



# STAFF REPORT

## PLANNING COMMISSION MEETING

---

April 12, 2022

**TO:** Honorable Chair and Commissioners

**FROM:** David Loya, Director of Community Development

**PREPARER:** David Loya, Director of Community Development

**DATE:** April 07, 2022

**TITLE:** **Review the Gateway Plan Proposed Process and Outcomes**

---

### RECOMMENDATION:

Staff Recommends the Planning Commission receive a presentation on area plans, form-based codes, and the purpose of community design and provide recommendations to staff and the City Council.

### INTRODUCTION:

The City has been working on the planning process culminating in the Gateway Area Plan and General Plan update for approximately five years. With any community conversation with such a duration, there is a need to revisit prior decisions to understand the context for the current work. This item will review the history behind the decisions related to the idea of an area plan, using a form-based code, and the purpose and benefits of a community design process.

### DISCUSSION:

This report is intended to provide some background on the subjects of area plans, form-based codes, and community design, which are central elements of the proposed Gateway Area Plan. We contrast these, with specific plans and the general plan, Euclidian Codes, and project level design review. This material will give a working understanding of these tools and a baseline for further discussions about the planning process and expected outcomes. This report is not comprehensive. Staff anticipates the presentation, the public and Commission questions, and the Commission deliberations will guide further exploration of these tools.

### Area Plan

Over the last five years, the planning effort has been discussed and described in various ways. The plan was originally framed as a Housing Strategic Plan (see August 24, 2017 City Council special meeting). The Council gave direction to initiate the planning work at that time with an emphasis on infill housing. As the Council's and Commission's discussions evolved around meeting the challenges of future growth, revitalization, development pressure to expand City boundaries, and the lack of housing affordable to the range of income levels in Arcata, the plan concepts evolved. The Council directed that emphasis mixed uses be incorporated into the plan. Based on this, Council also

asked that the plan be renamed. The Housing Strategic Plan became the Strategic Infill Redevelopment Program (Infill Program).

The Infill Program encompassed an update to the General Plan to accommodate the next 20 year planning cycle; the Housing Element update to the General Plan, an eight year planning cycle; the Infill Market Study to evaluate the feasibility of high-density infill development; and the Gateway Area Plan, which was one of four opportunity areas identified in the Housing Element adopted by Council in 2019. While each document has had a separate public engagement process, they have built on each other to provide a coordinated, feasible, community facing plan for redevelopment and infill to best meet our sustainability, quality of life, housing affordability, and job production goals.

The Gateway Area Plan has been described previously as a community plan, a specific plan, and an area plan. The plan was loosely described in these terms during the concept development phase of the planning process. Specific plans provide many of the benefits of targeted geographically bound planning that the City Council wished to incorporate into the Gateway Area Plan. However, by the time of the release of the Request for Proposals for the Infill Plan work, City staff had completed assessments on the difference between specific plans and Community or Area Plans, and recommended the latter based on considerations regarding level of specificity of government code requirements, and associated cost, associated with specific plans. The Council authorized award of the Planwest Partners contract to produce an Area Plan.

The Governor's Office of Planning and Research (OPR) commissioned "The Planner's Guide to specific plans", which can be found at <https://californiareleaf.org/wp-content/uploads/2019/06/OPR-A-Planners-Guide-to-Specific-Plans.pdf>. The OPR report provides a comprehensive review of the requirements of a specific plan. To summarize, a specific plan must comport with Government Code Secs. 65450 et seq. and must include a plan for land use, infrastructure, resource conservation, and implementing codes for a geographic region within a jurisdiction's boundaries. In essence, a specific plan provides for a higher level of planning detail for a geographically constrained region to streamline development consistent with the specific plan.

An area plan accomplishes all of these goals as well. However, there are significant benefits to an area plan. First, specific plans must have an infrastructure plan that provides for all of the development envisioned within the specific plan, along with identified funding sources and project costs. An area plan is not required to provide a capital improvement program in such detail. While it may appeal to some to have that level of detail specified up front, the scale and scope of the Gateway Area Plan would make such project level planning problematic. The actual build out in the Gateway Area is speculative. Investing time, energy, and money into a detailed capital improvement program that is highly unlikely to be triggered in the plan's timeframe is wasted effort. The Gateway Plan provides a description of the types of infrastructure that will be needed during build out, but it does not identify the source of funding for the infrastructure or the cost. This flexibility to respond to the actual market conditions with a coordinated master plan without constraining the plan or future development to only those developments that are designed in the plan will better support future development.

Second, there are CEQA considerations. There are several site specific considerations that do not make sense to take on at the area plan level. Soil contamination and wetlands are good examples of site specific evaluation that do not make sense to evaluate on the master plan level. If we invest in the studies necessary to qualify as a specific plan, the City would be responsible for conducting the site studies. The sites may never be developed and site or regulatory conditions may change by the time the sites are developed. The effort and money necessary to do these studies at this point are not warranted and are as likely to be wasted effort. The detail of the environmental analysis required of a specific plan would be cost prohibitive.

