



# PLAN CALIFORNIA

The Legislative Platform of the California Chapter of the American Planning Association

Adopted by the CCAPA Board of Directors: March 3, 2007



# Plan California

## The 2007-2008 Legislative Platform of the CCAPA

### Preamble

California is a port of entry for populations, goods, ideas and technologies from around the globe. Some are transitory, beginning here and moving elsewhere, while others take hold and grow in California as we reach towards the future. Thus, California is also at the center of enormous changes. Consider the following:

- California's population has tripled in the past 50 years and we can expect to add 7 to 11 million new residents by 2025
- Latinos will become the largest racial/ethnic group in California by 2011 and a majority in the state by 2040
- One in four Californians is an immigrant, more than any other state, and 30 percent will be foreign born by 2025
- The number of Californians over age 65 will double by 2030
- California's ports handle one-fifth of all goods entering the U.S. and the value of imports through the state's seaports will double by 2020
- California has the sixth largest economy in the world and services account for 70 percent of the state's economic activity
- California's \$25 billion agricultural sector is the largest in the nation
- Employment in the state will grow by 30 percent by 2025, mostly in the service sector; employment in manufacturing will continue to decline
- The price of a single family home in California has more than doubled since 2000; we have the highest median home price in the nation
- Vehicle miles traveled has increased 3 times faster than population in the past 40 years and Californians spend more time commuting to and from work
- California has adopted the toughest clean air standards in the nation and new measures to address global warming

These changes and new realities are not isolated from one another; they are interrelated parts of a comprehensive new whole. Yet, unfortunately, California's history is replete with examples of costly problems created when these interconnected issues are treated in isolation—when they are not *well planned*.

As professional planners, we have a special responsibility to treat these issues comprehensively and to implement “on the ground” solutions that balance the needs of

California's diverse population, the environment and the economy to move our state forward. Our unique role in the decision making process at the local, regional and state levels means that we must strive to shape the debate around important planning-related issues. Thus, professional planning in California—for land use, transportation and other infrastructure systems, environmental and personal health, and economic vitality—must not only support the shifts now underway and enhance their viability, but also help prepare us for even more changes in the future.

To address the critical issues facing our state, and to set the standard for our profession, the California Chapter of the American Planning Association (CCAPA) prepares a bi-annual Legislative Platform. The Platform serves the dual purpose of outlining our professional position on key priority issues while also articulating good planning principles that serve as guideposts for the future. In this way, the Legislative Platform is designed to be flexible enough to address unanticipated legislative issues that inevitably arise. The Platform is used as the guiding document for the Chapter's lobbying efforts in Sacramento and for positions taken by the Chapter on legislative matters.

#### Development of the Legislative Platform

The CCAPA Legislative Platform is developed bi-annually to coincide with the new legislative session in Sacramento. The Platform is developed by the Legislative Platform Committee with members selected from throughout the state. Under the leadership of the CCAPA Vice-president for Policy & Legislation, the Committee prepares a draft Legislative Platform for consideration by the CCAPA Board of Directors. Following adoption by the Chapter Board, the Legislative Platform is posted on the CCAPA website for review by the members. The 2007-2008 Legislative Platform Committee is:

Pete Parkinson, VP Policy & Legislation  
Vince Bertoni, CCAPA President  
Jeri Ram, Past President  
Alex Amoroso  
Barbara Kautz  
Janet Ruggiero  
Brad Kilger  
Collette Morse  
David Snow  
Dennis Barry  
Eva Turenchalk  
Hing Wong

Jay Higgins  
Julia Lave Johnston  
Kurt Christiansen  
Lance Schulte  
Linda Tatum  
Steve Preston  
Terry Rivasplata  
Tracy Sato  
Matthew Burris  
Christopher Brown  
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## **Issue Area #1: Envisioning the Future of Planning in California**

**Background:** California faces many key challenges, including the pressures of continued population growth, impacts to resources and the environment, fiscal limitations and declining housing affordability. To meet these challenges, California's communities need state-of-the-art planning tools and adequate funding to help them develop plans that are comprehensive in nature and long-range in vision.

*Ageing Planning Law.* It has been seventy years since California first mandated that each of its cities and counties prepare a general plan (called "master plans" in 1937). Although new requirements and mandatory general plan "elements" have been added over the years in an effort to keep up with our changing world, many of the current state law requirements for general plans now date from the 1950s, 60s and 70s. Almost every year, the legislature considers adding new elements to the General Plan because it is seen as the only local governance tool that is strategic, long range, comprehensive and visionary. However, adding new elements is costly and isolates policy decisions by addressing one issue at a time, making it difficult to maintain the Plan's internal consistency. In addition, some of the proposed subjects for elements are not holistic, but narrow topics "looking for a home" in state law.

