



PLAN CALIFORNIA

The Legislative Platform of the American Planning Association of California

Adopted by the APA California Board of Directors: January 30, 2009



Plan California

The 2009-2010 Legislative Platform of APA California

Preamble

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

- California's population has tripled in the past 50 years and we can expect to add 7 to 11 million new residents by 2025
- Latinos will become the largest racial/ethnic group in California by 2011 and a majority in the state by 2040
- More than one in four Californians is an immigrant, more than any other state, and 30 percent will be foreign born by 2025
- The number of Californians over age 65 will double by 2030
- California's ports handle one-fifth of all goods entering the U.S. and the value of imports through the state's seaports will double by 2020
- California has the sixth largest economy in the world and services account for 70 percent of the state's economic activity
- California's \$25 billion agricultural sector is the largest in the nation
- More than a half million acres of land were urbanized between 1990 and 2004, almost two-thirds of which was agricultural land
- Employment in the state will grow by 30 percent by 2025, mostly in the service sector; employment in manufacturing will continue to decline
- California has the second highest monthly housing cost in the nation, trailing only Hawaii
- Vehicle miles traveled has increased 3 times faster than population in the past 40 years and Californians spend more time commuting to and from work
- Future climate change is expected to change California's water supply regime, increase flood potential, increase wildfire hazard, adversely affect wildlife habitat, and have other direct impacts on the quality of life in California.
- California leads the nation with bold new initiatives to address global climate change

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

This is a pivotal point in California's history for another reason that threatens to overwhelm traditional "planning" issues: the state is in the midst of a deep recession and state government is facing its worst financial crisis ever, both fiscally and politically. Home values have collapsed throughout the state, spurring wave after wave of foreclosures and dramatically reducing new housing production. Economic development has slowed dramatically, or even contracted, and unemployment is rising rapidly. The ability of state and local government to assist even the neediest of residents has been seriously compromised. This makes economic recovery a high priority at every level of government and significantly elevates the importance of economic development for California's planners.

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

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

Development of the Legislative Platform

The APA California Legislative Platform is developed bi-annually to coincide with the new legislative session in Sacramento. The Platform is developed by the Legislative Platform Committee with members selected from throughout the state. Under the leadership of the APA California Vice-president for Policy & Legislation, the Committee prepares a draft Legislative Platform for consideration by the APA California Board of Directors. Following adoption by the Chapter Board, the Legislative Platform is posted on the APA California website for review by the members. The 2009-2010 Legislative Platform Committee is:

Pete Parkinson, VP Policy & Legislation
Kurt Christiansen, Chapter President
Vince Bertoni, Past President
Alex Amoroso
Barbara Kautz
Janet Ruggiero
Brad Kilger
Collette Morse
David Snow
Hing Wong
Jay Higgins
Julia Lave Johnston

Lance Schulte
Linda Tatum
Steve Preston
Terry Rivasplata
Tracy Sato
Christopher Brown

Issue Area #1: Envisioning the Future of Planning in California

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

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

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

Complex Issues and the Capacity of the General Plan. The general public and numerous agencies and interest groups all play a key role in the General Plan process. Regional entities are playing an increasingly important role through the “blueprint” processes. This role will only grow with implementation of SB 375 as regions strive to coordinate land use, housing and transportation in an effort to meet greenhouse gas reduction targets. Future General Plans will need to consider these regional goals as well.

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

APA California supports:

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

The state would:

- Fully implement the planning principles of AB 857, including addressing housing, job creation and locations for job creation
- Provide support for local General Plan efforts and regional planning under SB 375, including technical information, best practices and adequate funding for both local General Plans and regional Sustainable Community Strategies
- Ensure that no new mandatory elements are required under current General Plan law
- Work with planning professionals and others to evaluate the practicality of proposed changes to General Plan law
- Ensure that new local mandates on cities and counties are avoided unless funding sources are provided, and recognize that the fee disclaimers for new programs in legislative measures will not provide adequate funding during this economic downturn

Regions would:

- Identify issues that can be more effectively planned at the regional or subregional level – such as air quality, greenhouse gas emissions, regional transportation, water, flood control and others where appropriate
- Allow local agencies to adopt regional plans by reference to provide better treatment of cumulative impacts in the environmental document
- Implement the mandates of SB 375 by developing a Sustainable Communities Strategy in concert with local governments to meet regional greenhouse gas reduction targets
- Provide technical information where appropriate to assist local planning efforts

