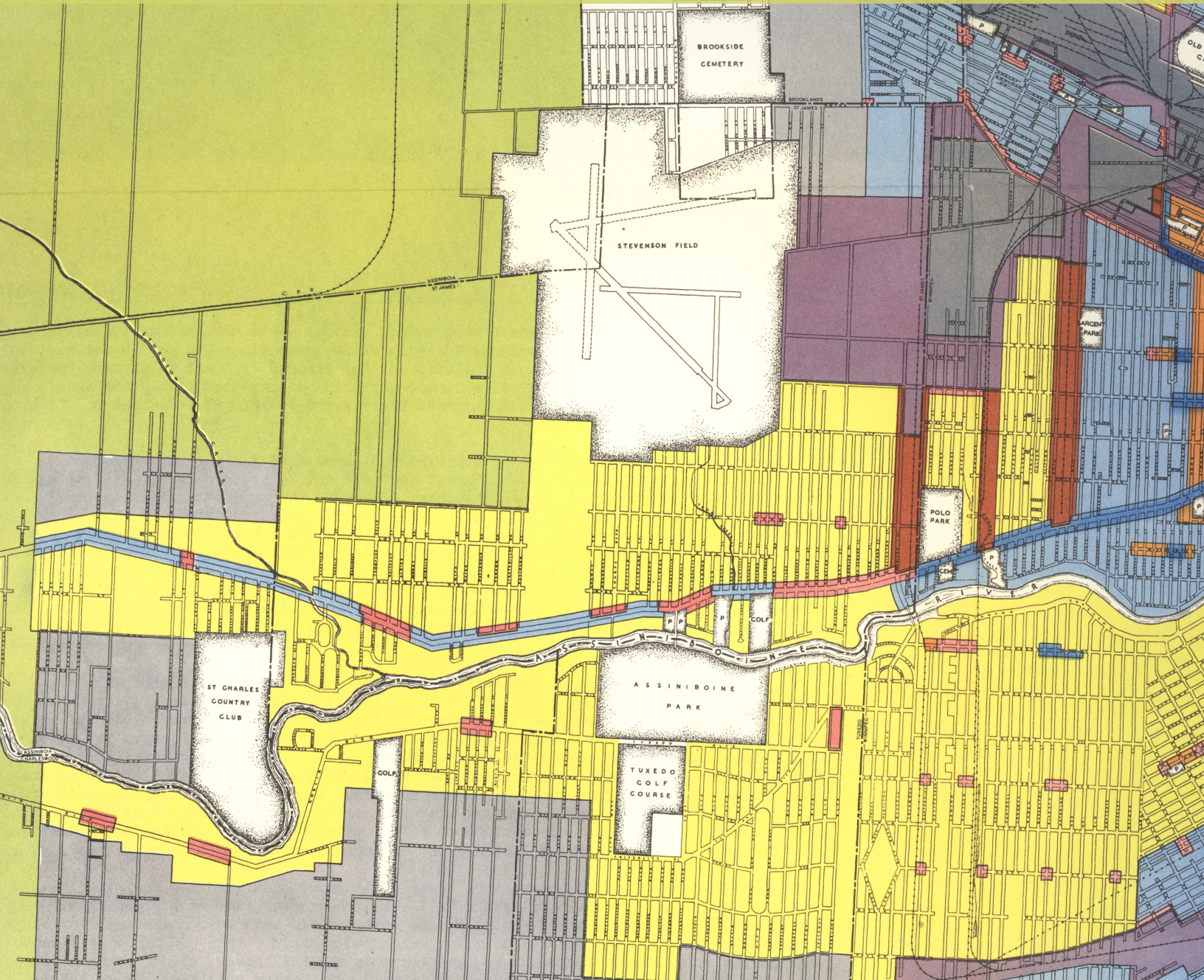


Plan for the Future

*How Local Governments Can Help Implement California's
New Land Use and Climate Change Legislation*

July 2010



About this Report

This policy paper is the fifth in a series of reports on how climate change will create opportunities for specific sectors of the business community and how policy-makers can facilitate those opportunities. Each paper results from one-day workshop discussions that include representatives from key business, academic, and policy sectors of the targeted industries. The workshops and resulting policy papers are sponsored by Bank of America and produced by a partnership of the UC Berkeley School of Law's Center for Law, Energy & the Environment and UCLA School of Law's Environmental Law Center & Emmett Center on Climate Change and the Environment.

Authorship

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Executive Summary: Better Planning, Better Communities

The transportation sector in California accounts for almost forty percent of the greenhouse gas emissions that cause climate change, making it the single largest source. These emissions primarily result from the amount of miles that Californians drive their cars and light trucks. The vehicle miles traveled (VMT) are in turn directly related to the state's auto-centric land use policies that discourage development that promotes walking, biking, and transit. The California Department of Transportation (Caltrans) projects VMT increases of 61 percent from 2007 to 2030 if the state continues business-as-usual development.

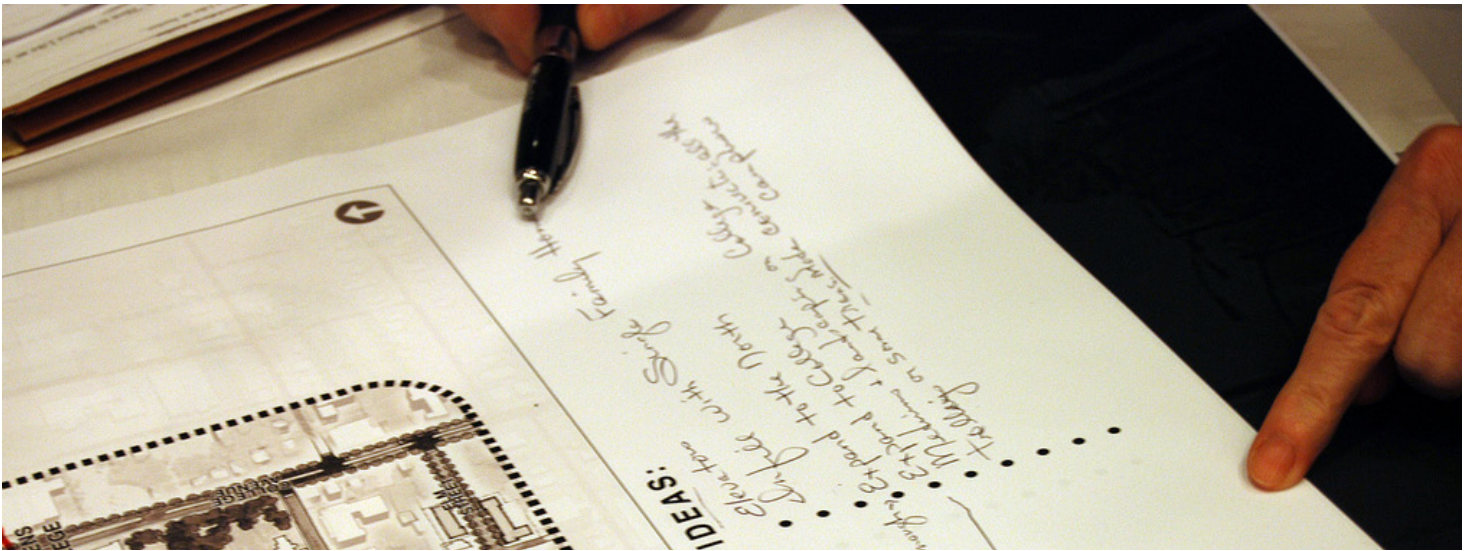
Improving fuel economy and the carbon content of fuel alone will not solve the problem. Caltrans concludes that even with new greenhouse gas regulations and improvement to the carbon content of fuel, projected VMT increases will outweigh these policies' combined impact on greenhouse gas emissions. The Urban Land Institute also predicts that technological progress in vehicle efficiency and fuel content are likely to be offset by continued growth in VMT from inefficient land use policies nationwide.

The state therefore needs land use policies that encourage sustainable development. Sustainable development refers to resource-efficient land use where residents live within walking distance of key services and mass transit and where neighborhoods contain a compact mix of uses, such as housing, office, and retail. Residents in sustainable developments do not have to drive a car to get to jobs and run errands, and the compact footprint of these neighborhoods lessens development pressure on open space and farmland.