*New Fiscal Realities.* The cost of developing a General Plan now strains the financial capacity of most cities and counties, resulting in delay and reluctance to update and revise the Plan. The complexity of issues, extensive data collection and analysis, the Environmental Impact Report and the need for extended public outreach all contribute to the rising costs of the General Plan. Further, although the passage of Proposition 13 has reduced the financial capacity of local governments to implement new general plans in a functional manner, we continue to use pre-Proposition 13 tools to address planning issues. The plans themselves may represent the community's vision, but implementation remains a challenge.

*Complex Issues and the Capacity of the General Plan.* The general public and numerous agencies and interest groups all play a key role in the General Plan process. Regional entities are also doing more planning around issues like air quality, regional transportation, water supply, regional sewer service, flood control, and more recently, comprehensive "regional blueprints." These regional plans are often not coordinated with local plans and may even be at odds with the desires of local residents.

All of these factors – and the public's desire to be even more involved in the local planning process – point to the need for revisions to General Plan law that will improve and simplify how we plan our communities while retaining the long range, comprehensive and visionary nature of General Plans to reflect the community needs and ideals. At the same time, we recognize that current General Plan law is working well in some communities and needs to be retained as an option.

The CCAPA supports:

- Revisions to General Plan law should provide alternatives to existing General Plan requirements, not a new statewide mandate; this alternative vision calls for new roles at the state, regional and local levels, as well as incentives:

The state would:

- Fully implement the planning principles of AB 857, including addressing housing, job creation and locations for job creation
- Provide support for local General Plan efforts including adequate funding, technical information and best practices
- Ensure that no new mandatory elements are required under current General Plan law
- Work with planning professionals and others to evaluate proposed changes to the General Plan for viability in the General Plan context

Regions would:

- Identify issues that can be more effectively planned at the regional or subregional level – such as air quality, regional transportation, water, flood control and others where appropriate – and have local agencies adopt by reference
- Allow parts of the General Plan to be prepared on an inter-jurisdictional basis to provide better treatment of cumulative impacts in the environmental document
- Provide technical information where appropriate to assist local planning efforts

Local governments would:

- Prepare General Plans to strategically address those planning issues that relate directly to their communities and that create sustainable communities. To achieve this end, local entities would address such issues as land use, housing, infill, local transportation systems (including local infrastructure framework), infrastructure, parks and recreation, safety and environmental systems, and other issues identified as pertinent to the community. Local agencies would prepare their own plan within the context of clear state goals patterned after AB 857 and incorporate state and regional policies that affect local planning issues.
- Ensure that General Plans are long-range (at least 20 years), comprehensive and reviewed regularly (10 years)
- Impose reasonable local fees (already authorized under current law) to keep planning and zoning documents up to date
- Ensure that the General Plan remains internally consistent

Incentives for change:

- Modify regional role in local decision making through increased infrastructure funding; these fiscal incentives should seek to raise the bar on plan implementation especially as it relates to regional blueprints
- State and Regional infrastructure planning and funding should be directed to growth areas and to support infill development, housing, existing developed communities and sustainable communities
- State planning law must balance and integrate the full range of important state and local concerns that local governments are required to address – affordable housing, water supply and quality, flooding, open space and parks, resource areas and wildlands, protected agricultural lands, transportation, and air quality
- Eminent domain should be retained as a tool for eliminating blight; reforms should protect owner-occupied homes and improve compensation for small businesses
- Limitations on regulatory takings should not exceed those established by the U.S. Supreme Court

## **Issue Area #2: Smart Growth and Regional Vision**

**Background:** Land use planning in California is undergoing a sea change as communities and regions have merged in their physical form and have moved away from the historic patterns of sprawl and greenfield development toward a new “smart growth” vision. Smart growth principles are articulated in 2002’s AB 857: encouraging infill first, then growth near existing urbanized areas, while at the same time protecting resource, open space and agricultural lands. The shift toward smart growth development presents many challenges and must therefore be viewed as a long-term goal. This shift will not only transform the way local communities think about land use, but will also place new importance on regional vision to address issues that transcend city and county boundaries, such as transportation and air quality.

