Management Plan, and Cal. Gov't Code § 65089.3(b) which requires adoption and implementation of Trip-Reduction and Travel-Demand Ordinance. New commercial, retail, office, manufacturing, industrial, mixed-use development including employment centers of fifty (50) persons or more may adversely impact existing transportation and parking facilities, resulting in increased motor vehicles emissions, deteriorating levels of service, and possibly significant additional capital expenditures to augment and improve the existing transportation system. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions, it is the policy of the city to:

1. Promote and encourage the use of alternative transportation modes such as ridesharing, carpools, vanpools, public bus, rail transit, bicycles, and walking, as well as those facilities that support such modes.
The Story of the Shed...
“zero lot-line”
40.0.0 ZONING

40.01.0 IN GENERAL
40.01.010 Definitions.
40.01.020 Purpose of chapter.
40.01.030 Applicability of chapter.
40.01.040 Recognition of opportunities.
40.01.050 Principles followed in preparation of chapter.
40.01.060 Composition of chapter.
40.01.070 Interpretation of chapter: effect of conflicting provisions.
40.01.080 Districts designated.
40.01.090 Zoning map adopted.
40.01.100 Interpretation of boundaries of districts.
40.01.110 Procedure for zoning upon annexation.
40.01.120 Compliance with chapter.
40.01.130 Fees and charges generally.
40.01.140 Time limitations for application and project approvals - Repealed by Ordinance No. 2166
40.01.150 Residential development permit coordination.

40.02.0 AGRICULTURAL (A) DISTRICT
40.02.010 Purpose.
40.02.020 Permitted uses.
40.02.030 Accessory uses.
40.02.040 Conditional uses.
40.02.050 Height regulations.
40.02.060 Area, lot width and yard requirements.
40.02.070 Special requirements.

40.03.0 RESIDENTIAL ONE-FAMILY (R-1) DISTRICT
40.03.010 Purpose.
40.03.020 Permitted uses.
40.03.030 Accessory uses.
40.03.040 Conditional uses.
40.03.050 Height regulations.
40.03.060 Area, lot width, yard and open space requirements.
40.03.070 Special conditions.
Chapter 40 ZONING*


(a) Findings of Fact.
Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; and additional guest and rental housing; among other benefits. As subordinate facilities to a principal structure, however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

(b) Statement of Purpose.
It is the purpose of this section to recognize accessory structures as desirable and beneficial accessory uses, and to provide for such uses under certain circumstances so long as land use compatibility is maintained, privacy of neighbors is protected, minimum open space and area requirements are maintained, and health, safety, and welfare is preserved.
6) Small Sheds. A non-habitable accessory structure less than or equal to 120 square feet in size and intended for storage purposes only. Shed may be located within the required rear yard and interior side yard setbacks parallel with or behind the front of the primary structure. Maximum shed height, as measured from grade, shall be 8.5 feet provided the shed wall height (except at gable ends) is a maximum of 7 feet. The otherwise maximum shed height shall be 7 feet. If fencing does not separate the lot from adjoining lots, a minimum 3 foot side and rear setback must be provided. When a shed is located in a side yard, the opposite side yard of the property shall remain clear of obstructions for the purposes of safety, access and circulation.
(5) Play Structures. Play structures that project above the fence height of the yard in which they are enclosed, or have a platform or device that would enable one to climb above the height of the adjacent fence, shall be set back a minimum of 10 feet from all property lines. Play structures may be located in the front half of a lot. Swings shall be set back from property lines according to the manufacturers specifications.
40 ZONING*
40.03.020 Permitted uses.
The principal uses of land in an R-1 district are as follows:
(a) Single-family dwellings with five or fewer bedrooms.
(b) Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.

40 ZONING*
40.26.330 Stables and paddocks.
All private stables and paddocks shall be located on the rear half of a lot and not closer than twenty feet to any property line, nor closer than forty feet to any dwelling on the same or adjoining property.
(Ord. No. 296, § 24.28.)
Zoning codes have lots of petty little rules!
The petty little rules can be hard to understand!
It’s up to neighbors to rat each other out!
Fixing LA’s Antiquated Zoning Code
Citylab, 1/6/15

Anyone who's ever had to build something in Los Angeles knows it can be a nightmare.