Americans are demanding more sustainable development. A United States Environmental Protection Agency (EPA) survey of residential building permit data in the fifty largest metropolitan areas between 1990 and 2008 showed a substantial increase in the share of new construction built in central cities and older suburbs, with a particularly dramatic rise over the past five years – including during the recent real estate downturn. In California, the share of residential construction in historic central cities and core suburban communities has also increased in the state's major metropolitan regions between 1995 and 2008. And a March 2010 national poll by Transportation for America found that three out of five voters, including rural voters, place a lower priority on new and expanded roads than on improved public transportation and policies that make walking and biking easier.

Sustainable development, however, faces significant regulatory, political, and financial hurdles. Some areas, especially where residents, planners, and elected officials lack a clear vision of what a sustainable community may look like, may experience paralyzing local opposition, expressed as fear of increased traffic and decreasing property values. Community opposition can then translate into lack of political support at the local level. In addition, many local governments lack the resources, financing, and expertise to facilitate sustainable development in older urban areas that sometimes require significant infrastructure upgrades. In some instances, outdated local land use plans and ordinances work to prevent precisely the type of neighborhoods that many Californians are now demanding.

At a workshop at the UCLA School of Law, leading real estate developers, local government officials, and other experts in land use policies gathered to discuss ways to facilitate sustainable development at the local level. Because local governments have traditionally exercised authority over land use, planning for sustainable development must begin there.



Three Key Barriers to Local Government Action & How They Can Be Overcome

Participants identified three key barriers to local government action on sustainable development:

- 1) A lack of political will by local government leaders;
- 2) Scarce fiscal resources for planning sustainable development, in part due to the real estate downturn, which has reduced revenue from developer fees that fund planning; and
- 3) Planning staff that lack access to needed technical assistance.

Overcoming the Barriers

In order to overcome these key barriers, participants identified the following solutions for local governments:

1) Develop a comprehensive public outreach campaign to achieve greater citizen involvement in the planning process, where local government officials:

- partner with private sector stakeholders and Metropolitan Planning Organizations (MPOs) to devise targeted advertising campaigns that explain how local planning will affect residents and that advertise the many benefits of sustainable development;
- collaborate with MPOs and universities to use modeling techniques that help citizens visualize where planners should concentrate development and transit alternatives and that present an attractive picture of how sustainable development can look; and
- coordinate local planning with the MPO implementation of SB 375, which is a land use law linking regional transportation funding and land use policies, to ensure that MPOs incorporate the local planning consensus in regional plans.

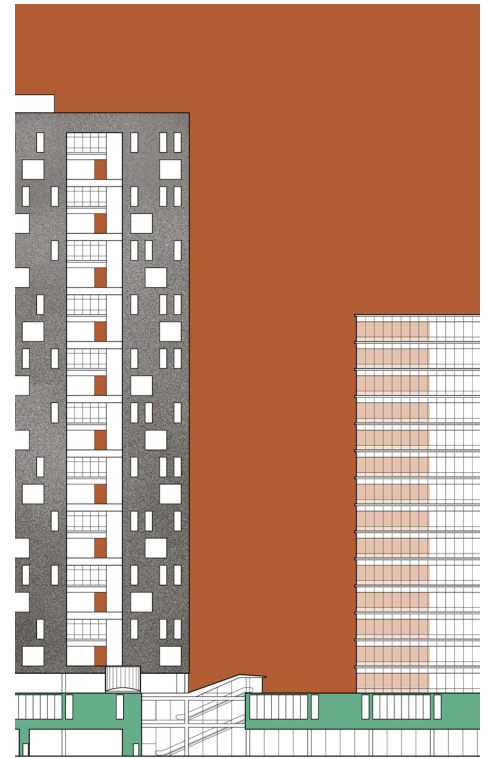
Local governments should use modeling techniques that help citizens visualize where planners should concentrate development and transit alternatives.

2) Harness available planning dollars from regional entities and state and federal sources in order to develop alternative means of financing planning efforts, such as through tax increment financing in redevelopment areas and levying fees on auto-oriented development.

- Federal and state officials should reprioritize funding opportunities to finance local planning for sustainable development.
- Federal and state officials should streamline the funding application process for available planning grants and provide cash-strapped planning departments with technical assistance to facilitate their applications.
- Local governments should seek funds to plan sustainable development, including for outreach and community education.

3) Utilize expertise and best practices from other planning jurisdictions that have overcome the key barriers to sustainable development.

- Local governments should utilize form-based codes, which offer more flexible planning guidelines, to streamline and speed the planning process.
- Universities and nonprofits should develop and enhance clearinghouse websites that centralize best practice information.
- Local officials should utilize programmatic environmental review to streamline review of specific projects.
- State officials should develop statewide modeling templates to assist local government planning efforts.





California Needs Sustainable Development to Meet Market Demand and Protect the Environment

What is Sustainable Development?

In the context of this paper, sustainable development refers to resource-efficient land use development where residents live within walking distance of key services and mass transit and where compact neighborhoods contain a mix of uses, such as housing, offices, and retail. Residents in sustainable developments do not always have to drive a car to get to jobs and run errands. The reduction in driving, or vehicle miles traveled (VMT), will also significantly reduce the state's carbon footprint. Sustainable development can also include other sustainable features, such as enhanced energy efficiency, water conservation technologies, and distributed renewable energy and energy storage – but these aspects are discussed in separate papers in this series.

Sustainable Development Benefits Local Governments by Meeting Market Demand and Enhancing Quality-of-Life

As discussed in a previous white paper on this topic,¹ recent market research indicates that Americans are demanding more sustainable development. The United States Environmental Protection Agency (EPA) conducted a survey of residential building permit data in the fifty largest metropolitan areas between 1990 and 2008. The results showed a substantial increase in the share of new construction built in central cities and older suburbs, with a particularly dramatic rise over the past five years – including during the recent real estate downturn.² And for the first time in the nation's history, the 2003 sales price per square foot for attached housing (such as condominiums and townhouses) was higher than the square foot price of the detached housing that is prevalent in auto-oriented suburban sprawl.

California residents lead these national trends. The share of residential construction in historic central cities and core suburban communities has increased in the state's major cities between 1995 and 2008. During that time, the core urban areas within the San Francisco metropolitan region experienced a rise from 14 percent to 49 percent of the overall share of residential construction, while the core areas of the Los Angeles metropolitan region saw an increase from 35 to 59 percent of the overall share.³

The heightened demand has translated into emerging political support for sustainable development. A March 2010 national poll by Transportation for America found that three out of five voters, including rural voters, place a lower priority on new and expanded roads than on improved public transportation and policies that make walking and biking easier.⁴ The Journal of the American Planning Association reported in 2008 that approximately fifty percent of American households want sustainable development features in their neighborhoods, an increase from the roughly one-third of households that desired these features a decade earlier.⁵ As Professors Arthur Nelson of the University of Utah and Reid Ewing of the University of Maryland argue, "Given that new construction and replaced units combined only

Sustainable development refers to resource-efficient land use development where residents live within walking distance of key services and mass transit and where compact neighborhoods contain a mix of uses, such as housing, offices, and retail.

add about 1.5 percent annually to the nation's housing stock, it would take to 2050 or beyond to meet this pent-up demand" for sustainable development.⁶

Sustainable development also benefits local governments by

- reducing traffic congestion,
- encouraging better health by creating more opportunities for walking and biking,
- protecting and preserving open space and agricultural land from development pressure,
- fostering more social interaction and vibrant neighborhoods, and
- providing a diverse array of housing opportunities for empty nesters, young adults, seniors, and childless couples – a segment of the population that has grown from 52 percent in 1960 to 67 percent by 2000.⁷

Local governments will also need sustainable development to address dwindling resources, such as open space and water, and to accommodate the expected general population growth within existing communities (California is projected to add between 5.6 and 10 million residents over the next ten years⁸). Cities and counties that offer this type of housing, including those in rural areas, may have a competitive advantage over jurisdictions that do not.