The CCAPA supports:

- The Governor should fully implement the planning principles of AB 857 regarding use of state funds
- Local and regional plans should be consistent with the principles of AB 857, including encouraging infill first, then compact growth near existing urbanized areas, while protecting resource, open space and agricultural lands
- Regional housing need allocations should encourage infill, not greenfield development and should steer growth away from areas with important natural resources
- Infill projects that are consistent with the general or specific plan and zoning should have a streamlined approval process, including CEQA exemption
- Each city and county should develop an infill plan or policies with incentives to encourage and allow developers to build at higher densities with a range of housing types in infill areas, rather than on greenfields
- Downzonings or development approval practices that reduce housing opportunities or that result in greenfield development should be discouraged
- New state funding for planning and infrastructure should be targeted to communities that either already provide or are planning for projects that make tangible, physical improvement in fundamental quality of life measures, including priority or points for:
  - Local implementation of AB 857 priorities
  - Approval of housing projects over sales-tax generating projects
  - Neighborhood conservation, rehabilitation, and enhancement
  - Protection and preservation of agricultural land
  - Open space acquisition, protection and management
  - Zoning and development standards that facilitate new affordable housing projects
  - Urban revitalization, code enforcement and sign control
  - Cultural resource protection and historic preservation
  - Healthy communities initiatives, including community greening and safe routes to schools
  - Replacement of or upgrades to critical local infrastructure
- Fees on greenfield development should reflect the true cost of such development, including costs related to provision of a regional transportation network
- The state building code should be modified to remove barriers to adaptive reuse and conversion of existing commercial office space for mixed use

### **Issue Area #3: Planning Housing for All Californians**

**Background:** The magnitude of California's projected growth—over 400,000 new residents every year, over 11 million by 2025—means that expanding the supply of housing must be a top priority. California also faces a housing affordability crisis: we have the highest median home price in the nation (\$475,000 in July 2006) and more Californians spend a disproportionate share of their income on housing related costs than any other state. One result of the high housing cost is overcrowding; California ranks second in the nation in percentage of overcrowded homes. The reasons for California's housing crisis are complex. Supply is clearly a factor, but increasing housing supply will not, by itself, solve the state's affordability crisis. Other factors, including interest rates, real estate speculation and global increases in construction material costs have also contributed significantly to the increase in housing costs. The solutions to California's housing problems are also complex. Meeting the state's housing needs must be accomplished in a balanced fashion that places housing in the context of a truly comprehensive plan. Success will require a partnership between government at every level—federal, state, regional and local—and the private sector including developers, employers and lenders.

The CCAPA supports:

- The state should develop a strategic plan for housing that looks at the constraints and opportunities for providing housing throughout the state, with an estimate of the services, infrastructure and funding that would be necessary to accommodate the projected population, and a review of state laws that conflict with the ability to build more affordable housing
- State Housing Element law should be reformed to accomplish the following:
  - Eliminate unnecessary Housing Element requirements and focus on the core features that truly encourage housing and result in more available housing sites
  - Require communities to plan for a 20-year supply of land for housing as part of a comprehensive, fully integrated General Plan, including provisions for phased and orderly growth
  - Extend Housing Element horizons from five years to ten years consistent with the census, with zoning for adequate housing sites phased consistent with the 20-year comprehensive plan and with infrastructure capacities
  - Allow housing in predominantly residential zones at minimum densities without a use permit or other discretionary entitlement that would allow the use to be denied, provided that local government has the ability to place reasonable development standards and conduct appropriate and clearly defined design and environmental review; retain the ability of local government to require discretionary reviews for mixed use development
  - Improve coordination between housing plans and the LAFCO review of services and growth, and between local general plans and special district capital facility plans
  - Streamline environmental review for projects consistent with the housing plan
- Along with Housing Element reform, the state density bonus law must be reformed to better integrate with local communities' housing plans; current density bonus law requires communities to give substantial concessions for a

small amount of affordable housing, regardless of whether the community has already zoned for higher densities. Density bonus reform should:

- Require mandatory density bonuses only if a community has not adequately zoned to meet its RHNA
- Alternatively, provide communities with a choice between adopting a mandatory inclusionary zoning program or a voluntary density bonus program
- Clarify that density bonuses are required only for units provided voluntarily, not for units required under inclusionary zoning
- Incentives, waivers or concessions required under a density bonus program should be proportionate in value to the amount of affordable housing provided
- Allow local communities to choose which concessions are offered
- Additional fiscal reform should be implemented that will incentivize new residential development while supporting the principles of Prop 1A, which provides local government with certainty of its revenue sources
- The state should both provide state funding and authorize local funding mechanisms to assist communities in providing the infrastructure needed to support all housing in the plan
- The state should authorize a 55 percent vote for local housing and infrastructure bonds and special taxes and authorize a local real estate transfer fee and/or a document recording fee to provide a permanent source of local housing funding
- State and local funding sources for long-range planning tools— like general plans, specific plans, Master EIRs and zoning – must be developed to encourage communities to streamline housing approvals by addressing growth issues up front
- Communities should be encouraged to zone for all housing types – single family, apartments, condominiums, row-homes, mixed use, etc., given market demands for a variety of housing products
- Local governments' ability to use inclusionary zoning to ensure that affordable housing is built throughout the community should be protected
- The state should provide model programs and funding for dealing with the homeless population and farmworker housing issues
- An important source of affordable housing should be protected by ensuring that conversions of mobile home parks from rental to resident ownership are *bona fide* resident conversions

