



CAL Planner

JULY - AUGUST 2005

Will Oregon's Measure 37 Move Into California?

In Oregon, a new property rights initiative is forcing a rollback in land use regulations

By Terry Rivasplata, AICP

In November 2004, Oregon voters overwhelmingly passed Measure 37. This Measure stipulates that a landowner is entitled to receive just compensation if a land use regulation is enacted after the owner became the landowner and the regulation restricts property use that allegedly reduces its fair market value.

How 37 Works

In order to apply Measure 37, the landowner must file a claim with the public entity that enacted or will enforce the land use regulation. This means that more than one claim must be filed when the property is subject to state and local planning laws.

If the agency finds that a land use regulation restricts the use of the property and reduces its value, then the agency must either pay the owner of the property compensation equal to the reduction in value, or modify, change, or waive the regulation.

Measure 37 does not apply to commonly and historically recognized public nuisances, public health and safety regulations, regulations required to comply with federal law, and regulations restricting or prohibiting the use of a

property for the purpose of selling pornography or performing nude dancing. All claims must be filed by November 2006.

Measure 37's success was somewhat of a surprise.

Since the 1970s, Oregon has had a comprehensive state planning law that establishes 19 Statewide Planning Goals that direct local planning, require local governments to establish urban growth boundaries around each city, and restrict development outside those areas. Local plans and updates are subject to the review and approval of the State Department of Land Conservation and Development.

While this landmark state planning law has resulted in compact cities and limited sprawl, it has also embittered property owners on the urban fringe who were unable to develop their land. Measure 37 was their response.

Land use planning in Oregon is in an emergency response mode. By June 2005, the *Portland Oregonian* reported that over 1,000 claims had been filed with public agencies. In most cases, agencies are rolling back their regulations

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Letter from the PRESIDENT

By Jeri Ram, AICP, CCAPA President



It has been a busy spring for CCAPA. I attended the Legislation and Policy Conference in Washington D.C., and the Board held its meeting in Orange County.

The Policy and Legislation Conference was held in conjunction with the American Society of Landscape Architects. Much of our meeting was devoted to major trends and issues that affect land use planning and landscape architecture on a National level. We spent one day on Capital Hill visiting our legislators to discuss the reauthorization of TEA-21 and the protection of CDBG as a stable source of funding for local governments. I met with Senator Barbara Boxer's Office and Congresswoman Barbara Lee's Office along with representatives from ASLA. What luck to visit California legislators – who support good planning and were generally in support of the legislation. Some APA and ASLA professionals from other states had to work hard to try and convince their legislators.

One disturbing element to my visit was somewhat on a personal/professional level. As a result of 9-11, Washington, D.C. appears not as the beautiful Capital that I remember from years back – rather the barricades around so many of the buildings remind everyone of the worries of terrorism at home. APA's new policy on designing with security in mind will help to integrate security needs with good

planning in the future. Planners in the Capital and New York as well as other cities that contain important government facilities have had to rethink and develop new ways of blending into the environment as well as providing a safe environment for people.

The CCAPA Board meeting on June 11, 2005, was well attended and full of energy. Actions taken at the meeting included selecting a location for the 2006 State Conference – Anaheim. The Board approved, in concept, the Bylaws Amendments (see article in this newsletter); approved, in concept, a new Board position for working on national legislation issues, and approved the development of a Voluntary Continuing

The Board also reviewed the progress being made on a program that will encourage diversity in the planning profession in California.

Education Program for AICP. Additionally, the Board continues to examine its strategies for an enhanced and proactive public relations program. The Board also reviewed the progress being made on a program that will encourage diversity in the planning profession in California. The folks

who volunteer for you on the Board are a dynamic and energetic group of people. I am so lucky to have the opportunity to work with them!

CCAPA's new website is off and running, and already I have heard from our members that the new website is a great tool for keeping current with planning issues in the State as well as its expanded capabilities for providing valuable resources, such as locating consultants, conference registration, and linking to important planning sites.

Finally, I am looking forward to our state conference in Yosemite. It promises to be a wonderful venue. The Central Section has worked hard to take advantage of this glorious location by including sessions and keynote speakers that I am sure you will find are augmented by the surroundings. Please leave your suits and ties at home.

See you in Yosemite!



CALIFORNIA CHAPTER
AMERICAN PLANNING
ASSOCIATION

Chapter Officers

President

Jeri Ram, AICP; 925.833.6617

Past President

Collette L. Morse, AICP; 949.855.3653

V.P., Policy & Legislation

Vince Bertoni, AICP; 323.469.9388

V.P., Public Information

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AICP Representative

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Marketing Director

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Planning Commission Representative

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Chapter Historian

Betty Croly, FAICP; 510.841.0249

Planner Emeritus Network President

Donald Cotton, AICP, 626.304.0102

Legal Counsel

Marcos A. Martinez, 909.686.1450

California Planner

The *California Planner* is the official publication of the California Chapter of the American Planning Association (CCAPA). Each CCAPA member receives a subscription as part of chapter dues. Additional subscriptions may be purchased for \$22 per year.

Send editorial submissions and queries to CCAPA c/o Karen Roberts, GranDesigns, 1774 Scottsdale Rd., Beaumont CA 92223 or E-mail them to karen@firerose.us.

Rates for job announcements, display and calling card advertisements can be obtained by contacting CCAPA c/o Stefan/George Associates, 1333 36th Street, Sacramento, CA 95816, 916.736.2434.