Sustainable Development is Critical to Meeting the State's Climate Change Goals

California has committed itself to reducing the greenhouse gas emissions that cause climate change, most notably through the California Global Warming Solutions Act of 2006 (AB 32). AB 32 mandates that the state roll back its GHG emissions to 1990 levels by the year 2020, equivalent to a 30 percent cutback from the business-as-usual scenario projected for 2020.⁹ In addition, California Governor Arnold Schwarzenegger's Executive Order S-3-05 calls for an eighty percent reduction from 1990 levels by 2050.¹⁰ In the AB 32 Scoping Plan, the California Air Resources Board ("CARB"), the agency responsible for implementing AB 32, described local governments as "essential partners" and estimated that better land use decisions could result in greenhouse gas reductions of 5 million metric tons by 2020 (with greater reductions to be realized thereafter). CARB also called for local governments to reduce community-wide greenhouse gas emissions by 15 percent from 2005 levels by 2020.¹¹

In California, the transportation sector accounts for almost forty percent of greenhouse gas emissions (see Figure 1), making it the single largest source,¹² compared to 33 percent nationwide.¹³ Transportation emissions primarily result from VMT by cars and light trucks. VMT, in turn, are directly related to auto-centric land use policies that discourage sustainable development.¹⁴ According to the Urban Land Institute, these policies will result in a 48 percent increase in driving between 2005 and 2030, compared to a projected 23 percent increase in population.¹⁵ The numbers are even starker in California, where the Department of Transportation estimates VMT increases of 61 percent from 2007 to 2030 under the business-as-usual scenario.¹⁶

Improving the fuel economy and carbon content of fuel alone, although important steps that the state has initiated over the past few years, will not make sustainable development less necessary. In California, the Department of Transportation concludes that even with CARB's greenhouse gas regulations and improvement to the carbon content of fuel, projected VMT increases will outweigh these policies' combined impact on greenhouse gas emissions.¹⁷ The Urban Land Institute also

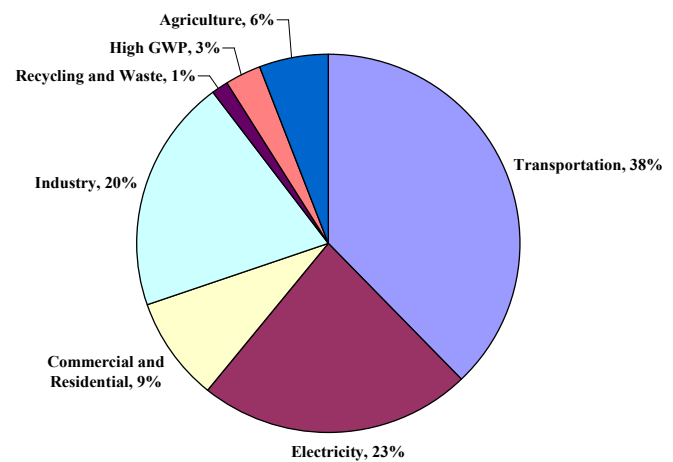


Figure 1. California's Greenhouse Gas Emissions (2002-2004 Average)

Source: California Air Resources Board

predicts that technological progress in vehicle efficiency and fuel content are likely to be offset by continued growth in VMT from inefficient land use policies nationwide.¹⁸

Local Government Action is Necessary to Facilitate Sustainable Development

Local governments have traditionally exercised control over local land use decision-making through their police powers. As a result, planning at the local level has been the critical means for determining land use policy in California, and sustainable development cannot occur without it. At a micro level, planning documents determine the appropriate use of a parcel of land, from single family residential to industrial to open space, as well as myriad details including the distance from the front of the house to the sidewalk, the height of the buildings, and the number of parking spaces that the building must provide. At a macro level, planning documents determine the mix of land uses in a block, neighborhood, town, and county, depending on the jurisdiction of the planning body. These details can include the width of streets and sidewalks, the type of stores allowed on a street, a height limit on buildings, and off-street parking requirements.

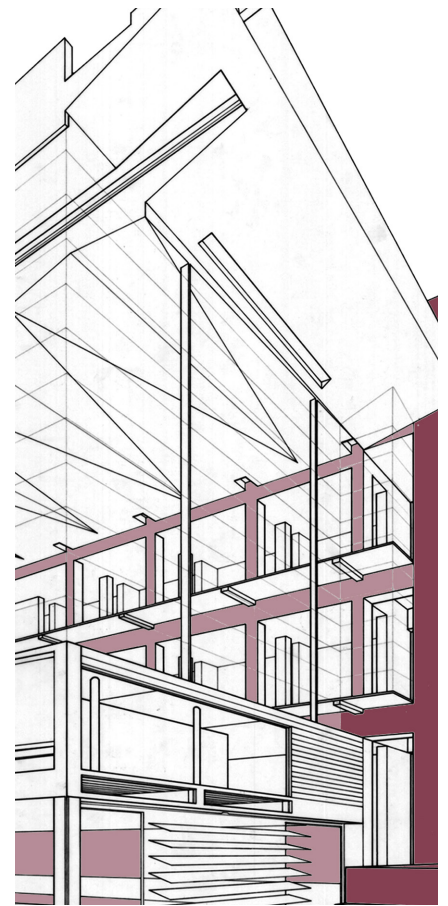
State law requires California cities and counties to develop “general plans” that function as comprehensive long-term planning documents that set forth the blueprint for future development in the jurisdiction.¹⁹ General plans must contain seven state-mandated elements, including housing, land use, and open space, and can be as detailed as a parcel-specific plan or a more general description of the planning priorities for a given area. Local governments can use additional planning tools to govern smaller parcels within the jurisdiction, such as general plan amendments and specific plans, which are more detailed documents focusing on a particular neighborhood or block as a means of implementing the general plan.

Local Governments Can Benefit from State Laws that Encourage Sustainable Development

SB 375, the state’s new transportation and land use law, presents an opportunity to reorient and streamline local government planning for sustainable development. The law, designed to encourage a regional approach to transportation and land use planning, requires CARB, by September 30, 2010, to set regional greenhouse gas emission targets for emissions from cars and light trucks for 2020 and 2035.²⁰ Regional Metropolitan Planning Organizations (MPOs), comprised of local government representatives and transportation authorities, must then devise plans to meet these targets through a synchronized housing and transportation planning process. CARB relies on SB 375 to meet its greenhouse gas reduction goal of 5 million metric tons by 2020 through better land use planning.²¹

The regional planning process required by SB 375, called a Sustainable Communities Strategy, mandates that MPOs present a realistic development pattern for each region, including synchronized projections of housing growth and transportation needs, to meet the greenhouse gas emission targets set by CARB. Although SB 375 imposes no penalties on jurisdictions that fail to meet their targets with a Sustainable Communities Strategy, it does link future access to state and federal transportation funds with more sustainable development. The Sustainable Communities Strategy planning process therefore represents an opportunity for regions to develop a broad vision for the future development of their communities.

The MPO implementation of SB 375 will produce data that will help local governments conduct the mandatory environmental review of their general



“Zoning is the DNA of sprawl.”