#### **Issue Area #4: The Environment, Neighborhoods and Healthy Communities**

**Background:** A healthy, high quality environment and safe, vital neighborhoods are important to all Californians, a basis of good planning, and essential to the state's economy. Yet California's tremendous population growth and its historic pattern of sprawling development have impacted resources and stressed natural systems. Our neighborhoods—the foundation of California's communities—deserve the best that planning has to offer. Californians must also plan for a wide array of natural disasters, including earthquakes, floods, landslides and wildland fires. Planning and community design decisions also have an impact on people's long-term health. With more than 90 percent of Californians living in areas with unhealthy levels of air pollution, reducing the largest source of that pollution—auto emissions—is essential. Communities can also encourage transit opportunities, healthy lifestyle choices and increased physical activity by planning more walkable and pedestrian friendly neighborhoods and supporting



transit and Safe Routes to School. Smart planning decisions like these can help reduce increasingly prevalent costly health problems like obesity, heart disease and diabetes.

The CCAPA supports:

- Higher densities, while still preserving historical buildings and neighborhoods, should be encouraged in infill/growth areas and linked to transit and infrastructure – communities should decide the mix of housing to meet those densities
- The state should support and incentivize community design standards and land use patterns that encourage active and healthy lifestyle choices such as increased opportunities for pedestrian, bicycle and other non motorized transportation, and active recreation
- The state should adopt standards that encourage new schools in areas with safe and convenient pedestrian access, including infill areas where large parcels may not be available; the state should continue its support of the California Safe Routes to School Initiative
- Local, regional, and state programs should reduce the use of fossil fuels through effective use of alternative transportation, transit, and sustainable community design
- Local, regional, and state programs should encourage remediation and redevelopment of brownfield and greyfield sites
- Communities should have the ability to prevent unlicensed group homes from concentrating in particular neighborhoods, while ensuring that such uses are not excluded from the community
- Flood protection should be enhanced for existing and new development, especially in areas protected by levees:
  - Address flood risks as early as possible in the planning process using the General Plan safety element and the General Plan EIR
  - Increase flood protection in urban areas beyond the current 100-year standard using prioritized hazard analysis developed with state leadership and funding
  - Until a new flood protection standard can be implemented, ensure that 100-year flood risks are fully understood and properly mitigated through the CEQA process and with affirmative findings by the local government at the time new development is approved
  - Encourage responsible planning and decision making by limiting local government liability for flood damage due to factors beyond the local agency's control

### **Issue Area #5: Sustainable Building and Design**

Background: The built environment has a profound impact on our natural environment, economy, health and productivity. In the United States, buildings account for 65 percent of electricity use, 30 percent of greenhouse gas emissions, 30 percent of raw material use, 30 percent of landfill waste and 12 percent of potable water consumption. Breakthroughs in building science, technology, products and operations are now available to designers, builders and property owners who want to build green buildings and significantly reduce impacts to the environment while creating a healthier environment for the building's occupants, and, oftentimes, reducing construction and operation costs. Planners can play a crucial role in improving the sustainability of

communities by encouraging and supporting sustainable building and design components.

The CCAPA supports:

- Green building programs should be implemented at the local, regional and state levels, including both regulations and incentives to increase the number of development projects that contain sustainable components
- Local jurisdictions should coordinate development review by all applicable departments to maximize a project's potential for sustainability. This should include, where possible, relaxing some non health & safety regulations when the result would be a greener, more sustainable project.
- Educational programs should be created to inform property owners, builders and the community at-large on the benefits of going green, and the many options and resources available to them
- Planners should increase their familiarity with sustainable design and green building components so they can serve as advocates for green building to project applicants, clients, and the general public
- APA's sustainability policies, objectives, and actions should be incorporated throughout planning documents, including General Plans and Specific Plans

#### **Issue Area #6: The California Environmental Quality Act**

Background: CEQA, California's landmark environmental protection statute, has been in place for more than 35 years. In addition to the statute itself, CEQA is implemented through Guidelines promulgated by the Resources Agency and numerous court decisions. Since its adoption in 1971, CEQA compliance has become far more costly and time consuming, to the extent that it is often perceived as an obstacle by developers or used as a tool for stopping development. Nonetheless, CEQA fulfills its essential mission by requiring disclosure and mitigation of environmental impacts. CCAPA believes that CEQA can be streamlined strategically to help achieve smart growth goals and improve CEQA's positive impacts.

