

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: Specific Plan Preparation Options
DATE: February 17, 2009

Needs: Review process for development of specific plans and consider workload priorities

Facts:

1. On February 3, 2009, a letter from five out of eight property owners making up the southern half of the Olsen Ranch/Beechwood Specific Plan was received requesting that Council consideration of a new alternative owner-developed Specific Plan.
2. The Council requested staff review the plan once submitted, and provide a report for consideration as early as April 7, 2009. Staff was also asked to place discussion of the City's specific plan preparation process on the next Council agenda.
3. The City's General Plan and Economic Strategy establish the policy basis for preparation of specific plans for Chandler Ranch (CRASP), Olsen Ranch/Beechwood (OBPS), and the Uptown/Town Centre.
4. The Council authorized the processing of an application for a fourth specific plan; River Oaks, the Next Chapter (TNC), on February 5, 2008. The application differed from other Specific Plans in that it included authorization for the applicant to develop the Specific Plan.
5. Work continues on all four specific plans involving outside consultants, staff, and contract planners.

Analysis &

Conclusion: Historically, the City's process for preparation of a specific plan has been:

- Identifying the need for a master plan or specific plan through the General Plan and Economic Strategy.
- Property owners approach the City and request initiation of the specific plan process.
- City prepares a request for proposal and Council selects a Specific Plan and EIR consultant based on qualifications.
- Consultant engages property owners and the community in a series of workshops or meetings and then prepares a draft specific plan based on General Plan & Economic Strategy policies and public input.

- Following development of the draft Specific Plan, a project EIR is prepared under the City's direction.
- The Specific Plan and EIR go through a public review process that concludes with Council adoption of a specific plan.

This process's principle benefits include:

- The community and property owners are involved in developing and drafting the Specific Plan.
- The Public, through City staff, leads the process from beginning to end.

Disadvantages that have been expressed include:

- Some property owners feel that owner development goals or concepts are not included.
- The City has fronted the costs for preparation of the Specific Plan (which can mount when reviewing complex specific plan development issues).

When accepting the processing of the River Oaks specific plan application, the Council chose to modify past practice. While applicant initiated specific plans are allowed by State guidelines, they can create a few challenges:

- The plan uses the applicant's desired development goals which must be reviewed for consistency with established community goals in the General Plan and Economic Strategy.
- The public has no involvement in drafting of the specific plan; input is deferred to the public hearing process.
- Likewise, the City is not involved in the drafting of the specific plan and, as a result, a potential for conflict may develop between development and community interests.
- Applicant prepared environmental studies can lead to public perception that environmental impacts may not be objectively analyzed. The process requires a separate City peer review in order to ensure adequacy of analysis and compliance with State environmental laws.
- Staff time devoted to applicant driven processes exceed those of city driven plans. This is due primarily to considerable and frequent consultation and correspondence to consider, evaluate and resolve issues. For example a total of 305 hours of staff time have been spent processing the RO-TNC Specific Plan through December 31, 2008. In the month of December alone, there was over 60 staff hours devoted to RO-TNC. By comparison, the time spent reviewing the Admin. Draft Uptown/Town Centre Plan during this same time period was only 30 hours.

The Council has now received a request by several property owners in the OBSP requesting a similar process (prepare their own specific plan). Acceptance of a "substitute plan" will complicate matters by the addition of what amounts to the community's 5th specific plan in process, and a plan created without public input. Even with outside

planning assistance, staff resources are insufficient to process all five specific plans in a timely and efficient manner.

The following questions are worthy of discussion:

- Should the City continue to allow applicant created specific plans?
- If so, how can the community be involved in the drafting of the plan? One approach would include the following steps:
 - Draft specific plans submitted to staff for review and input
 - Community workshops before the Planning Commission and City Council before acceptance of a Specific Plan for processing
 - Applicants directed to make changes to draft specific plan to address public input and Council direction
 - EIR work not begin until the community, Planning Commission, and Council have been involved in formulating the draft specific plan
- Due to limited staff resources, specific plan work efforts must be prioritized. What criteria should be used to set priorities? Options:
 - First in, first out
 - Process plans that are currently contained in the General Plan or Economic Strategy before those that aren't
 - Process plans based on the results of Council Goal Setting

Policy

Reference: General Plan, Economic Strategy, Olsen Beechwood/Chandler/Uptown/Town Centre Specific Plans.