Section Directors

Central

Gary Conte, AICP; 209.847.1794

Northern

Hing Wong, AICP; 510.464.7966

Orange

David Barquist, 949.855.5769

Los Angeles

Kurt Christiansen, AICP; 626.355.7135

Sacramento

Terry Rivasplata, 916.737.3000

San Diego

Lance Schulte, AICP; 858.822.2366

Central Coast

Eva Turenchalk, AICP; 805.882.1436

Inland Empire

Tim Hults, 909.487.7325

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California Chapter www.calapa.org
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California Planning Foundation Seeks Candidates for Board Member Positions

Do you value planning degrees from California's universities? Are you interested in continuing education for practicing planners? Would you like to be involved in promoting educational opportunities for the state's planners of today and tomorrow? If so, consider becoming involved with the California Planning Foundation (CPF). CPF supports planning education by raising money for scholarships and distributing \$20,000 in scholarships to students in the state's bachelors and graduate level planning programs. CPF also supports professional in-service education by organizing workshops for practicing planners and offering them at affordable rates.

If you are interested in running for election to CPF's Board, please submit a letter of interest and a resume to CPF's nomination committee, represented by Virginia Viado (viado@civicsolutions.com) and Gwen Urey (gurey@csupomona.edu) by August 31, 2005. To learn more about CPF, visit our website. It is listed under "professional development" on the Cal APA website, or go directly to: <http://www.californiapanningfoundation.org/>.

Planners on the MOVE



Senior principal Brian Mooney, AICP, in action, facilitating a public meeting in Brawley, CA.

Jones & Stokes, a multi-disciplinary environmental consulting firm, has joined forces with Mooney & Associates based in San Diego. Mooney & Associates will remain fully operational at its present staffing level, and operate as Mooney • Jones & Stokes under the leadership of its founder and Managing Principal, Brian F. Mooney, AICP. The acquisition increased Jones & Stokes' growing presence in Southern California as the firm also acquired Los Angeles-based Myra L. Frank & Associates one year earlier. Presently, Jones & Stokes has more than 100 employees in its offices in Irvine, Temecula, Los Angeles, and San Diego.

Jessie Barkley, Associate Planner has recently joined EIP Associates' urban planning team in the Los Angeles office. She can be reached at 310.268.8132 or jbarkley@eipassociates.com.

Brian Millar, AICP has opened Land Logistics. His office focuses on support services to the development community, including project management, land entitlements, research and meeting facilitation. He formerly worked as a Senior Associate and Manager of the Davis office of Pacific Municipal Consultants. He can be reached at 530.210.6544 .

Richard Stephens has joined Alpha Community Development in Portland, Oregon as a Principal. Alpha Community Development is a multidisciplinary consulting firm offering civil engineering, structural engineering, planning, interior design, landscape architecture, surveying, development management, and development investment. Ric served on the CalChapter Board as a Student Representative, Section Director, and Vice President of Public Information.

David Dolter, AICP has joined the Northern California Division of Centex Homes as its Vice President for Planning and Entitlements. He can be reached at dpdolder@centexhomes.com or 925.415.1631.

CalPlanner Production Schedule

Issue	Articles Submitted	Mailed*
Sept./Oct.	August 8	September 19
Nov/Dec.	October 7	November 18

* Membership will receive magazine within 10 working days after this date, on average. Dates subject to change without notice.

Send your articles and photo essays for the California Planner to:

Karen Roberts
California Planner Managing Editor
GranDesigns
1774 Scottsdale Rd., Beaumont, CA 92223

Telephone: 951.845.0174

Fax: 951.769.3917

E-mail: karen@firerose.us

OR

Steve Silverman, AICP
CCAPA, Vice-President
Public Information
Urban Counsel,
325 15th St., San Diego, CA 92101

Telephone: 619.230.0325

Fax: 619.230.0335

E-mail: ssilverman@urbancounsel.com

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AEP Member or Sponsor Member	\$125.00	\$ _____
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Commissioner's CORNER

Marge Macris on What Commissioners Ought to Know

By Kathleen Garcia, AICP, FASLA

With nearly 20 staff reports to read weekly as a Planning Commissioner, it is hard enough to find the time to glance at the latest bestseller, let alone a professional tome. But on a sunny weekend in early summer, I did just that. With the soundtrack from *Porgy & Bess* on the stereo, I sat down in the backyard with a new book geared for California Planning Commissioners. In the process, I learned a bit more about planning practice, refreshed my Commissioner rules of etiquette, and explored California's movie tradition to boot.

An Easy and Necessary Read

Marge Macris, FAICP, has long been a name associated with planning in California. Her recently released book, *The Planning Commissioner and the California Dream*, (Solano Press Books, 2004) is a light, easy, and necessary read for all Planning Commissioners, officials and the planning staff who work with Commissioners.

As a former Planning Director and City Planner for nearly 50 years, Ms. Macris speaks from experience. No doubt she has run into the Commissioner who has treated staff as a personal research department, or the staff planner who considers the Commissioner a "part-time amateur" as she describes in the book's first section. Surely, she has addressed every type of legal document and planning trend outlined in the subsequent chapters. And, you can easily imagine that she has the first-hand knowledge to develop the 11 Commissioner guidelines at the book's conclusion.

Movie Subplot

Subtitled *Plan it Again, Sam*, the 100+ page book brings a bit of levity and whimsy to its margins as it interjects movie trivia with land use planning.

Recognizing that California is unique – and partly so because Hollywood has assured us we are – Ms. Macris intersperses movie quotes, historic film photos and little known movie facts throughout each chapter. In doing so, she attempts to bridge the image of California, often created through films, with the reality of where we live and why we plan.

The 1974 movie *Chinatown* is the most obvious rendition of art illustrating the planning mistakes of inadequate water supply and suburban sprawl. The reference to *Star Wars* and the "Darth Vader of thoughtless development" is a bit more of a stretch. Still, it makes for a considerably more entertaining read as one bounces between the dry legal requirements of the General Plan and the Batman quote "This city would fall apart without you."