*-- Rick Cole
City of Ventura*

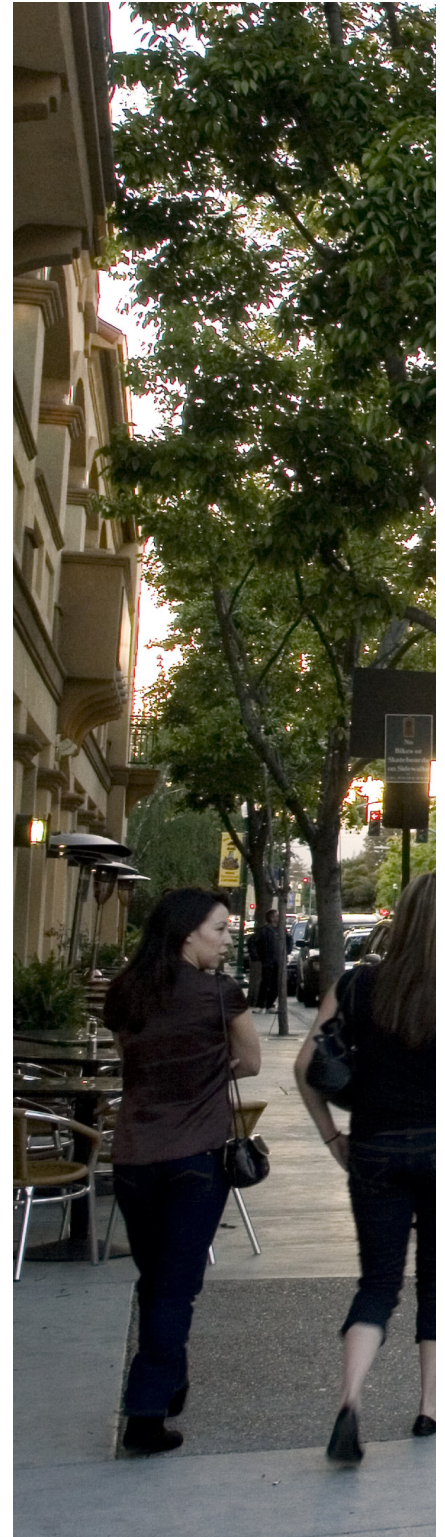
plans. The Sustainable Communities Strategy will provide information on VMT and transportation patterns that local government planners can then use to more easily and accurately analyze greenhouse gas and traffic impacts of their general plans. Local government planners must assess these impacts, among others, pursuant to the California Environmental Quality Act (CEQA), which requires environmental impact analyses of all projects that local governments permit or undertake that may have a significant impact on the environment (including individual development projects and general plan updates), an evaluation of alternatives that may have lesser impacts, and mitigation of significant impacts where feasible. CEQA review now includes a requirement that local governments address a project's climate change-related impacts, which in part includes an analysis of the impact of forecasted VMT and traffic patterns. The Sustainable Communities Strategy can therefore ease the CEQA process for general plans by providing information about where future growth should occur, what the greenhouse gas impacts will be, and what alternatives growth scenarios exist to mitigate those impacts.

SB 375 also includes full CEQA exemptions for specific developments that are consistent with the Sustainable Communities Strategy and are located near major transit. In addition, developments may be eligible for streamlined review under CEQA if they are consistent with the Alternative Planning Strategy, a document produced by an MPO if it cannot reach its CARB target through the Sustainable Communities Strategy. The streamlined review will not need to analyze growth-inducing impacts or any project-specific or cumulative impacts on climate change.²²

In addition to SB 375, CEQA contains provisions that will help local governments implement sustainable general plans with streamlined project-level CEQA review that "tiers" off the general plans. For example, if a developer wants to build a project consistent with a general plan that has undergone appropriate environmental analysis, including analysis of greenhouse gas impacts, the developer can avoid duplicative review of these climate impacts for that specific project. The local government may conclude that the project will not have a significant climate impact and not require additional review. This streamlining reduces costs and creates more certainty for developers and helps local governments make their general plan a reality on the ground.

New CEQA guidelines promulgated by the state's Natural Resources Agency reinforce this potential for streamlined project review. The guidelines stipulate that project-specific planning documents that implement a CEQA-approved programmatic document can "tier" off of the previous review of greenhouse gas emissions or incorporate it by reference.²³ Therefore, a specific project that is contemplated in larger programmatic documents like a Sustainable Communities Strategy or general plan may qualify for tiering.

Participants at the workshop identified the three critical barriers to local government planning for sustainable development and offered specific solutions to overcome them. The following presents possible actions that stakeholders and policy-makers at all levels of government can take to address the issue.





Barrier #1: Lack of Political Will

“Elected officials talk about the benefits of smart growth, and then focus on attracting high sales tax generators. The need for revenue often outweighs the benefits associated with mixed use and walkable communities.”

*-- Barbara Steck
Fresno County
Council of
Governments*

“We have the dilemma of local elections being funded by land speculators. That’s the primary economic decision point for many local elected officials.”

*-- David Mogavero
Mogavero-
Notestines*

Many local government officials traditionally have not planned for sustainable development. Some leaders may have an ideological opposition, believing that residents prefer the auto-oriented development and lifestyle. And some officials may let vocal groups of residents, who are opposed to new development out of concern that it will decrease their home values or lead to more traffic, dictate planning laws that prevent any changes to their communities. Other officials may prefer to let developers drive the planning process through ad hoc proposals. Finally, local officials may also prefer land use plans that maximize revenue from sales tax collections, which usually result in a profusion of commercial uses, such as big-box stores, instead of mixed use, residential developments that contribute less tax revenue and may require more costly infrastructure services.

SOLUTION: Motivate Citizens to Become Involved in the Planning Process

Some local government leaders will require encouragement from their citizens and from state officials and advocates to begin the process of developing detailed plans for sustainable development. Representatives from these institutions will need to engage the public through a messaging campaign about the benefits of being involved early in the process. They should present attractive visions for how a sustainable community may look. State officials can help by providing incentives for local government action. Without a formal effort to get citizens excited about the possibilities for sustainable development in their communities, the negative voices may dominate political discussions on the subject.

The Messaging Campaign

Regional entity leaders, local government officials, and sustainable development advocates and builders should develop a marketing plan to encourage public participation Citizens must be engaged early in the planning process to become excited about the possibilities for shaping their communities and to provide crucial input and public support for the resulting plans. Local government leaders can work with MPOs to coordinate their outreach with MPO-sponsored regional visioning workshops to develop the Sustainable Community Strategy. These leaders should identify motivated stakeholders, such as local businesses, environmental groups, sustainable real estate developers, and other smart growth advocates, and develop a marketing plan that will attract public participation.

Marketing materials to attract citizens to the planning process may include visual renderings of what future neighborhoods could look like to garner interest. Organizers can also develop advertisements that clearly explain why citizens have a stake in a good planning process, from impacts on traffic and open space, higher home values, and more housing opportunities for seniors, unmarried couples, and singles. In addition, these stakeholders should develop a plan to ensure public turnout, which could include outreach to civic groups,

churches, and schools, and an internet campaign using email and social media sites to attract participants.

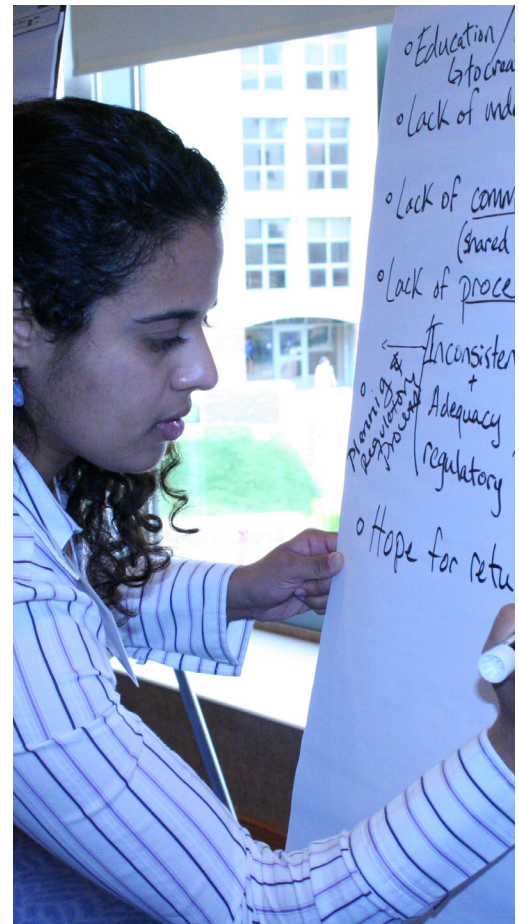
Participants at the workshop identified marketing themes to convince citizens to participate in a campaign. They suggested a slogan of “the New American Dream” that would describe sustainable development as still preserving the values associated with suburban homes of the old American Dream. Promotional materials should highlight the economic benefits associated with sustainable development. These benefits include public money saved by not having to build expensive infrastructure to service far-flung suburbs, new sewers and utility lines, enhanced and expanded public space for existing neighborhoods, improved streets and sidewalks, and gas and energy bill savings for residents of sustainable communities. They should also emphasize the sense of prestige, upward mobility, and other attractive features associated with living in a sustainable community. Finally, organizers should assure the public that the planning process is locally-directed and not dictated from the MPOs or Sacramento.