"In order to know what you can build—even in the best circumstances—you have to look into your zoning's allowable uses. Then you look into the General Provisions section, and then you should check the Exceptions section to see if you missed out on anything. Oh, and just to make sure, you should also check the Conditional Use section," says Tom Rothmann, Senior City Planner for the City of Los Angeles.

"Right now, it's like building a house with only two or three broken screwdrivers. We need a better toolbox for fixing our city."

Zoning in a college town...
23 NUISANCE ABATEMENT
23.01.030 Nuisances.
Any condition that constitutes a visual blight... Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the premises any of the following: ... (B) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.
40 ZONING
40.25.090 Number of parking spaces required.
(f) Dwellings, single-family, one covered and one uncovered off-street parking space for dwellings containing four or fewer bedrooms (See Section 40.01.010 for definition of “bedroom”); one covered and two uncovered off-street parking spaces for dwellings containing five bedrooms; a six-bedroom dwelling unit will now require four spaces; a seven-bedroom home will now require five spaces, and so on. Additional spaces may be required as part of the approval of a conditional use permit or final planned development.
24 NOISE REGULATIONS
24.02.030 Maximum noise limit.

No person shall produce, suffer or allow to be produced in any location a noise level of more than twenty dBA above the limit, but not greater than eighty dBA, on Table No. 1 measured at the property plane. This section constitutes an absolute noise limitation.
26.04.020 Consumption of alcoholic beverages and possession of any open container of alcoholic beverages in public unlawful.

(a) It shall be unlawful for any person to consume any alcoholic beverage or to have in his or her possession any open container of beer, wine, or any alcoholic beverage, or intoxicating liquor on any street, sidewalk, bike path, greenbelt, alley, highway, off-street public parking lot or structure; in Cedar Park, Central Park, N Street Minipark, or Oxford Circle Park; within six hundred feet of any primary or secondary school campus property lines at any time loitering is prohibited.
Mini-dorms: “The owner’s plans were to expand an 1,800-square-foot single-story house on a quiet street into a 2,625-square-foot house, complete with five large identical bedrooms connected to their own bathrooms, a dining and living space, a big kitchen and a guest bathroom.”
26% of hotels are located outside of 6 central zip codes.

72% of Airbnb properties are outside of these 6 hotel zip codes.

Zoning run amok examples...
Al Gore’s Solar Panels
News & Observer, 3/20/07

• “Zoning rules in Al Gore’s upscale Tennessee neighborhood have prevented the former vice president and environmental activist from installing solar panels on his roof.”

• “New rules on April 1... ‘Solar panels may be installed upon the roof of a building so land as they are not visible from the street or from any adjoining property,’ according to the ordinance.”
Zoning to combat...
Ex. 20 cities in California

http://themarkofaleader.typepad.com/the_mark_of_a_leader/walmart.JPG
ORDINANCE NO. 2259

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS (1) AMENDING THE GENERAL PLAN TO CREATE A NEW LAND USE DESIGNATION OF GENERAL RETAIL, REDESIGNATING APPROXIMATELY 19 ACRES ADJACENT TO SECOND STREET, AS SHOWN ON THE ATTACHED MAP TO GENERAL RETAIL AND MAKING CORRESPONDING CHANGES TO THE TEXT OF THE GENERAL PLAN FOR RETAIL SHOPPING CENTERS; ....(3) AMENDING SECTION 40.01.090 OF THE CITY'S ZONING ORDINANCE BY REZONING APPROXIMATELY 19 ACRES ADJACENT TO SECOND STREET TO PLANNED DEVELOPMENT (PD) #10-04 TO PERMIT CERTAIN USES INCLUDING GENERAL MERCHANDISE RETAIL AND AMENDING SECTION 40-01-010 TO ADD DEFINITIONS OF GENERAL MERCHANDISE AND DISCOUNT SUPERSTORE; AND ... AND SUBMITTING THE ORDINANCE TO THE VOTERS OF THE CITY PURSUANT TO ELECTIONS CODE SECTION 9222
Ex. Benicia moratorium

Wal-Marts per capita

Whole Foods per capita

The biggest retailer in the world covers an area larger than Manhattan.
Solving the “food desert” problem

Zone out…

Bring in…?