When we volunteered for public service, did we ever imagine that, as Planning Commissioners, we would have "center stage in the urban theatrics known as the planning process?"

Start at the Beginning

In its easy-to-read format, the book starts with "Planning Basics," where all new to the realm of land use planning should begin. As a primer, it gives a succinct overview of planning's history and its rise from the Municipal Reform Movement of a century ago. The book goes on to describe the often confusing legal basis for planning and the legal differences between subdivisions and second units, general plans and specific plans and a host of Acts.

Once one understands the various tools, ordinances, and requirements, the book delves into the Commissioner's responsibilities.

Ms. Macris is not shy.

She is the first to talk candidly about the culture of a Planning Commission,

how to conduct a meeting and, my favorite, the "15 Minute Rule" (if a staff member cannot address your question or request for more information in less than 15 minutes, the question should have been asked of the director prior to the hearing).

She aptly instructs us to support all decisions with facts and findings but to keep an open mind, as we represent the entire community, not our own interests. I especially enjoyed her realistic synopsis of current planning trends. Rightfully, she differentiates between trends and "trendy," advising Commissioners not to be snowballed with rhetoric and jargon. Not all "new urbanism design" equals "smart growth" she asserts. The paperback concludes with a summary of Commissioners' comments from a diverse sampling of jurisdictions throughout the state. Each recommendation becomes a guideline for wise practice. Even with rampant cynicism about our government, Ms. Macris challenges us with the goal to ensure a high level of public trust in the planning process.

Staff Perspective

Planning Directors, you may want to get this book into your Commissioner's packets at the next opportunity – if only for the "View from the Staff Table" and the forceful reminders of how Commissioners should treat staff with respect.

Commissioners, the planning technical overview is a must-read; the glossary is a handy reference and there is great value in being reminded of our responsibility to keep the greater community interests at heart.

As was uttered in *Back to the Future III*, "The future is what you make it, so make it a good one." Carve out some time and enjoy a relaxing California afternoon. Read *The Planning Commissioner and the California Dream - Plan it Again, Sam*, and follow it with your favorite film.

Who knows, you may see shots of your jurisdiction and the results of your planning decisions immortalized at the movies.

Kathy Garcia, AICP, FASLA can be contacted at 619.696.9303 or kgarcia@SD.wrtdesign.com

CCAPA Bylaws Update

One of the important areas of work of the CCAPA Board has been to do a review of the current Bylaws of the organization and propose updates to the membership to bring the document current with CCAPA's Strategic Plan. The Bylaws have not been updated for many years, and several changes are under consideration.

The Major Changes to the Bylaws Are:

- The addition of a new appointed Board position entitled "Continuing Education Coordinator." This position would be appointed by the V.P. for Professional Development and the President. The position would be responsible for overseeing the implementation of the CCAPA Voluntary Continuing Education Program.
- The addition of a new appointed Board position entitled "National Policy and Legislation Representative." This position would be appointed by the V.P. for Policy and Legislation and the President. The position would oversee the Chapter's participation in, and act as a liaison with, APA National's policy and legislative programs.
- A tune up in the position responsibilities of the Webmaster (now "Technology Director") and Marketing Director (now "Membership Director") to reflect a change in the focus of those positions.
- A new requirement that Section Professional Development Officers (or any other position responsible for AICP Exam preparation and professional development programs) shall be members in good standing of APA and AICP. In the event there are no eligible candidates for the position of Section Professional Development Officers who are members in good standing of AICP, an individual may be appointed for an interim period of up to 6 months under the supervision of another Section Board Member who is in good standing of AICP.
- A more accurate depiction of the contributions and responsibilities of the Planners Emeritus Network and California Planning Foundation the Board.
- A new requirement that members of the CCAPA Board of Directors serve as volunteers without financial remuneration.

The complete revised Bylaws are on the CCAPA website, www.calapa.org. Also on the website is an area to submit comments on the proposed Bylaws Amendment. Comments will be received for 30 days, from August 1, 2005 to August 31, 2005. Following that comment period, the Board will review the comments and vote on the proposed Bylaws Amendment. The revised Final Bylaws will be posted on the website.

Want a Planner? Fast?

Place Your Job Announcement on CCAPA's
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<http://www.calapa.org>
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CCAPA will be broadcasting important information to your e-mail address. So that you don't miss out on these important messages, please check your e-mail address with National APA. You can review and update your membership information online at planning.org. On the home page go to the Member Services drop-down list and choose the Membership Database link. You will need your membership number which is located on your Planning Magazine label or your dues renewal invoice. Please call 916.736.2434 for further information.

Letter from the EDITOR

When Planners Love Too Much

By Stephen Silverman, AICP, Vice President for Public Information

Having just returned from India, I consider myself well-suited to recognize sacred cows. And from where I stand, the fields are full of them.

As best as I can tell, we planners venerate some concepts so much that we eventually elevate them to the status of blessed bovine. Remarkably though, once the elevation has occurred, we have a hard time seeing any cows at all. That's probably because many sacred cows are entrenched among the Great Ideas in Planning (GIPs).

GIPs come along every few years and, though we might be skeptical at first, when practitioners at the vanguard of the profession become supporters, we rank and file are held in thrall. Like religious converts, we become so doggedly supportive that we have limited patience for contrarians.

There are, of course, some genuinely great ideas out there: Democracy, penicillin, and Cherry Garcia come to mind immediately. But when it comes to land use planning, the one-size-fit-all great idea may not be so great. Actually, it seems that there are some very specific times and places and circumstances in which GIPs fit best. Goodness knows they are not appropriate all the time everywhere. And while that notion seems obvious as a Rem Koolhaas design, practice belies the principle.