Local and state government leaders and sustainable development builders and advocates should publicize success stories As part of an effort to increase public support and to educate citizens about the benefits of sustainable development, policy-makers should promote successful projects through marketing materials, organized tours, and media outreach. The California Strategic Growth Council, which awards planning grants to local governments for sustainable communities, should dedicate some of its funds to advertise sustainable development success stories. The Local Government Commission, a nonprofit that provides educational resources for local governments to implement sustainable development, could hold its annual smart growth conference in California to showcase great local planning work. Similarly, advocates and state government officials could hold awards events to highlight leaders in the field. These awards could help advertise successful projects among local government leaders and provide models and best practices for others to follow. They could also help mobilize public support by showing citizens the real-world benefits of sustainable development projects.

Local government planners and advocates should develop alternative means of educating the public about sustainable development Advocates for sustainable development should interest the public in sustainable neighborhoods through creative and alternative means, such as interactive websites that provide information and on-line computer simulations or games where participants try to reduce traffic and preserve open space while accommodating increased population growth in a simulated version of their community. These advocates should enlist marketing professionals who could showcase these neighborhoods through virtual and physical tours. Although web-based resources can be expensive, public sector leaders may be able to partner with private businesses to sponsor them or utilize university students to design the programs.

Conducting Workshops

Local government leaders and stakeholders should join with regional entities involved in the SB 375 process to conduct planning workshops Once stakeholders have engaged the public, local leaders will need to convene workshops that allow citizens to envision different growth scenarios and provide input on their preferred choices. Because this visioning process is likely to occur simultaneously at a regional level as MPOs develop Sustainable Communities Strategies, local governments should coordinate with the regional efforts. For example, local planners may be able to share marketing, financial, and other



“We have to engage the neighborhood – go to churches, social groups, and engage them where they are. We have to explain to them why planning matters and ask people what they care about in their neighborhoods.”

*-- Stephanie Reyes
Greenbelt Alliance*

“There used to be set of agreed upon values, a shared vision that suburban living was good. But it hasn’t panned out as we expected. So what is our vision for how we live going forward? We need a desirable dream.”

*-- Mark Friedman
Fulcrum Properties*

resources for their workshops with MPOs and should ensure that the results of local visioning workshops shape the regional efforts underway. The result will be a politically stronger and more realistic Sustainable Communities Strategy that reflects local consensus on future growth.

Local governments have two models for these workshops, although both occurred at the regional scale. Envision Utah took place between 1997 and 1999 and involved a public and private partnership of business and civic leaders and government officials.²⁴ Businesses along the Wasatch Range in Utah were interested in sustainable development and livable communities. Envision Utah leaders conducted research on what the public valued about living in the area, held over 200 workshops in which the public could test and select their preferred growth scenarios, and received input from more than 20,000 residents.

The Sacramento Region Blueprint Project presents another example, which began in 2002 through the efforts of the Sacramento Area Council of Governments (SACOG). SACOG leaders wanted to provide local governments with guiding principles for the region's long-term growth and transportation needs. They performed extensive community outreach through traditional means and by targeting civic and educational institutions and relying on word-of-mouth. SACOG staffers presented citizens with an example of what the region would like in 2050 with business-as-usual development and then contrasted it with different potential models of growth that relied on more sustainable development. The process resulted in detailed land-use and travel data that emphasized more sustainable development over auto-oriented growth.²⁵ This "Blueprint" then became part of the Regional Transportation Plan (RTP) that SACOG and other MPOs develop under federal regulations to prioritize transportation projects for state and federal funding. The authors of SB 375 used the Blueprint Project as a basis for the legislation.

Local government leaders in California should convene workshops in a similar manner to SACOG and Envision Utah. The process should involve in-person workshops where community members can test different growth scenarios to arrive at their preferred scenario. Local leaders can partner with universities to provide and catalog some of the data, which can then inform the local general plan and also the regional Sustainable Communities Strategy. In addition, when the regional government uses the data to perform its VMT modeling, the local government can then cite it to analyze the environmental impacts of its general plan.

Harnessing Political Support

Local government leaders and sustainable development advocates and builders should ensure that participation in local and regional visioning translates to political support for implementing projects SACOG planners generally found that the public mobilization for the visioning effort translated into political support for projects. Similarly, local government leaders must ensure that participating citizens can be easily mobilized in support of sustainable projects in the event that opposition emerges. Without this majority ready to advocate for projects, opposition voices may have a greater chance of convincing officials to reject these projects.

"We have to acknowledge that sometimes NIMBYs [Not In My Backyard] are right. Infill is not always done well."

*-- Geof Syphers
Codding Enterprises*

"It has to be a readable plan with public participation. My fear as a planner is that a lot of our products are off-putting to the general public. We owe it to the public to produce something they can read and comprehend."

*-- Barbara Steck
Fresno County Council
of Governments*



Barrier #2: Limited Financing

Detailed local government planning can require numerous staff and hundreds of thousands of dollars to prepare the environmental impact report, land use regulations, and planning documents. Many local governments currently lack the funding to undertake these efforts. And because developers will pay for the environmental review of a project-level plan, local governments have an incentive to avoid programmatic planning and instead let the process happen on an ad hoc, project-by-project basis where they incur significantly less costs. Finally, because planning staffs are funded by development fees, the current real estate downturn has left many planning departments under-staffed or, in some cases, without any staff at all.

SOLUTION: Utilize Regional, State, and Federal Funding and Develop Alternative Models for Raising Revenue for Planning

Local governments will need funding at a time of strapped budgets, and they may also need technical assistance or streamlined application processes in situations where planning departments lack the resources even to apply for available dollars. Despite the economic downturn, some financing is available through various federal, state, and regional agencies. In addition, local governments can raise revenue to finance planning through various mechanisms, discussed below.

In the long term, local governments should have the resources to avoid having to depend on individual developers to finance local planning. The current economic downturn therefore provides local communities with an opportunity to get ahead of future development by engaging their residents in planning how and where they want their communities to grow with the next wave of development.

Federal Funds

Local governments should apply for existing federal grant opportunities and urge greater federal support for sustainable development Federal funding for local government planning may be available through various grants from the Department of Housing and Urban Development and stimulus dollars. In addition, the federal transportation reauthorization bill, scheduled for congressional action in 2011, promises opportunities for additional funding for sustainable development and the attendant infrastructure costs. For example, the bill could steer a greater percentage of money to transit projects in areas ripe for sustainable development and condition spending on these projects on supportive local land use policies.

State Funds

State officials should target existing funds for sustainable development and streamline and improve the application process Although California faces a revenue shortage, officials should direct existing expenditures on state government buildings to sustainable development areas. AB 857, signed into law in 2002, originally attempted to accomplish this goal by requiring state planning efforts to support sustainable development.²⁶ However, the bill has never been implemented.²⁷

“There just isn’t enough funding. What more can you say? We don’t have any new development now, and it’s new development that funds planning.”

*-- Judy Corbett
Local Government
Commission*



“Mixed use is a tough, riskier investment from our perspective. It involves more complicated construction, and most projects never come in on budget and on time. It’s tough, and it’s often not the developers fault.”

*-- Tom Farrell
Bank of America*

State agency leaders could ensure that available money for new state buildings, such as courthouses and state offices, flow to sustainable development neighborhoods.

The state could also develop a competition for local government that would provide them with matching funds for developing general plans with superior sustainability elements. The competitive nature of the award may spur innovation and attention to these issues among local officials.

Local governments should apply for existing state grant opportunities The Strategic Growth Council offers planning grants for jurisdictions implementing sustainable neighborhood plans. Proposition 84, which provides \$90 million in state bond money for planning that preserves open space, offers funding for sustainable development plans that save undeveloped areas from development.²⁸ However, grant guidelines expressly state that recipients cannot use the funding for any CEQA-related costs, which limits their functionality for local governments that want to undertake CEQA review in order to benefit from project-specific streamlining. State officials could consider amending the guidelines.