Ex. South LA moratorium
In Florida, A Turf War Blooms Over Front-Yard Vegetable Gardening
National Public Radio, 12/16/13

Under a zoning ordinance tightened last spring, residents in Miami Shores are not allowed to have vegetable gardens in their front yards.
Beekeeping within cities raises some concerns
Sacramento Bee, 2/15/15

“Why would you bring that dangerous scenario to someone’s backyard? There are health issues. There are danger issues. It shouldn’t be in a residential neighborhood.”

Development Review Process
Basic Process

Developer submits application to city

Planning staff reviews application wrt. zoning

City issues building permit

Developer builds
If project doesn’t comply...
- see textbook -

<table>
<thead>
<tr>
<th></th>
<th>Action</th>
<th>Approval</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning amendment</strong></td>
<td>Classification change</td>
<td>Council approval (legislative)</td>
<td>Must be consistent with GP; only 4 times per year</td>
</tr>
<tr>
<td></td>
<td>Boundary change</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td>Exception to development standards</td>
<td>Planning Commission approval</td>
<td>Can’t be special privilege</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(quasi-judicial)</td>
<td></td>
</tr>
<tr>
<td><strong>Conditional Use Permit</strong></td>
<td>Use not otherwise allowed</td>
<td>Planning Commission approval</td>
<td>If certain conditions met</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(quasi-judicial)</td>
<td></td>
</tr>
</tbody>
</table>
...more complicated process

Developer submits application to city

Planning staff reviews application wrt. zoning

City issues building permit

Planning Commission for variance, conditional use permit, zoning (+ GP) change

Developer builds

City Council for vote on zoning (+ GP) change
Even if project *does* comply...

**Discretionary review - “Yes, but…”**

- City can impose conditions on development as long as “reasonably related” to project.
- City can deny approval even if project conforms to zoning.

**Design review**

- To ensure that project adheres to aesthetic guidelines

See San Francisco’s *Design Guidelines*
Other tools...

- Overlay zones
- Mixed-use zoning
- Planned Unit Development (PUD) zoning
- Cluster zoning
- Others in book and GP guidelines...
Floodplain Overlay – extra development restrictions
Examples of vertical mixed use

Sidewalk Requirements

CORE TRANSIT CORRIDOR
8’ min.  7’ min.
(trees required)

URBAN/SUBURBAN ROADWAY
7’ min.  5’ min.
(trees optional)

REQUIRED street tree/furniture zone
REQUIRED clear zone
Non-conforming uses
- see textbook -

• Old uses don’t conform to current zoning ordinance
• Before: allowed to continue until expansion or change in nature of business
• Now: phased out over a period of time – “amortized” approach
Non-conforming signs

Source: http://pricetags.wordpress.com/2009/03/16/signs-of-the-times/;
Special CA State Requirements

• Cities must give “density bonuses” for affordable housing
• Cities can allow second units – “granny flats” – and can’t preclude them

“None of use want our neighborhoods destroyed... There should be some restrictions so that our neighborhoods don’t turn into multifamily neighborhoods.”

– Arden Park resident, 2004
Enforcement?

• Citizen-based enforcement is typical
  – Depends on citizen complaints
• Zoning violation is a misdemeanor, so handled in criminal court.
  – Usually just fines, not jail time...
Purpose of the Code Compliance Program

It is the goal of the City and its citizens that all property owners and tenants maintain their property’s appearance and value. Our City Code has been established to help maintain a standard in our community for all to enjoy...

The Code Compliance Program is a citizen-based program that inspects and investigates complaints from citizens of the City of Davis. Upon receipt of a complaint, the Code Compliance Coordinator will conduct a site visit to investigate the reported violation. After confirmation of the violation, the Code Compliance Coordinator will take necessary steps to gain compliance with City Codes.

http://cityofdavis.org/cdd/forms/code.cfm
Phonehenge West, Acton, CA

Kim Fahey jailed for disobeying code violations order
In addition to (or instead of) zoning...

- **Homeowners associations**
  - All owners required to join and pay
  - Holds title to common areas
  - Provides some services
  - To enforce rules, uses...

- **Codes, covenants, and restrictions (CC&Rs)**
  - Attached to property deed
Positive proof of global warming.

Racist CC&Rs outlawed by 1948 Supreme Court decision...

...but often still on the books!
“By eliminating all questionable aesthetics, you’re losing the character of a community.”
For Tuesday

• Look for the study sheets on the website!
• Complete Exercise 3!
• Read! Subdivision ordinances next up...