A fine case in point is the current bashing of Euclidian zoning. As planners who crammed for the AICP exam know, Euclidian is old fashioned zoning, the sort that rigidly separates different types of uses and is typically cumulative in character (e.g., R-1 uses are allowed in the R-2 zone).

In the current era of mixed use and pedestrian orientation and too-many single occupant vehicles, Euclidian zoning is the boogiemer of planning. Still, it's not hard to understand that at some point in history, Euclidian zoning was a godsend because it meant you didn't have to live next door to a slaughterhouse or a bus depot or an all-night welding shop. Moreover, it was we planners - you planner and me planner and our forebearer planners - who championed Euclidian zoning so forcefully that we convinced America it was grace on wheels.

Nowadays, we spend an awful lot of time trying to convince America that separation of uses is not such a great idea. Considering how well we did in fostering the land use

we're now disparaging, the conversion to this alternate way of thinking has been slow going. How slow? Consider that the argument for mixed use was first made potent when Jane Jacobs wrote her seminal *Death and Life of Great American Cities* in the 1960s. Jacobs made a cogent case for human scale walkable communities with mixed use, narrow streets, front porches, higher densities, eyes-on-the-street, etc. Most of us are still making the same arguments nowadays, but it's taken 50 years to see support for the idea become mainstream.

But the notion of mixed-use is so ingrained in some planners that it's peddled like so much snake oil: It'll cure whatever ails your community.

Mixed use is an opportunity, not a panacea, and it works well in some areas and not in others.

Sometimes I think we willingly embrace Great Ideas because we're simply tired of dealing with the same problems, over and over again.

In the context of GIPs, however, mixed use is merely a stand-in, a concept double, a sacred cow that, maybe, is loved a little too much. And that's the point: GIPs like mixed-use are so loved that we lose perspective, even though perspective is among the most valuable traits that a planner can bring to any circumstance.

Were a complete list of GIPs in Planning to be prepared, it would no doubt turn out mind-numbingly long. But a short list is no problem. Here's a

seat-of-the-pants list of GIPs that work extremely well under certain circumstances, but not everywhere and forever: Smart growth, form-based zoning, environmentalism, hillside regulations, sustainability, garden cities, community participation, the California Coastal Commission, Proposition 13, freeways, cul de sacs, transportation demand management, grid streets, political correctness, the bottom line, HOV lanes, consensus-based decision-making, rolled curbs, up/down zoning, endangered species act, urban forestry, and historic preservation.

Sometimes I think we willingly embrace great ideas because we're simply tired of dealing with the same problems, over and over again. We hope that, maybe this time, we can put one of them to bed. At least for a while.

Stephen Silverman, AICP, Vice President for Public Information can be reached at 619.230.0325 or ssilverman@urbancounsel.com.

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Please see print copy of the *Cal Planner*

Legislative UPDATE

By Sande George, Stefan/George Associates, CCAPA Legislative Advocate



CCAPA Legislative Update —

As of June 7, 2005

Alert: Oppose SB 435 ... Density Bonus Law

As you know, once again, a bill has been introduced to amend the density bonus law. This year, it is SB 435 authored by Senator Hollingsworth. For information about the bill, go to www.leginfo.ca.gov.

CCAPA, the League of California Cities, and the California State Association of Counties have been working with Senator Hollingsworth, his staff, and the sponsors of SB 435 since the bill was introduced to work out a number of concerns that we have with the bill. We took the position of "oppose unless amended" while the bill was in the Senate. The author as a result of those meetings did agree to take some amendments that we suggested. However, the main issues that we opposed initially in the bill, and for which we offered specific amendments, have still not been addressed. As a result, we are now fully opposed to the measure.

The bill is in the Assembly now. We are asking members to call or write your Assembly Member to let them know you and/or your city and county are opposed to SB 435.

Here are our four main concerns that you can use in discussing SB 435 with your Assembly Member:

1. TOO SOON TO AMEND THE LAW

- SB 1818 completely amended the density bonus law, and has only been in effect since January. Just a few months is not enough time to determine the full range of problems with SB 1818, what the solutions might be, or if there have been unintended consequences that are working against the goal of affordable housing. We suggest that SB 435 be held in committee to allow all parties time to review implementation of SB 1818 before offering additional changes.

2. UNDERMINES INCLUSIONARY HOUSING ORDINANCES

- The bill deletes the language in subdivision (b), "when applicant seeks and agrees to construct" affordable housing. Removing this language undermines local inclusionary housing ordinances. Although the author has stated this is not his intent, there is no other language in the bill that clarifies this issue, which has caused major confusion at the local level. We have suggested that the language in (b) be restored and the following amendment added to clarify that this bill does not trump inclusionary zoning ordinances:
 - (g) This section shall not apply if an ordinance or regulation of a city, county or city and county requires a developer to include within the development project a certain percentage of units at costs affordable to very low or low income persons or families or requires a developer to donate land as a condition of development.

3. ALLOWS UNLIMITED VARIANCES FROM LOCAL DEVELOPMENT STANDARDS

- The developer must continue to be required to demonstrate why waivers from local development standards are needed to make the units "feasible." By removing this requirement, SB 435 will allow the developer to request an unlimited number of variances or waivers from local development standards with no requirement to show why they are needed. We suggest if the developers do not want to demonstrate why the waivers are needed to financially make the development pencil out, they instead be required in (e) to show that the waiver or reduction is necessary to construct the housing development at the densities or with the concessions or incentives permitted by the bill, as follows:

continued on page 10

“An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards and shall show that the waiver or reduction is necessary to construct the housing development at the densities or with the concessions or incentives permitted by this section.”