Finally, the state Department of Transportation (Caltrans) also offers some funding for planning efforts, and the California Energy Commission has some funds available for energy-efficient planning.²⁹

Regional Entities

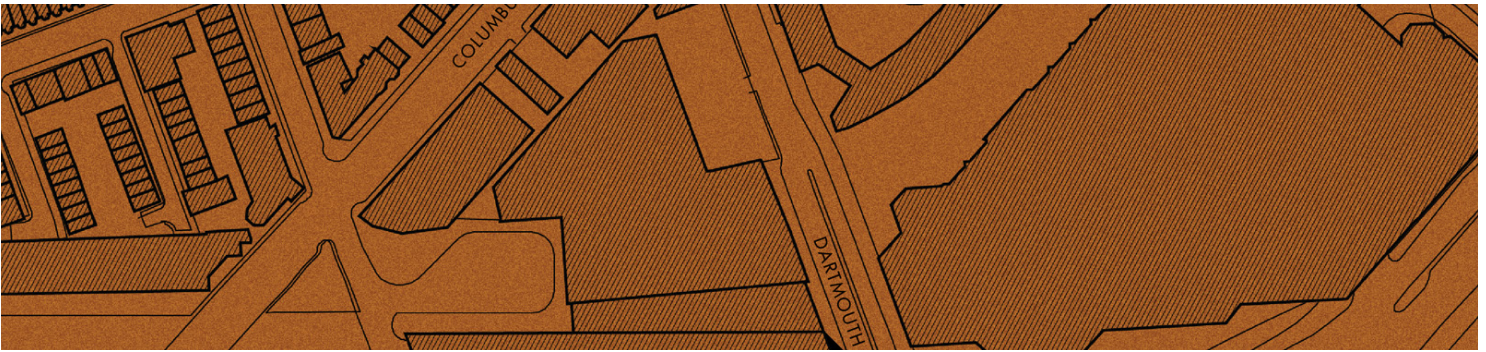
Some MPOs offer local government planning grants. For example, in the San Francisco Bay Area, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments both offer grants and technical assistance for planning. The Bay Area Air Quality Management District also offers funding for projects that reduce greenhouse gas emissions from vehicles.³⁰ Local governments should research other funding opportunities from their MPOs.

Local Government Revenue Sources

Local governments can also raise funds for the planning and infrastructure work through various mechanisms. First, they can employ tax increment financing, which allows local government to borrow against future property tax increases that will likely result from improvements to the neighborhood that increase property values. With state authorization, this money can then be used for redevelopment around transit stations and other areas ripe for redevelopment as sustainable communities. Local governments can also raise revenue through differential impact fees, which charge developers of auto-oriented, single-use projects in greenfields higher fees than sustainable development builders. Finally, local governments can consider levying fees on a range of services associated with auto-oriented development, such as road maintenance and new utility services. A model for this kind of revenue-raising comes from Alameda County, which imposed fees on garbage collection that finances a program for improved energy efficiency in the county.³¹

Revolving Loan Funds

The state and federal governments could offer local governments revolving loans to help them finance new land use plans and redevelopment. The local governments would repay the loans as increased revenue from the improved land use becomes available through property and sales taxes. Once state and federal sources receive the repayments, they can lend the money to other local jurisdictions that would like to plan for sustainable development.



Barrier #3: Lack of Technical Assistance

Under the current system, programmatic planning for sustainable development often requires a local government to hire or contract with experts to draft updated general plans, new building codes, and programs that local planning agencies may have never attempted before. Because sustainable development departs from the traditional single-use, auto-oriented suburban models, it often requires changes to existing land use laws. And because it often involves a mix of uses and more complex building patterns, devising new codes can be complicated and unfamiliar to planners. Many planning departments simply do not have the resources and available staff to research and draft these documents. The problem is more acute in the process of building compact communities in existing developed areas because neighborhood opposition can result in more intense political demands on the environmental review and planning process.

SOLUTION: Utilize the Expertise and Best Practices from Other Jurisdictions

The simplest solution for helping local governments compensate for the lack of in-house expertise and experience drafting detailed planning documents is to utilize the expertise of planning departments and agencies in other jurisdictions that have grappled with these issues already. The most prominent example of these shared resources is form-based codes, which a number of jurisdictions in California employ to expedite the planning process. Pre-approved state agency modeling formulas for traffic, greenhouse gas emissions, and other environmental impact analyses can also help local governments assess highly-technical impacts. Finally, undergoing environmental review at a programmatic level, rather than project-by-project, can relieve some of the burden on individual projects that local governments permit by allowing them to incorporate high-level environmental review into their project analysis. Data from Sustainable Communities Strategies, as discussed above, can also streamline general plan review.

Form-Based Codes

Local Governments should utilize form-based codes for sustainable development A number of local governments, such as the cities of Ventura and Hercules, utilize form-based codes. Form-based codes are planning documents that shape the design of communities through general formula requirements instead of regulating land use through parcel-specific numerical restrictions on the type of uses that are allowed. For example, a form-based code would specify the relationship between building facades and the street and the scale and types of streets and blocks, rather than dictating site-specific parameters for categories such as dwellings per acre and parking ratios. They can also contain architectural, landscaping, and signage standards. These codes carry the force of law.

“Form-based codes draw upon the legacy of well-built places. Yes, there is a tension with flexibility, but the upside is that there is no mystery, no lengthy dysfunctional entitlement process.”

*-- Rick Cole
City of Ventura*

“Every dollar the developer spends on lawyers, lobbying and repeated redesigns is a dollar that can’t be spent on improving the quality of the project, including landscaping, wider sidewalks, better materials or a playground.”

*-- Rick Cole
City of Ventura*

“We have to acknowledge that the current regulatory structures were not created with environmentally-friendly infill development in mind. Right now, rules meant to protect the environment can have adverse consequences.”

*-- Jeremy Madsen
Greenbelt Alliance*

“Even with a program EIR, every time the attorney says, “you’re going to get sued anyway, so you might as well do a full EIR and make it bulletproof.” So that adds another \$100 thousand in consultant fees.”

*-- John Given
CIM Group*

Form-based codes have proven successful in expediting the planning process and encouraging mixed-use communities rather than segregated uses that are typical of auto-oriented development. They also are more accessible to the public because they rely less on technical formulas and more on outcome-based standards for future development.

Sustainable development advocates and builders should promote form-based codes and best practices to local governments Advocates for sustainable development should select the best examples of planning and outreach and promote those examples to other jurisdictions. Many local government planners may not realize these models and best practices exist, or may not have the time or resources to research them. Sustainable development builders can also assist by informing policy-makers about the feasibility of various plans from a market and technical perspective.

Regional entities and universities can use Sustainable Communities Strategy data and techniques to assist local government planning efforts

As MPOs and university partners develop the technical resources to draft Sustainable Community Strategies, they should share data and modeling technologies with local governments. This data will help local government perform the required environmental review of their planning documents. In addition, universities and other research institutions can develop clearinghouse websites that contain the latest research and technical assistance for local governments.

Programmatic Environmental Review

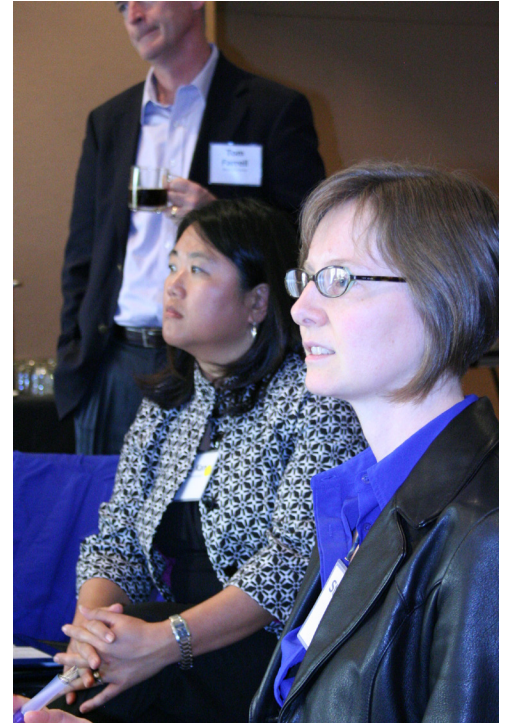
State officials should encourage local planners and developers to “tier” off environmental review conducted at the programmatic level to avoid costly and duplicative analysis The tiering/streamlining CEQA provisions discussed above have unfortunately been underutilized by local governments, perhaps due to lack of funding for programmatic planning (while developers will pay for project-specific review) or because of fear of litigation over the tiering. The new CEQA regulations, however, may create an opportunity for programmatic greenhouse gas emission reduction plans by encouraging local governments to draft sustainability plans that address issues of sustainable development in order to meet emissions reduction targets.³² Local governments may apply for the financing options discussed above to conduct this planning.

