GUIDE TO California Planning

fourth edition

William Fulton
Paul Shigley
GUIDE TO California Planning
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NOTICE
Before you rely on the information in this book, please be sure you have the latest edition and are aware that some changes in statutes or case law may have gone into effect since the date of publication. The book, moreover, provides general information about the law. Readers should also consult an attorney before relying on the representations found herein.

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Contents at a Glance

1  Section One  The California Landscape

73  Section Two  The Local Planning Process

207  Section Three  Local Planning: Advanced Techniques and Backlash

283  Section Four  Urban Development

357  Section Five  Infrastructure and Schools

409  Section Six  Natural Resources Protection

467  Section Seven  Conclusion
SECTION ONE | THE CALIFORNIA LANDSCAPE

CHAPTER 1
Introduction: How Planning in California Really Works
A New Era For California Growth • What Planning Is • Planning as Politics
• How Planning in California Really Works • Current Trends in California Planning • Population Growth and Demographic Change • Redistribution of California's Population • Dwindling Land Supply • The Great Recession • Ongoing Issues in California Planning • The Political Nature of the Planning Process • Ongoing State-Local Fiscal Crisis • Competition and Lack of Cooperation • Location- And Price-Appropriate Housing • Sprawl vs. Compact Urban Form • Property Rights • Conclusion

CHAPTER 2
The Californias
California's Regions

CHAPTER 3
The Emergence of Land Use Planning and Land Use Regulation in California
Planning's Twin Traditions • The History of Planning as Urban Design • Euclid v. Ambler and the Constitutionality of Zoning • Life After Euclid • The '60s and '70s: More Requirements, Environmental Protection, and Citizen Empowerment • The Democratization of Planning • The Greening of America: Environmental Laws • Citizen Power • The '70s and '80s: Fiscal Problems and Property Rights • New Priorities

SECTION TWO | THE LOCAL PLANNING PROCESS

CHAPTER 4
The Structure of Planning Decisionmaking Part One: Local Governments
Local Governments: Cities, Counties, and Everybody Else • Cities and Counties • Local Planning Powers • Local Planning Staffs • Drawing Boundaries

CHAPTER 5
The Structure of Planning Decisionmaking Part 2: Other Players in the Planning Process
The Rulemakers • The Private Real Estate Industry • Private Citizen Groups • The Emergence of Strong Regional Planning • Councils of Government and SB 375, Greenhouse Gas Emissions, and Sustainable
CHAPTER 6
The Basic Tools Part 1: The General Plan
General Plans • What the General Plan Contains • The Land Use Element • Interaction With Other Elements • Crafting the General Plan • The Process: Participation and Politics • Technical Analysis • Court Challenges • Strengths and Weaknesses of the General Plan Process

CHAPTER 7
The Basic Tools Part 2: Zoning Ordinances and Development Codes
What a Zoning Ordinance Contains • Zoning Tools

CHAPTER 8
The Basic Tools Part 3: The Subdivision Map Act
The Map • Horse Trading Over Design and Improvements • Denial and Appeal • Vesting Tentative Map and Protection for Landowners • Permit Streamlining Act

CHAPTER 9
The California Environmental Quality Act
CEQA's Role • How CEQA Has Evolved • The Three-Step Process • Types of EIRs • Contents and Preparation of EIRs • Impact Analysis • The Back-of-the-Book Items • Cumulative Impact • Growth-Inducing Impact • Alternatives • Governmental Action and Mitigation • Protector of the Environment or Inhibiter of Good Planning?

SECTION THREE | LOCAL PLANNING: ADVANCED TECHNIQUES AND BACKLASH

CHAPTER 10
Exactions
Legal Basis for Exactions • The Nollan Case • California Exactions After Nollan • Refining Accountability in Exactions: Dolan, Ehrlich and San Remo • Taking Exactions To New Levels • The Inexact Science of Exactions

CHAPTER 11
Growth Management and Smart Growth
The Origins of Growth Management • Growth Management Trends in California • Legal Constraints on Traditional Growth Management • The Shift to Smart Growth • Emerging Smart Growth Strategies

CHAPTER 12
The Big Deals: Specific Plans and Development Agreements
Specific Plans: The Basics • Types of Specific Plans • Specific Plans for Master-Planned Developments • Specific Plans for Multiple-Owner Properties • Specific Plans for Downtowns and Transit-Oriented
CHAPTER 13
The Consequences of Regulation: Land Use Regulation and Property Rights
The Property Rights Movement and the Regulatory Taking • The First English Case • The Lucas Case • The Holy Grail: A Firm Takings Standard • Other Fronts in the Takings War: State Litigation and Direct Democracy