4. PROVIDES UNNEEDED EXTRA CONCESSION TO APPLICANTS WHO CHOOSE NOT TO USE FULL DENSITY BONUS
- The extra concession provided to applicants using less than 50% of the density bonus (the number of density bonus units built could be zero) departs from the original concept of the law, which was to offer density bonuses both as an incentive to produce affordable housing and to increase the housing supply. This unneeded extra concession is simply a gift to developers; it is highly unlikely that a developer will need yet another concession to provide the minimal level of affordable housing now required by density bonus law when the developer is already entitled to parking reductions, density bonuses, and 1-3 concessions. We suggest that this extra concession be removed, or, at a minimum, that it be limited to projects that are at least 49% low income so that it serves as an incentive to true affordable housing projects, as follows in new Section (d)(2)(D):

“For housing developments in which 49 percent of the total units are affordable to lower income households and where the applicant is entitled to a density bonus, but can utilize less than 50 percent of the density bonus, one additional incentive or concession shall be permitted in addition to those specified in subparagraphs (A), (B), or (C).”

Because these amendments have not been accepted by the author or sponsors, and the impacts, consequences and problems associated with last year's major density bonus legislation, SB 1818, are still unknown, ask your Assembly Member to request that this bill be held in committee or vote no on the bill. If you write a letter to your legislator, please send a copy to me at sglobby@sbcglobal.net.

Hot Bill List

AB 549 (Salinas) Affordable housing.

This bill would establish a pilot program for housing element compliance using production-based certification of its housing element.

Two-year bill; dead for this year. SUPPORT

AB 648 (Jones) Development projects: disclosure requirements.

This bill would require that the local governments' list of information required from applicants of development projects include the identity of the persons or entities that will own, lease, or occupy the project, if different from the applicant.

In Senate Appropriations Committee. NEUTRAL AS AMENDED

AB 712 (Canciamilla) Land use: density.

Requires a local government to make written findings if it reduces housing density below 80% of the maximum allowable residential density for a parcel not identified in its housing element.

Passed Assembly; In Senate Judiciary Committee. NEUTRAL AS AMENDED

AB 802 (Wolk) Land use: water supply.

This bill would require the conservation element of the general plan to cover flood management and to consider using flood water to supplement water supply.

Two year bill; dead for this year. NEUTRAL

AB 1192 (Villines) Public works: prevailing wages: affordable housing.

This bill would exempt from the prevailing wage requirements the construction or rehabilitation of affordable housing units performed by a nonprofit organization.

Two year bill; dead for this year. SUPPORT

AB 1233 (Jones) Housing element: regional housing need.

This bill require that a jurisdiction that was required to rezone property to meet its inventory of sites requirement in the housing element, but failed to rezone the property, rezone that property prior to the next revision of the housing element.

Passed Assembly. On Senate Floor. Working with author on amendments. SUPP IF AMENDED

AB 1259 (Daucher) Property tax revenue allocation.

This bill would require the county auditor to increase the total amount of property tax revenue (housing bonus) to be allocated to a qualified city or county that meets 80% of its Regional Housing Needs Allocation.

Two-year bill; dead for this year. OPPOSE continued on page 11

Legislative Update

continued from page 10

AB 1387 (Jones) CEQA: residential infill projects.

This bill would provide that, if an infill project is in compliance with the traffic, circulation, and transportation policies of the general plan and applicable ordinances of the local government, and the local government requires that the mitigation measures approved in a previously certified environmental impact report applicable to the project be incorporated into the project, the local government is not required to make findings regarding the significant environmental effects from impacts of the project on traffic.

Two year bill; dead for this year. SUPPORT IF AMENDED

AB 1464 (McCarthy) CEQA: environmental impact reports: review

This bill would require the public review period under CEQA to be at least as long as the period of review by a state agency. The bill would allow, but not require the state agency review period and the public review period to run concurrently.

Passed Assembly; in Senate Environmental Quality Committee. NEUTRAL

ACA 7 (Nation) Local governmental taxation: special taxes: voter approval.

This measure would change the 2/3 voter-approval requirement for special taxes to instead authorize a city, county, or special district to impose a special tax with the approval of 55% of its voters voting on the tax.

Dead. SUPPORT

SB 17 (Escutia) Property tax: change in ownership.

Imposes a split roll, increasing property taxes on business properties.

On Inactive File on Senate Floor. SUPPORT

SB 44 (Kehoe) General plans: air quality element.

The bill would require each city and county to either adopt an air quality element as part of its general plan, or amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality no later than one year from the date specified for the next revision of its housing element that occurs after January 1, 2007.

Passed Senate; In Assembly Local Government Committee. SUPP AS AMENDED

SB 223 (Torlakson) Infill housing.

This bill would establish the Job-Center Housing Planning Program to be administered by the Department of Housing and Community Development for the purpose of providing loans to cities, and counties to adopt specific plans that provide for additional infill housing opportunities.

Passed Senate; In Assembly Housing Committee. SUPP AS AMENDED

SB 321 (Morrow) Development: fees.

This bill assigns local agencies the burden of producing evidence using the "rough proportionality" standard that a mitigation fee does not exceed the cost of the public facility, service, or regulatory activity before they establish, increase, or impose the fee.

Two year bill; dead for this year. OPPOSE

SB 326 (Dunn) Land use: housing elements.

Existing law requires a multifamily residential housing project to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs for at least 30 years and if the project meets specified conditions. This bill would apply these requirements to an attached housing development on any parcel zoned for an attached housing development.

Passed Senate; In Assembly Local Government Committee. SUPPORT

SB 427 (Hollingsworth) CEQA exemption: CAL-TRANS: right-of-ways.

This bill would exempt from CEQA requirements the expansion of an existing overpass, onramp, or offramp that is built on an easement or right-of-way under the control of a state or local transportation agency, or a city or county.