The state should provide guidance to local government on how to develop legally-defensible programmatic greenhouse gas emissions reduction plans. Many developers (and their attorneys) counsel against tiering and instead recommend a full-blown environment review process, out of concern that the tiering will be challenged in court anyway and result in an adverse decision for the developer. To combat this perceived risk of litigation associated with tiering, the state should provide template plans, perhaps in the form of a model greenhouse gas emissions reduction plan, that local governments can easily adopt. A state-backed template may give local governments more confidence to adopt it and may be afforded deference by the courts in litigation. The result would be improved and expanded programmatic planning that would create a more predictable and fair system for developers and an easier permitting process for sustainable projects. Developers of sustainable projects could avoid potentially contentious review of traffic and parking impacts, which would be averted due to prior review at the programmatic level.

The state government could also offer training for local planners, using the Peace Officers Standards and Training (POST) program. POST sets statewide standards for police officers and offers training courses to help local governments meet those standards. POST has become a national model for improving professional standards in law enforcement.³³ California could pioneer a similar program for local government planners to ensure that they have access to the best information and resources.

Conclusion: California's Future

The passage of SB 375 presents local governments with opportunities to re-conceptualize future growth. Public outreach for regional visioning under SB 375 has the potential to engage local citizens in planning for the future of the state like few other endeavors. And as Californians cope with the limits of the state's resources, revitalizing neighborhoods to make them more walkable and vibrant promises not only a better environment but a better quality of life for many segments of the population. A coordinated effort to mobilize the public will benefit local governments, regional entities, and citizens themselves who have the opportunity to live in communities with less traffic, more open space, and less pollution. Local governments should seize the momentum created by the market shift and new state policies to engage the public in developing a new vision for how Californians will live, work, and play in the coming century.



Participant Bios

Rick Cole

City of Ventura

Rick Cole has been City Manager of Ventura since 2004. He was recently honored by Governing Magazine as one of their nine “2006 Public Officials of the Year,” the only City Manager in the nation to earn that distinction. Cole has focused on four key priorities, the ABCS of Ventura government: Accountable government; Balanced budget, Civic Engagement and Smart Growth. Called “one of Southern California’s most visionary planning thinkers” by the Los Angeles Times, he previously served six years as City Manager of Azusa, California. Under Cole’s leadership, Azusa was described as the “most improved city in the San Gabriel Valley” by the San Gabriel Valley Tribune. He brings an unusual background to city management, having previously served as the Southern California Director of the Local Government Commission, Mayor of Pasadena, Executive Director of the West Hollywood Marketing Corporation and co-founder of the Pasadena Weekly newspaper. Cole is widely cited as an urban policy expert and is a member of the Congress for New Urbanism, the Urban Land Institute and the International City/County Manager’s Association.

Judith A. Corbett

Local Government Commission

Judith A. Corbett is the founder and for the past 25 years has served as Executive Director of the Local Government Commission. She holds an MS in Ecology from the University of California and was co-developer of the highly acclaimed Village Homes, a model for sustainable development located in Davis, CA. Corbett has coauthored three books on resource efficient land use and building design, most recently *Designing Sustainable Communities: Learning from Village Homes*. With the Local Government Commission, she has published over 50 policy guidebooks for local government officials on topics including community water sustainability, hazardous waste reduction, recycling, energy conservation and alternative energy, sustainable economic development, and resource-efficient land use patterns. The *Ahwahnee Land Use Principles*, spearheaded by Corbett, forecast the Smart Growth movement. She has served as a featured speaker at conferences throughout the United States, Mexico, and Europe. She was named by Time Magazine as a “Hero for the Planet” and in 2005 received the National Leadership in Planning Award from the American Planning Association. She serves as a Board member for the Rail-Volution Conference and was a member of the Board of Directors of the Congress for the New Urbanism for the past 15 years.

Michael Dieden

Creative Housing Associates

Michael Dieden founded Creative Housing Associates in 1997. His career began in politics, and in 1974 he was one of the youngest staff members to help elect Jerry Brown Governor of California. He moved to Los Angeles and successfully managed Tom Hayden’s initial campaign for the California State Legislature in 1982. In 1983, he launched The Michael Dieden Company, a public affairs company which specialized in consensus building real estate entitlement campaigns. In 1986, Michael headed The R.A.M.M. Partnership, a group of investors who rehabilitated dilapidated buildings in Venice into desirable homes. In 1988, Michael partnered with The Lee Group to develop award-winning urban infill projects such as Venice Renaissance, a 132,000 square-foot mixed-use building in Los Angeles, and Crossroads, 176 for-sale condominiums in Inglewood. Governor Gray Davis appointed Michael to the California Architects Board. Michael founded and served as president of PV Jobs, an innovative and highly successful construction industry employment program for at-risk youth at the Playa Vista master planned community. He serves on the boards of the Transportation and Land Use Collaborative of Southern California and the USC Sustainable Cities program, and is a member of Congress for the New Urbanism and the Westside Urban Forum. Michael was raised in the Oakland/Berkeley area and educated at Gonzaga University and the University of California at Berkeley.

Tom C. Farrell**Bank of America**

Tom is the Division Executive of the Bank of America Home Builder Division which provides construction financing, advisory services and financial products and solutions for private home builders throughout the United States. Tom joined the Bank in 1986 as a Loan Production Manager in the Residential Real Estate Group, now known as Consumer Real Estate. He has since held a progression of jobs with increasing responsibility, centered in real estate construction lending. He has been in his current position since 2008. Before joining the Bank, Farrell was a Loan Production Manager for Home Federal Savings in San Diego. In that capacity, he was responsible for wholesale mortgage lending production in California. Tom graduated from Cornell University where he majored in Natural Resources. He earned a Masters in Business Administration from Pepperdine University. He currently holds Series 7, 63 and 24 Securities Licenses. Tom is a member of the board of HomeAid America, Inc.; the Cornell University Real Estate Council; the Urban Land Institute; the Building Industry Association; and the National Association of Home Builders.

Robert Fisher**Strategic Growth Council**

Robert Fisher serves on the Strategic Growth Council. He and his family have owned Mendocino Redwood Company since 1998 and he has also worked as the director of Sugar Bowl Ski Resort since 2002. He worked for Gap, Incorporated from 1980 to 1999 and has served as director since 1990. Fisher served as interim chief executive officer in 2007, chairman of the board of directors from 2004 to 2007 and president of Gap Brand from 1997 to 1999. At Gap, Incorporated, Fisher was also the chief operating officer from 1995 to 1997, chief financial officer from 1993 to 1995, executive vice president from 1992 to 1993 and president of Banana Republic from 1989 to 1992. He is a member of the Natural Resources Defense Council (NRDC) and serves as vice chairman of the NRDC Board of Trustees. Fisher also serves as chairman of the Conservation International Executive Committee.

Mark L. Friedman**Fulcrum Property**

Mark L. Friedman is a founder and President of Fulcrum Property, a full-spectrum real estate company with broad experience in retail, mixed-use, and office development. Fulcrum's success in creating high-quality, community-oriented projects has been recognized by architectural design professionals and industry peers. The firm has earned the International Council of Shopping Center's Design and Development Award three times, more than any developer in the country. In addition, Fulcrum's projects have been published in Architectural Record, Harvard Design Magazine, The Regional City, and World Architecture. Prior to entering the real estate field, Mr. Friedman was a Director in the Merger and Acquisition Group of Salomon Brothers Inc., with responsibility for transactions involving lodging, gaming and real estate companies. During the term of his employment at Salomon Brothers, Mr. Friedman advised clients in over 50 successful transactions with an aggregate value in excess of \$10 billion dollars. Mr. Friedman graduated from Harvard College in 1979, where he was elected to Phi Beta Kappa (honorary scholastic society). He went on to earn both JD and MBA degrees from Stanford University in 1984.