SECTION FOUR | URBAN DEVELOPMENT

CHAPTER 14
Economic Development
The Different Roles of Economic Development • The Role of State and Federal Government • Local Economic Development: The Focus on Tax Revenue and the Link to Planning • The Fiscalization of Land Use • Stimulating Economic Growth in Distressed Communities • Conclusion: The Link Between the Economy and Planning

CHAPTER 15
Redevelopment
The Roots of Redevelopment: Urban Renewal and Beyond • How Redevelopment Worked • The Finding of Blight • Eminent Domain • Housing Set-Asides • Redevelopment After Matosantos • The Future of Redevelopment in California

CHAPTER 16
Housing
California's Housing Policy Framework • How Affordable Housing is Financed and Implemented • The Foreclosure Crisis • A Different Kind of Housing Policy

CHAPTER 17
Infill and Transit-Oriented Development
Infill Development • Transit-Oriented Development

CHAPTER 18
Sustainability and Planning in California
Sustainability Indicators • Approaches to Sustainability • The Future of Sustainability in Planning

SECTION FIVE | INFRASTRUCTURE AND SCHOOLS

CHAPTER 19
Infrastructure and Infrastructure Finance
Regional vs. Local Infrastructure • Capital Improvement Planning and Coordination • Paying for Infrastructure • The Changing Federal Role • State Bonds • Other Funding Sources • Local Infrastructure Finance • Fees and Exactions • Assessment Districts • Mello-Roos Districts and Dirt
Short Articles

78 The Legal Structure of California Planning
82 Putting the Pieces Together in Local Planning
86 Managing the Contours of Local Empires: Incorporations and Spheres of Influence
98 Policy Approaches in California Planning
106 Governor’s Office of Planning and Research and the Strategic Growth Council
123 The Most Popular Optional General Plan Elements
130 Marin County’s Sustainable General Plan
138 Ontario’s “E” General Plan
145 Use Districts
150 Parking Management
156 Components of a Parking Management System
158 Findings
166 Ventura’s Midtown Corridors Code
170 Magic Subdivisions
177 Crossing the (Lot) Line
184 Do-It-Yourself EIRs
202 Football Stadium Wins A CEQA Pass
244 Ballot Box Zoning
262 Vested Rights
268 Exactions and Takings
278 Transferring Development Rights
292 Protecting Industrial Land
295 Planning Tools Used in Economic Development
316 How AB 1X 26 Works
328 Inclusionary Housing and Housing Setasides
332 The Site Inventory
345 TOD Examples in California
352 Tracy’s Sustainability Action Plan
354 Tea Party Attacks on Sustainability and Planning
Preface

When I sat down to write the first edition of Guide to California Planning, I used to have to coax my daughter to sleep in her crib in order to get some peace and quiet to get the job done. As the fourth edition goes to press, she is just graduating from college—articulate and willful as ever. She was forced to use this book as one of her first textbooks at Sonoma State University, and now she’s headed off to an internship in urban planning in Tel Aviv.

Which means that this book has been around for a long time—long enough to see several governors come and go, to say nothing of planning fads, real estate cycles, and Internet bubbles. (I actually typed part of the first edition on a typewriter.)

California has changed much during this time. The state’s population has increased by more than 8 million people. The demographic shift during that time has been particularly dramatic, creating the first truly multi-racial, multi-ethnic state. Home prices have more than doubled and are now the highest in the country. The state is increasingly expensive, crowded, and urban in a way that was unimaginable at the time this book was first written.

If, as a reader, you notice my co-author Paul Shigley and I struggling to convey the essence of this intensely urban society in this fourth edition, it shouldn’t be surprising. The entire planning profession in California is struggling too—to apply procedures and principles dating back to the suburban era of the 1960s and ’70s to a very different state in the 21st century. But compared to the situation when we published the third edition in 2005, planning and development practice in the state has moved a long way toward dealing with these new urban pressures. There’s been a big change in the last seven years.

When the first edition of the Guide was published, we were surprised that it received an overwhelming reception and unexpected
popularity in academic quarters. The late Warren Jones, founder of Solano Press Books, came to me in 1987 with the idea of writing for an audience of professionals and citizens—practicing planners and consultants, land use lawyers, newly appointed planning commissioners, angry citizen activists. Quickly, however, the Guide became a staple in planning classrooms throughout the state. This bonus has continued to pay dividends by keeping me in touch with both professors and students who have used the book over the years. Almost weekly, I am both flattered and horrified when some gray-haired, middle-aged planning director comes up to tell me that he or she used this book as an undergraduate.