Two year bill; dead for this year. OPPOSE

SB 435 (Hollingsworth) Housing: density bonuses.

This bill makes a number of technical changes to the density bonus law. See article above.

Passed Senate; in Senate Appropriations Committee. NEUTRAL AS AMENDED

SB 521 (Torlakson) Transit village plans.

This bill makes changes the requirements for transit village plans.

Passed Senate; in Assembly Housing Committee. SUPPORT

SB 575 (Torlakson) Housing development projects.

This bill would revise the conditions upon which a disapproval or a conditional approval of the housing development project is based under Anti-NIMBY law.

Passed Senate; in Assembly Local Government Committee. NEUTRAL AS AMENDED

SB 725 (Morrow) Land use regulation: takings/compensation.

This bill would provide that if a state or local public entity enacts or enforces a new land use regulation that restricts the use of private property and has the effect of reducing the fair market value of the property by 25%, then the owner of the property shall be paid just compensation.

Two year bill; dead for this year. OPPOSE

continued on page 12

Legislative Update

*continued from page 11***SB 832 (Perata) CEQA: infill development.**

This bill will be a vehicle for CEQA streamlining and infill development strategies by Senate Pro Tem Perata.

Passed Senate; in Assembly Natral Resouces Committee. WATCH

SB 948 (Murray) CEQA: short form.

This bill would require a lead agency to prepare a new short form environmental impact report for infill projects subject to CEQA.

Two year bill; dead for this year. OPP UNLESS AMENDED

SB 1024 (Perata) Transportation Investment Fund and Bond.

This is the Democrat's Transportation Investment Bond.

On Senate floor. SUPPORT

SB 1059 (Escutia) Electric transmission corridors.

This bill would authorize the Energy Commission to designate a transmission corridor zone. The bill would provide that the designation of a transmission corridor shall serve to identify a feasible corridor in which can be built a future transmission line and mandates that local governments include such corridor zones in their General Plans.

Passed Senate; in Assembly. OPPOSE

SB 1087 (Florez) Housing elements: water and sewer services.

This bill would require that the adopted housing element and any amendments be delivered immediately to all public agencies or private entities that provide water resources or services or sewer resources or services, would apply these provisions to proposed developments that include housing units affordable to lower income households, and would require, on or before July 1, 2006, that these public or private entities adopt a written policy for the allocation of these services to affordable housing projects.

Passed Senate; in Assembly Housing Committee. NEUTRAL AS AMENDED

UC Davis Health System Presents "Health by Design"

Health by Design — a day-long conference for architects, planners, public health representatives, government officials, and health-care providers to explore the impact of land use, transportation, and the built environment on community health, sponsored by UC Davis Health System and the Central Valley Chapter of the American Institute of Architects.

WHEN: Thursday, Oct. 20, 2005, 7:30 a.m. - 5:30 p.m.

WHERE:

Sacramento Convention Center, 1400 J St., Sacramento, California 95814

COST: \$95 before Sept. 29, 2005, \$125 after Sept. 29, 2005

QUESTIONS: To register online, ask for more information or download the conference brochure, visit www.healthbydesignconference.org or call 916.734.5390.

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Public Information
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Fax: 619.230.0335
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2005 California Planning Foundation Auction

CCAPA Conference, Yosemite

Every year, planners attending the annual California Chapter American Planning Association (CCAPA) Conference look forward to the California Planning Foundation's (CPF) auction and raffle. This year's conference in Yosemite promises to be another great venue for the opportunity to bid on a variety of items ranging from vintage maps and land use planning books to hot air balloon rides, original art, and "weekend away" trips. Past raffle prizes have included fine wine, gift baskets, a crisp \$100 bill and many things in-between! While having a fun time participating at the auction, you're helping to raise funds for the serious work CPF undertakes every year to provide scholarships to planning students.

CPF annually awards over \$25,000 in student scholarships and memberships in APA. In 2004, a new record was set at the Palm Springs conference, and CPF raised a record \$17,000+ in auction and raffle proceeds! Additionally, CPF provides professional planning workshops throughout the state so that practicing California planners have the opportunity for continuing education and professional development. But we can't have these programs without your support.

How to Donate Items for the Auction:

Making a donation is easy! Just select an item and contact Virginia Viado, 2005 Auction Coordinator, at viado@civicsolutions.com or by phone at 951.779.9929 or Linda Tatum at ltatum@eipassociates.com or at 310.268.8132. In addition to donating planning related items like old maps and books, crowd-pleasers have included: tickets to concerts or plays, a cabin in the

mountain for a long-weekend, gift certificates to restaurants and book stores. Art is always popular - posters, bird houses, or any craft work you love to do on your off-time could be a great auction item. Our silent auction is always fun, so round-up those donations from your house or your office so they can help us have another successful auction in 2005. See you at the auction, and don't forget to bring your cash, checks, or credit cards. Be ready to have fun, while you are contributing to a great cause!

Acknowledgments:

Acknowledgement of sponsors (Friends of CPF) and donors will appear in the Conference packet, on-site, and in follow-up articles and publications regarding the CPF Auction.

APA Section Contributions for the Annual Auction: Since 2000, we have invited each APA Section to donate an item with regional significance for the auction. In the past we were pleased to receive such diverse contributions as wines, specialty foods and conference registrations. The invitation has been extended again for 2004, and we are looking forward to participation and a lively competition among all eight CCAPA Sections.

For more information, contact Virginia Viado, 2005 Auction Coordinator, at viado@civicsolutions.com or by phone at 951.779.9929, or Linda Tatum at ltatum@eipassociates.com or by phone at 310.268.8132 by September 30, 2005.

Share YOUR Ideas!