Fiscal

Impact: It is adopted policy that processing expenses for planning applications be borne by the project proponent. Historically, the City has advanced the cost for City prepared specific plans. Alternatively, property owners could front all processing costs. Additionally, completion of current Plans should require applicant advance payment for completion (inasmuch as the City's cash reserves are planned for projected operating shortfalls).

Options:

- a. Receive staff's report and provide direction
- b. Amend, modify or reject the foregoing option.

Attached: Detailed Specific Plan Processing Steps

*Typical steps and staffing for processing specific plans.***Defining the Scope of Work (25 hours over 4 months)**

Research, staff reports, council meetings, possible Planning Commission meetings

Consultant Selection (150 hours over 6 months)

Prepare and distribute RFP
Review proposals and interview consultants
Recommend consultant selection
Contract negotiation
Gather information and provide to consultants

Support Activities: Up Front (175 hours over 12 months)

General Plan Amendment may be necessary to establish Specific Plan Overlay
Development Limitations Resolution
SB 18 (Native American Notification)
Notify property owners, residents, and stakeholders
Grant Application

Support Activities: On-Going (75 hours over 18 months)

Stakeholder meetings (often individual)
Consultant contract administration

Background Research (90 hours over 1 month)

Kickoff meeting with consultant team – may involve field trip
Review consultant's finding and assumptions – may involve meetings

Public Meetings/Workshops/Charrette (300 hours over 4 months)

Notify public of process via mailings and other media
Pre-meetings with consultants
Stakeholder meetings in addition to main workshops
Response to inquiries from the public and stakeholders
Meeting arrangements
Meeting debriefings

Developer Proposals (50 hours over 18 months)

Receiving proposals (meetings, phone calls, letters)
Analysis of proposals
Referral of proposals to consultants
Meetings with consultants and developers

Administrative Draft (AD) Specific Plan (300 hours over 5 months)

Receive and distribute ADs to departments
Departments review and comment on AD
Collation/transcription of comments and transmittal thereof to consultants
Meetings with consultants and occasionally with stakeholders

Specific Plan Staff Tasks

Public Review Draft (PRD) Specific Plan (150 hours over 3 months)

- Receive and distribute ADs to departments, public outlets
- Public Notice of availability of PRD
- Public Workshop – “rollout” of PRD
- Public Workshops – receive oral public comments
- Departments review and comment on PRD
- Receive, analyze, collate, transcribe comments from public, public agencies, staff
- Meetings with consultants and occasionally with stakeholders

Environmental Impact Report (750 hours over 12 months)

- If a separate consultant is used, the consultant selection tasks must be completed.
- Prepare and transmit Notice of Preparation (NOP)
- Scoping Meeting (public)
- Gather and transmit comments on NOP to consultant
- Receive and distribute ADEIRs to departments
- Departments review and comment on ADEIR
- Collation/transcription of comments and transmittal thereof to consultants
- Meetings with consultants on ADEIR
- Receive and distribute (PR)DEIRs to public and agencies
- Public meeting to receive oral comments
- Receive, analyze, collate, transcribe comments from public, public agencies, staff

Public Hearings on Specific Plan and EIR (250 hours over 3 months)

- Public Hearing Notices (newspaper, mail, website)
- Staff report preparation – may include General Plan Amendment and Zoning Code Amendments as well
- Public Hearings
- Review and comment on final Specific Plan and EIR documents
- Distribute final Specific Plan and EIR documents
- Training sessions for staff, Planning Commission, and City Council (e.g. form-based codes, historic resources)
- File Notice of Determination on EIR

Specific Plan Administration (on-going throughout life of Specific Plan)

- Track requests for amendments (e.g. fine-tuning and/or clean-up)
- Prepare amendments and necessary environmental documents
- Public hearings, notice