The fourth edition has been quite an undertaking because of two significant but related changes in planning practice in the last few years. The first is the increasing focus on smart growth, infill and transit-oriented development. This kind of urban-style growth has become overwhelmingly pervasive in California since the last edition was published, and we have tried to chronicle the changing nature of planning practice that has followed it. The second trend is the major effort to mitigate climate change by reducing greenhouse gas emissions. This new state policy initiative, which dates back to 2006, has led to stronger regional planning and a much greater focus on organizing land uses so as to minimize driving. Though it’s driven by a desire for environmental protection, the climate change focus is also pushing the state in the direction of smart growth and a more urban style of development.

So, as you can see, even after all this time, understanding how planning works in California is still a struggle for us. But we hope that we have articulated the trends and processes clearly enough in this book that it won’t be a struggle for you.

William Fulton
Acknowledgments

It is never easy to fit the task of writing a book into a typical busy life. You can plan, schedule, and anticipate, but once you get into it, you never know how long it is going to take or what else you are going to have to sacrifice to get it done. In this sense every book is a small miracle produced by lots of people.

This fourth edition of Guide to California Planning is, once again, mostly a testament to the skill and persistence of my longtime colleague Paul Shigley. There is truly no more knowledgeable or capable journalist on the subject of planning in California than Paul. For 10 years, we collaborated in the production of California Planning & Development Report, one of the most joyous partnerships of my life. It is Paul who did most of the heavy lifting for this edition, especially in figuring out how to incorporate climate change and SB 375 into the text. This edition probably would not exist without him.

It would take an entire book to thank everyone who has helped with the effort of Guide to California Planning over the last 20 years, but I will name a few. As a longtime writer and teacher, I have learned a great deal about planning practice from my colleagues at Design, Community & Environment and The Planning Center | DC&E. I am especially grateful to David Early, Woodie Tescher, and particularly to Bruce Brubaker, our chief urban designer, who have helped a visually impaired writer understand how much design matters in creating communities.

As always I am grateful to my students in the UC Davis Extension Land Use and Natural Resources Certificate Program. These mid-career professionals—several hundred of them over the past 20 years—have served as a kind of intelligence-gathering system helping me stay in touch with what’s going on in the world of planning practice. Since 2004, it has been my privilege to teach land-use policy at the Sol Price School of Public Policy at the University of Southern California. This
appointment has allowed me to work with hundreds of excellent young planning students in exploring and understanding the emerging Los Angeles region—crowded, dense, vital, and transit-oriented. My thanks to Dean Jack Knott and to Marlon Boarnet, director of graduate programs in urban planning, for their support.

My experience as a city councilmember and mayor in Ventura has shaped my understanding of how planning works more profoundly than any writing or teaching ever could. I would like to thank all of my council colleagues over the years for their wisdom, and especially Sandy Smith, who loves all cities but Ventura most of all; Carl Morehouse, AICP, who is truly committed to the planning profession; and Brian Brennan, who has recently brought his wisdom about planning to the Coastal Commission thanks to an appointment from Governor Jerry Brown. I am especially indebted to our longtime city manager, Rick Cole, who is perhaps the most passionate and articulate person on the subject of cities anywhere on the planet; and our community development director, Jeff Lambert, who shows us every day not only how to make cities great but how to have a good time doing it.

On a personal level, I would like to thank many friends and professional colleagues, including Peter Detwiler, Chris Williamson, Bill Higgins, and especially Allison Joe, who provided lots of enthusiasm and ideas—as well as love and support—during the years this edition took shape. And, as always, I am grateful for the support and help of my daughter Sara Torf-Fulton, who is full of energy, enthusiasm, and ideas about cities not just in California but around the world. For that I am grateful, and for her I am more than happy to keep pushing to use good planning to shape a better future for the next generation of Californians.

William Fulton
Ventura, California
January 2012
I doubt that many planners believe the old cliché about there being no dumb questions. Because they work in a very complex and publicly visible field, professionals in the world of land use planning and real estate development field more than their fair share of dumb questions. Journalists, this one included, ask many of them.