Share your ideas with California Planner readers by sending a fax or writing to:

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YOSEMITE

CCAPA CONFERENCE
October 30 - November 2, 2005

When you think of Yosemite, vivid images come to mind: water flowing over soaring cliffs, billowing into one, two, three falls - Yosemite Falls.

The 2005 CCAPA conference offers you a wide variety of outstanding learning opportunities against the spectacular backdrop of Yosemite. Over 50 conference sessions address such topics as Impacts of Big Box Retail, Form-Based Codes, Water Supply Assessments, First Amendment Issues, and the State's response to the Housing

Crisis. Eight exciting Mobile Workshops will be featured, including the Yosemite Falls Project.

You will be welcomed to the 2005 Conference by Park Superintendent Michael Tollefson and Chairman of the Mariposa County Board of Supervisors Bob Pickard. Carol Whiteside, President of the Great Valley Center, and Royal Robbins, climber and outdoor clothing entrepreneur will share their insights. The Conference will close with a special plenary session featuring John Muir and President Theodore Roosevelt.

Yosemite Falls, the highest waterfall in North America, is one of America's greatest natural icons. Comprised of an upper fall (1,430 feet), middle cascade (675 feet) and lower fall (320 feet), the Falls plunge 2,425 feet into Yosemite Valley. It represents the very essence of Yosemite, the perfect embodiment of the eternal interplay of water, granite, sunlight and air.

The Yosemite Fund launched the Campaign for Yosemite Falls in 1997 and unveiled the project in April 2005. It is the largest public/private project ever undertaken in Yosemite Park. For the vast majority of the three million Yosemite visitors each year, Yosemite Falls is at the heart of their experience. Despite its importance and popularity, the area at the base of the Falls was overcrowded, severely degraded and in dire need of help. The Yosemite Fund, in partnership with the National Park Service and landscape architect Larry Halprin, created a new design for the 52-acre area at the base of Yosemite Falls. The project accommodates, educates and inspires visitors while restoring and preserving the natural integrity of the adjacent forest and stream habitat. Automobile and tour bus parking in the area have been eliminated and shuttle bus and pedestrian access enhanced.

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YOSEMITE

CCAPA CONFERENCE
October 30 - November 2, 2005

REGISTRATION

SPACE IS LIMITED AT THIS YEAR'S CONFERENCE - PLEASE REGISTER EARLY!

Your name as it will appear on badge (all information must be complete for your registration to be processed)

First Name _____ Last Name _____

Company _____ Title _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____ Email _____

Dietary Requirements: Vegetarian Other _____

Student Verification: I certify that this student is currently enrolled full-time.

Signature of Dept./Program Head _____ School _____ Date _____

Lifetime Member: Year you became a member of CCAPA _____ (Must be a member for 25 years + and minimum age 65)

AICP YES NO

Spouse/Guest Name (if registered) _____

Registration Fees

All registrations except one-day include: All meals and Opening Reception. One-day registration includes meals only on the day registered. I will attend (circle all that apply): Opening Reception (Sun.), Breakfast (Mon., Tues., Wed.), Lunch (Mon., Tues.), Consultants Reception (Mon.), Awards Reception (Tues.)

	Registration fees postmarked by:	7/15/05	9/15/05	9/15/05 thru On-site	Total
APA Member Full Conference Registration		\$415	\$440	\$490	_____
APA Member One-Day Registration	(Circle one: Sun. Mon. Tues.)	\$265	\$290	\$315	_____
Planning Commission/City Council Full Conference Registration		\$365	\$390	\$440	_____
Planning Commission/City Council One-Day Registration	(Circle one: Sun. Mon. Tues.)	\$215	\$240	\$265	_____
Exhibitor Full Conference Registration		\$415	\$440	\$490	_____
Exhibitor One-Day Registration	(Circle one: Sun. Mon. Tues.)	\$265	\$290	\$315	_____
Nonmember Full Conference Registration		\$485	\$530	\$555	_____
Nonmember One-Day Registration	(Circle one: Sun. Mon. Tues.)	\$305	\$330	\$355	_____
Nonmember Special Full Conference Registration with One-Year Chapter Membership (\$90)		\$415	\$440	\$490	_____
Student/APA Life Member -- Full Conference Registration (Must complete information above)		\$315	\$340	\$390	_____
Student/APA Life Member One-Day Registration (Must complete information above)	(Circle one: Sun. Mon. Tues.)	\$165	\$190	\$215	_____
Spouse or Guest Full Conference Registration		\$415	\$440	\$490	_____

Add processing fee for all checks and credit cards mailed or faxed \$30 \$30 \$30 \$30

(Processing fee can be avoided by registering by check or credit card on-line at www.calapa.org.)

SUBTOTAL REGISTRATION FEES: _____

Special Sessions and Events

Mobile Workshops	\$/Ticket	#	Total	Special Sessions	\$/Ticket	#	Total
MW #1 Story Behind the Scenery (Geology) (Mon. AM)	\$35	_____	_____	SS#1 Special Student Session (Sun. PM)	NC	_____	_____
MW #2 Sustainable Housing (Mon. AM)	\$35	_____	_____	SS#2 History Tour of Ahwahnee Hotel (Sun. PM)	\$20	_____	_____
MW #3 The Early Days of Land Use (Mon. PM)	\$35	_____	_____	Additional Meal Tickets			
MW #4 "Downtown" Yosemite Walking Tour (Mon. PM)	\$20	_____	_____	Opening Reception (Sun. PM)	\$60	_____	_____
MW #5 Merced River Plan (Tues. AM)	\$35	_____	_____	Breakfast (each): (Circle one: Mon. Tues. Wed.)	\$30	_____	_____
MW #6 Outdoor Workshop: Writing Skills for Planners (Tues. AM)	\$20	_____	_____	Lunch (Circle one: Mon. Tues.)	\$35	_____	_____
MW #7 Tour of Yosemite Falls Project (Tues. PM)	\$35	_____	_____	Consultants Reception (Mon. PM)	\$55	_____	_____
MW #8 Bike Trails for Planners (Tues. PM)	\$35	_____	_____	Planning Awards Reception (Tues. PM)	\$55	_____	_____

TOTAL REGISTRATION, MOBILE WORKSHOPS AND EXTRA TICKETS _____

+ More details on conference website (www.calapa.org) + Space is limited and tickets are non-refundable.