The CCAPA supports:

- CEQA should be made user friendly; up-front review of environmental impacts should be encouraged so as to limit or avoid project-by-project CEQA review
- Cities and counties should be allowed to determine appropriate environmental thresholds of significance, based on the General Plan
- Greater use of "tiered" environmental review should be facilitated by restoring the ability to use a Negative Declaration after adoption of a prior EIR that identified unavoidable significant effects
- CEQA should focus on measurable physical environmental effects, not socio-economic issues that should be addressed in another venue. For example, urban decay should be eliminated as an environmental impact subject to CEQA

#### **Issue Area #7: Inclusion and Social Justice**

Background: The field of planning is deeply rooted in advocating for equity, reform, and justice for all communities. California faces many challenges as the state becomes more diverse with some communities underserved and disenfranchised. By advocating

effective planning strategies at all levels of government in the pursuit of social, economic and racial equity, planners can effectively empower all communities.

The CCAPA supports:

- Cities and counties should develop policies and implement programs to advance inclusiveness and diversity in their communities, and build a climate conducive to sound, equitable, inclusionary, and non-discriminatory planning both as a means of empowerment and to help move communities toward a more just future
- Community, regional, and state planning activities (social, economic, and physical) should provide for the fair treatment of all people
- The land use element of the general plan should ensure that the entire community is treated fairly in the siting process for less desirable land uses
- Planning documents should be readily available to all segments of the population
- Public participation should be expanded beyond traditional outreach efforts to engage those that historically do not participate in the planning process and to increase participation from underserved populations
- The state should adopt appropriate protocols to ensure seamless negotiation between recognized Native American tribes and local, regional and state agencies to ensure that gaming facilities built on tribal lands or by tribal entities provide proper environmental planning, protection, and mitigation of adverse impacts on the environment, regional infrastructure and on nearby communities

### **Issue Area #8: Public Participation and the Planning Process**

**Background:** Broad and meaningful public participation is essential to any successful planning process. The technology for communicating and sharing information has changed dramatically and planners are often at the forefront of those changes. However, state laws governing public notice requirements have changed little in several decades, still mandating the use of communication tools that are no longer effective in some communities. CCAPA believes that public participation in the planning process should be increased by taking advantage of the most effective tools available and that public involvement should occur as early as possible in the process.

The CCAPA supports:

- Public participation should occur throughout the planning and development review process in as many as ways as possible to engage the community. This can include providing notice much earlier in the process, such as when a planning application is first submitted
- Developers and local entities should be encouraged, particularly on large controversial projects, to provide early community consultation and comment – before an application is deemed complete
- Cities and counties should use their website to provide a venue for public comments on projects as soon as they are submitted, as well as early comments on the city's or county's proposed legislative acts
- Mandatory public noticing requirements should be revisited to account for more current technology and methods. Where appropriate to an individual community, newspaper notice requirements should be deleted in favor of mailings, email notification, posting on an agency's website, publicizing at community groups, and/or other appropriate methods of communication

## **Issue Area #9: Infrastructure**

**Background:** In November 2006, California voters approved a \$42.7 billion slate of ballot measures that together constitute the largest public bond issue in history. These measures will provide billions of dollars for infrastructure projects including roads and transportation, housing, schools and flood protection. The passage of these measures reflects both the seriousness of California's infrastructure deficit and the importance of this issue to the citizens of the state. Effective infrastructure planning and funding is an essential part of good comprehensive planning. Moreover, infrastructure funding can be used strategically to help achieve smart planning objectives.

The CCAPA supports:

- Adequate infrastructure planning should include, but is not limited to, roads and transit, highways, schools, parks, open space, sewage treatment and disposal, water supply, energy, communications, storm water capacity and flood control
- The state must provide adequate funding for infrastructure to meet growth needs; cities and counties will be able to reduce their development fees if the State adequately funds the infrastructure needed for growth
- The state should use its infrastructure funds as an incentive for smart growth development – these funds should be used to help pay for existing infrastructure deficiencies in communities that are achieving smart growth results with mixed uses, increased densities, walkable communities and infill development
- The State should allow cities and counties to pass local housing and infrastructure bonds and special taxes with a 55 percent vote
- Park, open space, school, and road standards should be tailored to circumstances in infill areas
- Special district and school (including CSU and UC) capital improvement plans and projects should be required to be consistent with city and county general plans and zoning should include adequate provision for public facilities and schools