However, I’ve found over the years that if I do a bit of homework—read a staff report, scan the actual planning document, familiarize myself with a project’s history—I am able to make reasonably intelligent inquiries. When I engage with a land use professional on more than a cursory level, I nearly always get my money’s worth. For more than two decades, planners, attorneys, developers, environmental scientists, architects and public policy professionals have taken my phone calls, answered my emails, led me on site tours and generally provided me with an invaluable, real life education.

I’ll always be grateful to the planners who taught me the basics many years ago, especially Andy Cassano, Tom Parilo, Denis Cook and Richard Spitler. In recent years, a number of planners have gone out of their way to accommodate me or have provided especially useful insights, including Marsha Rood, Michael Moore, Pete Parkinson, Andy Hauge, Blake Lyon, Luke Sims, Kathleen Livermore, Brent Sinclair, Tom Harp, Dave Reno, Al Zelinka, Jane Blumenfeld, Larry Mintier, Wayne Goldberg, Bob Leiter, Alex Hinds, Ted James, Lorelei Oviatt, and Woodie Tescher.

As you will learn while making your way through this book, it’s impossible to understand planning in this wacky state without also understanding the ever-evolving legal underpinnings for planning. Among the lawyers who have been of great assistance in helping me grasp the complexities are James Moose, Susan Brandt-Hawley, Stephen Kostka, William Abbott, James Laughlin, Alan Seltzer, Christopher Calfee, Mike Rawson, Rick Frank, Rick Jarvis, and Steven Mayer.

Downtown Sacramento is full of land use policy experts who are employed by the state and by interest groups. Yes, a number of those dreaded lobbyists are actually thoughtful policy experts. Among those who have been most helpful to me are Sande George, Bill Higgins, Brian Augusta, Christine Minnehan, Richard Lyon, and John Shirey (who has since moved a few blocks to Sacramento City Hall). Of the folks working “inside the building,” no one has ever been a better friend than Peter
Detwiler. Enjoy your richly deserved retirement, Peter. I'd also like to thank Cathy Creswell, who has always been willing to provide candid answers to difficult questions about housing.

As I have delved deeper into environmental regulation and the subject of climate change, I have had to rely heavily on professionals and academics. I would especially like to thank Terry Rivasplata, Ken Norton, and Jeff Loux for patiently explaining both science and policy to me.

Although its public profile is not terribly high, the Public Policy Institute of California is the finest think tank with which I have ever had the pleasure of dealing. Of particular assistance to me have been Ellen Hanak, Jed Kolko, and Max Neiman.

The field offers no shortage of conferences, workshops and seminars. By far the most valuable of these is UCLA Extension’s Land Use Law and Planning Conference, which always packs an extraordinary amount of information, analysis and story tips into eight hours. My thanks to the conference’s organizers, including the very dedicated Margaret Sohagi, Susan Hori, and Steve Preston. I don’t know how you do it year after year.

Finally, I’d like to thank my wife, Dana, a dedicated public servant who actually has to employ some of the theory and law discussed in this book. Her perspective has been incredibly valuable over the years.

Paul Shigley
American Canyon, California
January 2012
About the Authors

William Fulton, AICP, is Vice President and Director of Policy, Development, and Implementation at Smart Growth America (www.smartgrowthamerica.org) and a Principal in the California-based planning firm of The Planning Center | DC&E (www.planningcenter.com). Over the past 30 years, he has written about and influenced planning in California in a wide-ranging series of roles. The founder of California Planning & Development Report (www.cp-dr.com), he wrote the first edition of Guide to California Planning in 1991 and has written several other important books about planning, including The Reluctant Metropolis: The Politics of Urban Growth in Los Angeles and The Regional City: Planning for the End of Sprawl, co-authored with Peter Calthorpe. He served on the Ventura City Council from 2003 to 2011, including a stint as Mayor from 2009 to 2011. During this time, Ventura adopted an all-infill general plan and several form-based codes. He also serves as a Senior Fellow at the Price School of Public Policy at the University of Southern California, where he teaches land use policy. After 31 years as a California resident, he has now relocated to Washington, D.C., but returns to California on a regular basis.

Paul Shigley was a journalist for 24 years, during which time he served as editor of California Planning & Development Report for 10 years, and as an editor and reporter for four Northern California newspapers. He has contributed many stories to Planning magazine and authored a major essay on the San Francisco Bay Delta for the American Planning Association. His work has also appeared in outlets as varied as National Speed Sport News, the Los Angeles Times and Jefferson Monthly. He currently works for ICF International as an editor in the Environment and Planning Division. A graduate of California State University, Sacramento, he and his wife, Dana, live in American Canyon.