Curt Johansen

CIM Group

Mr. Given is Senior Vice President, Development of CIM Group. He joined CIM Group in 1997, and is responsible for acquisition, structuring and planning development activities for the CIM California Urban Real Estate Fund, L.P. For over 20 years, Mr. Given has worked building partnerships between public development agencies and private real estate development companies which engage in the public sector. He was the City Planner for Greeley, Colorado for 4 years and then moved to Los Angeles, where he served with the Los Angeles Community Redevelopment Agency (“CRA”) and the Los Angeles County Metropolitan Transit Authority (“MTA”) for 12 years. Mr. Given is an active member of the Urban Land Institute, the International Conference of Shopping Centers, and the American Institute of Certified Planners. He has served as a founding board member of the Hollywood Entertainment District and chaired the City of Santa Monica Housing Commission. Mr. Given holds a BA degree in Urban Planning from the University of Washington and a Masters degree in Regional Planning from Harvard University.

Curt Johansen

Triad LLC

Curt Johansen has been creating award-winning, mixed use communities for over twenty-five years and has been responsible for California development for Triad Communities since 1997. Curt has pioneered Triad’s commitment to sustainable development. Recently, Curt entitled an economically sustainable mixed use, mixed income development preserving 80% of the project area in open space, agriculture, park land and recreational uses. This 1,000 unit residential community adheres to principles of New Urbanism while creating 2,000 permanent new jobs. Curt is currently working on transit-oriented infill projects in several cities throughout the San Francisco Bay Area. Curt is also the visionary behind Triad’s newest venture, California’s first developer-inspired ecovillage, in the Napa Valley. This compact, sustainable community will mandate PV solar and geothermal energy, a local transit system, a 50 acre CSA organic farm, ecoliteracy in local schools, maximum water conservation and 100% recycled wastewater reuse, and place-centered goods and services in a local Town Square. Curt is a long-standing member of numerous organizations, including the Urban Land Institute, and he is active on many civic boards and committees promoting sustainability. He is an active participant in shaping California’s Assembly Bill 32 land use policy for greenhouse gas emissions, at work on his first book about the philosophy of sustainable development, and is a frequent speaker on the topic of best practices for sustainable land use.

Meea Kang

Domus Development

Meea Kang is President and co-founding partner of Domus Development, an affordable housing development company with offices in San Francisco, Los Angeles and Irvine, California. Meea and her firm are industry leaders in incorporating “green” and energy efficient building methods and innovative technologies into affordable housing developments in order to protect the local environment, enhance the quality of life in our communities, and educate residents of the benefits of sustainable practices and measures. Her firm’s focus is on sustainability and community revitalization through infill of multi-unit housing. Recent projects include sustainable, low-income and high density transit-oriented developments, and she is currently working on the first LEED affordable workforce housing project in Lake Tahoe. Meea’s career has contributed to the production of over 1,600 units of affordable and market-rate housing, valued at an estimated \$400 million. Meea’s expertise includes real estate finance, public private partnerships, site acquisition, community outreach, oversight of design, construction and asset management. Meea holds a Masters of Architecture from University of California at Berkeley and a Bachelor of Fine Arts from Cornell University.

Jeremy Madsen

Greenbelt Alliance

As Executive Director of Greenbelt Alliance, Jeremy Madsen sets and implements the organization's strategic goals and manages its operations. He is the leader of Greenbelt Alliance's policy and advocacy efforts to protect the Bay Area's open spaces and promote the creation of vibrant urban places. Previously, he worked at The San Francisco Foundation, where he helped to launch the Great Communities Collaborative and supported social equity, affordable housing, and smart growth efforts around the Bay Area. Jeremy served as Field Director for Washington state's Transportation Choices Coalition, coordinated fair trade campaigns for the Washington, DC-based Citizens Trade Campaign, and ran get-out-the-vote efforts for candidate and ballot measure campaigns. B.A., George Washington University. M.S., Environmental Studies, University of Oregon.

David Mogavero

Mogavero-Notestine

David Mogavero, Senior Principal, has over 30 years experience with special expertise in the areas of ecological building, environmental planning, infill development, urban design, and energy efficient design. His commitment to human-based architecture, the revitalization of existing neighborhoods, economic and ecological sustainability of communities, and participation in the planning and design process by end-users is well-known and recognized within professional and citizen communities. As one of the most experienced advocates and practitioners in land use transit issues in the Central Valley, Mr. Mogavero has actively lectured, written and advocated for environmentally-sound urban development, including infill and higher density transit and pedestrian oriented development. Through his professional practice and tenure as a board member and President of the Environmental Council of Sacramento and The Planning and Conservation League, he has facilitated the widespread adoption of these principles in projects and communities throughout California.

Barbara Steck

Council of Fresno County Governments

Barbara Steck is the Deputy Director for the Council of Fresno County Governments. In addition to her administrative duties, she serves as project manager for Fresno COG's activities related to the Blueprint and has recently assumed responsibility for managing the San Joaquin Valley COG's joint venture on the Blueprint. Barbara also coordinates Fresno COG's annual "One Voice" advocacy efforts in Washington D.C. Prior to returning to COG in 2005, Barbara served as the Chief Operating Officer for the Fresno Business Council. She has also held planning positions with the County of Fresno, the City of Fresno and held a joint position with Fresno COG and Fresno Area Express as Transit Planning Manager in the mid 1990s. Barbara earned her Bachelor's Degree in Social Ecology from U.C. Irvine and a Master's Degree in City and Regional Planning from C.S.U. Fresno. She is a member of the American Institute of Certified Planners.

Geof Syphers**Codding Enterprises**

Geof came aboard Codding Enterprises in 2006 to drive the company's new environmental initiative. Geof's responsibilities include managing the development and implementation of Codding's sustainability policies and providing guidance to support environmental goals on development, construction and property management. He currently heads efforts to certify Sonoma Mountain Village under the US Green Building Council's LEED® Green Building rating system for Neighborhood Developments. Geof is a registered mechanical engineer, a LEED® Accredited Professional and holds a B.S. in Applied Physics and an M.S. in Energy Engineering.

Michael K. Woo**Cal Poly Pomona, College of Environmental Design**

Michael Woo, currently a member of the Los Angeles City Planning Commission and adjunct professor at the University of Southern California's School of Policy, Planning and Development, leads Cal Poly Pomona's College of Environmental Design. For nearly a decade, Woo served on the Los Angeles City Council representing Hollywood, Silver Lake, Echo Park, Los Feliz, Sherman Oaks and Studio City. From 1985 to 1993, he helped guide major planning, redevelopment and transportation decisions, including the Hollywood Redevelopment Plan, Metro Red Line subway route and station locations, as well as major residential and commercial development projects. In 1993, Woo gave up his council seat to run for mayor of Los Angeles, ultimately receiving 46 percent of the citywide vote as the runner-up in the final election. Since joining the planning commission in 2005, Woo has been a leader on land use and transportation issues, initiated a moratorium on new billboards and opened a review of health effects of breathing polluted air in residential developments near freeways. Woo works with several for-profit and nonprofit organizations on planning, climate change and development. As a consultant to ClimatePlan, a coalition of nonprofit advocacy groups, he advises on land use changes in California to fight climate change. As chairman of Smart Growth America, a national coalition that supports historic preservation, the environment, open space preservation and neighborhood revitalization, Woo guided the board in selecting a new President and CEO. In addition, he is a co-managing member of a committee in Summit Western Corporation that represents investors of the Mandarin Plaza shopping center in L.A. Chinatown. Woo received his master's degree in city planning from the University of California, Berkeley. He completed his undergraduate studies in politics and urban studies at the University of California, Santa Cruz.

Endnotes

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- 30 For more information on BAAQMD grants, visit: <http://www.baaqmd.gov/Divisions/Strategic-Incentives.aspx>
- 31 For more information on Alameda County's program, visit: <http://www.stopwaste.org/home/index.asp>
- 32 The new CEQA provision, Section 15183.5, presents guidelines on greenhouse gas emissions called "Tiering and Streamlining the Analysis of Greenhouse Gas Emissions." Subsection B discusses general plans.
- 33 For more information on POST, visit: <http://www.post.ca.gov/>

Photos for the whitepaper are courtesy of Greenbelt Alliance and Flickr's Browncroft, Mossman Council, Manitoba Historical Society, rhukill, PKNitty86, KOMUnews, and Timothy Hamilton.