Payment

Check payable to Central Section - CCAPA 2005 Conference enclosed. Please charge \$_____ to my: Mastercard Visa Exp. Date _____

Card Number _____ # on back of card _____ Signature _____

Cardholder must sign here for us to process payment

Registration Instructions

Please complete the form in blue or black ink. Use a separate form for each registrant. For inquiries regarding registration, please contact Lynne Byrder at lbyrder@cdc.n.com no later than 9/14/05. **CANCELLATION POLICY:** Cancellations received by 9/14/05 will be fully refunded minus a \$50 processing fee. **NO REFUNDS AFTER 9/14/05**

Submit Your Registration: To avoid double billing, please use only one of the following registration methods. Make checks payable to Central Section - CCAPA 2005 Conference.

1. **On the Web:** by completing our on-line form at www.calapa.org and using your credit card or check. **Save \$30 processing fee when you register on-line!**

2. **By Mail, by credit card or check,** to Lynne C. Byrder, CMP, CCAPA 2005 Conference Office, c/o Meetings International, 40747 Baranda Court, Palm Desert, CA 92260. Additional \$30 processing fee applies with this method of payment. (See Above)

3. **By Fax with credit card to 760.674.2479.** Additional \$30 processing fee applies with this method of payment. (See Above)

4. No purchase orders will be accepted.

Other important registration dates:

- Faxed or mailed registration with payment will not be accepted after 10/14/05.
- On-line registration will remain open until 10/24/05 at 5:00 pm.
- All registrations after 10/24/05 must be done on-site.
- No shows without payment from 10/24/05 - 11/2/05 will be billed.

to the time the property was purchased rather than pay compensation. The Oregon Legislature has swung into action at a trulent snail's pace. It has been unsuccessful in approving any compensation funds. Further, bills intended to clarify Measure 37 have stalled over language disputes.

Often overlooked in the turmoil over current claims, Measure 37 also applies to future land use plans and regulations. For example, someone buying land today may request compensation in the future if new regulations are enacted that are more restrictive. They would have to file their claim within two years of the new regulations' adoption. This will hamstring expansions of the state's long-standing compact growth policies.

Napa County's Son of 37

The bucolic calm of the Napa Valley hides an energetic property rights movement. The Napa Valley Land Stewards Alliance (Land Stewards), a group formed in 2003 to fight proposed stream setback regulations, has submitted signatures to qualify a Measure 37-type initiative for the November 2005 ballot. The "Fair Payment for Public Benefit Act" would allow landowners to seek compensation for any future land use regulation that allegedly reduces their property value. The county could waive the regulation in lieu of paying compensation. The initiative would apply only to the unincorporated portions of Napa County.

If the initiative passes, it will define otherwise valid land use regulations as compensable takings. This would undoubtedly have a chilling effect on the county's incipient efforts to update its 1983 General Plan. It would also restrict the county's ability to enact new regulations to reduce sediment loads entering the Napa River.

Restricting sedimentation is important because Napa River is classified as a Section 303(d) impaired water body because of sediment loads. The Regional Water Quality Control Board has recently issued its draft technical report on "Total Maximum Daily Load" (TMDL) in the Napa River, identifying vineyards and roads among other sources as contributing sediment. If the Regional Board adopts the TMDL as expected, Napa County will be required to reduce sediments entering the river from a variety of land uses. The TMDL requirement cannot be restricted by the initiative; consequently, the County could find itself paying compensation in order to meet the Regional Board's mandates.

The Land Stewards successfully fought the county's 2004 stream setback regulations that had been proposed as a means to proactively address the impaired status of the Napa River. If passed, the initiative could block effective regulations that are intended to improve the water quality of the river.

Is California Next?

Is California due for its own Measure 37? It seems unlikely.

Landowners here generally do not face the constraints established under Oregon's statewide planning laws. With the exception of a few counties – Ventura, Sonoma, and Marin come to mind – urban growth boundaries have been applied to scattered cities, if at all. Planning is local, with little state role. Where there have been local initiatives, public sentiment has usually favored slow growth rather than more growth.

California law has long held that development is a privilege, not a right, and land use regulations are rarely regulatory "takings" subject to compensation. Californians are clearly aware that many real estate fortunes have been made by successfully obtaining

general plan amendments and rezonings of agricultural land. Developers practically never pay compensation to the government for the resulting increase in property values.

Yet, an initiative is a popularity contest, not a thoughtful exchange of ideas. Measure 37's success was partially the result of a campaign that spotlighted elderly landowners who simply wanted to subdivide their agricultural land for their children and were prevented from doing so by the Statewide Planning Goals. Who knows whether some clever political consultant can sell the idea to Californians? If the recall election of 2003 is any measure, anything seems possible.

Terry Rivasplata is a senior planner at the Sacramento office of Jones & Stokes, an environmental firm with offices statewide. He has more than 25 years of experience in the planning field. Prior to joining Jones & Stokes, Rivasplata, AICP was with the Governor's Office of Planning and Research where he helped draft the 1994, 1997, and 1998 comprehensive updates of the State CEQA Guidelines, and the 1987, 1990, and 1998 editions of the State General Plan Guidelines.