An area plan provides a slightly higher frame of reference than a specific plan does. An area plan is an element of the General Plan and can provide the detailed planning framework similar to a specific plan. Area plans are sometimes referred to as precise plans, neighborhood plans, or community plans. The infrastructure need to support development within such plans are provided in the regular capital improvement program. Development that cannot be supported by existing infrastructure would be required to provide the new necessary infrastructure, or it would not be approvable. The cost to develop the less granular area plan and evaluate its environmental impacts is less, but the benefit to streamlining and subsequent housing production is considered very similar. For these reasons, the Council directed the development of an area plan instead of a specific plan.

### **Form-Based Code**

The City's Land Use Code is a traditional or "Euclidean" zoning, named for the landmark lawsuit that validated such zoning. Euclidean zoning emphasizes separation of uses and is sometimes called single use zoning. This type of zoning attempts to regulate community based on compatible and incompatible uses. More general information about this school of zoning can be found at <https://www.planetizen.com/definition/euclidean-zoning>.

Euclidean zoning has evolved since the early 20<sup>th</sup> century, and mixed use zones and design guidance has been incorporated into this approach. The City's Land Use Code has design guidance and mixed use zones. But the guidance is generally vague. Some cities have sought to resolve the vagueness of their codes by adopting design guidelines. The help better convey the community vision for the built environment. But the decision making process is left to subjective, project-based evaluations that result in a wide variety of building forms meeting the guidance. Because the planning permit process requires approval if the findings can be made, even poorly designed buildings may be approved.

The approval process does not afford the public much access to the design process. In order to be heard by the review authority, an application must be far enough along to convey compliance with the standards and design guidance. The hearing requires a 10-day notice to the public within a certain distance of the project, then the public is afforded two to three minutes to voice their concerns. The Commission may ask for modifications, but generally these are minor in nature because the applicant has provided a design that is compliant with the code. So the public leave the process feeling unheard.

Form-Based Codes focus on the design of streetscapes and the interaction between the built environment as the public experiences it from the street level. Form-based codes can provide a more human-scale feel that is predictable to both residents and project proponents.

General information about form-based codes:

<https://formbasedcodes.org/definition/>

<https://www.planetizen.com/definition/form-based-codes>

<https://smartgrowthamerica.org/what-is-smart-growth/>

[https://en.wikipedia.org/wiki/Form-based\\_code](https://en.wikipedia.org/wiki/Form-based_code)

<https://www.strongtowns.org/journal/2020/6/8/6-reasons-your-city-needs-a-form-based-code>

A few form-based codes that are good examples:

<https://www.mountainview.gov/depts/comdev/planning/activeprojects/eastwhisman.asp>

<https://www.redwoodcity.org/departments/community-development-department/policy-initiatives/general-plan-precise-plans/downtown-precise-plan>

Form-based codes and traditional zoning both regulate development. Euclidean zoning focuses on the land uses. Form-based codes focus on the built environment. Euclidean zoning with design guidelines can provide a finer resolution on what the built environment will look like, but it will always fall short of a truly participatory community design.

### **Community Design**

Community members do not generally have the opportunity to design projects on their neighbors' properties. The laws that regulate planning permit decisions are quasi-judicial. As the name sounds, the decisions are considered similar in kind to those that are made in a court of law. As such, the applicant is afforded protections under the law that regulate due process. Paramount among the due process rights is that a project cannot be arbitrarily denied.

The form-based code allows the opportunity to consider bulk, mass, design elements, the intersection between the public and private realm, and the relationship among and between buildings with respect to shading, aesthetics, and feel. Staff will provide a summary of upcoming opportunities to engage on design during the presentation.

### **POLICY IMPLICATIONS:**

Adoption of the Gateway Area Plan would implement the Housing Element Implementation Measures 12 and 20. Completing this Plan will satisfy the upzoning requirement of the certified Housing Element,

### **COMMITTEE/COMMISSION REVIEW:**

The following City Committees are reviewing and commenting on the Gateway Plan and the General Plan updates:

- Economic Development Committee
- Energy Committee
- Forest Management Committee
- Historic Landmarks Committee
- Parks and Recreation Committee
- Transportation Safety Committee
- Wetlands and Creeks Committee

### **ENVIRONMENTAL REVIEW (CEQA):**

The Gateway Plan and General Plan environmental review is underway. The Notice of Preparation of an Environmental Impact Report (EIR) has been circulated. The City's consultant team is writing the Draft EIR. We anticipate its release for circulation in the next few months.

### **ATTACHMENTS:**

- A. Public Comment Received to Date (PDF)