Local governments would:

- Prepare General Plans to strategically address those planning issues that relate directly to their communities and that help implement the regional Sustainable Community Strategies. To achieve this end, local entities would address such issues as land use, housing, infill, local transportation systems (including local infrastructure framework), infrastructure, parks and recreation, safety and environmental systems, and other issues identified as pertinent to the community. Local agencies would prepare their own plan within the context of clear state goals patterned after AB 857 and regional Sustainable Community Strategies prepared under SB 375
- Ensure that General Plans are long-range (at least 20 years), comprehensive and reviewed regularly (10 years) and updated when needed
- Impose reasonable local fees (already authorized under current law) to keep planning and zoning documents up to date
- Ensure that the General Plan remains internally consistent

Incentives for change:

- Modify regional role in local decision making through increased infrastructure funding; these fiscal incentives should seek to raise the bar on plan implementation especially as it relates to implementing Sustainable Community Strategies and meeting greenhouse gas reduction targets

- State and Regional infrastructure planning and funding should be directed to growth areas and to support infill development, housing, existing developed communities and sustainable communities
- State planning law must balance and integrate the full range of important state and local concerns that local governments are required to address – affordable housing, water supply and quality, flooding, open space and parks, resource areas and wildlands, protected agricultural lands, transportation, and air quality
- Eminent domain should be retained as a tool for eliminating blight
- Limitations on regulatory takings should not exceed those established by the U.S. Supreme Court

Issue Area #2: Infrastructure

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

The APA California supports:

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

Issue Area #3: Smart Planning and Regional Vision

Background: Land use planning in California must undergo a sea change so that communities and regions move away from the historic patterns of sprawl and greenfield development toward a new “smart planning” vision. Smart planning principles are articulated in 2002’s AB 857: encouraging infill first, then growth near existing urbanized areas, while at the same time protecting resource, open space and agricultural lands. 2008’s SB 375 links these principles to greenhouse gas reduction by requiring regions to develop a “Sustainable Communities Strategy” that will meet GHG reduction

targets under AB 32. The shift toward smart planning presents many challenges and must therefore be viewed as a long-term goal. This shift will not only transform the way local communities think about land use, but will also place new importance on regional vision to address issues that transcend city and county boundaries, such as transportation, housing, greenhouse gas reduction and air quality.

APA California supports:

- Full implementation of the planning principles of AB 857 regarding use of state funds by the Governor and state agencies
- State funding for regional and local planning efforts to develop and implement Sustainable Communities Strategies required under SB 375
- Setting regional greenhouse gas reduction targets and development of Sustainable Communities Strategies that include robust participation from local governments and the public
- Local General Plans that are consistent with regional Sustainable Communities Strategies and, where feasible, with regional Alternative Planning Scenarios needed to meet greenhouse gas reduction targets
- Regional housing need allocations consistent with SB 375 that encourage infill rather than greenfield development and steer growth away from important natural resources areas
- Encouraging local governments to take full advantage of the CEQA streamlining measures in SB 375 by tiering off regional analyses for infill projects
- City and county infill plans or policies with incentives to encourage and allow developers to build at higher densities with a range of housing types in infill areas, rather than on greenfields
- Discouraging downzonings or development approval practices that reduce housing opportunities or that result in greenfield development
- New state infrastructure funding targeted to communities that make tangible, physical improvement in fundamental quality of life measures, including priority or points for:
 - Local implementation of AB 857 priorities and Sustainable Communities Strategies
 - Approval of housing projects over sales-tax generating projects
 - Neighborhood conservation, rehabilitation, and enhancement
 - Protection and preservation of agricultural land
 - Open space acquisition, protection and management
 - Zoning and development standards that facilitate new affordable housing projects
 - Urban revitalization, code enforcement and sign control
 - Cultural resource protection and historic preservation
 - Healthy communities initiatives, including community greening and safe routes to schools
 - Replacement of or upgrades to critical local infrastructure
- Fees on greenfield development that reflect the true cost of such development, including costs related to provision of a regional transportation network
- Modification of the state building code to remove barriers to adaptive reuse and conversion of existing commercial office space for mixed use
- Increased funding for transit

Issue Area #4: Planning Housing for All Californians

Background: The magnitude of California’s projected growth—over 400,000 new residents every year, over 11 million by 2025—means that expanding the supply of housing must be a top priority. California also faces a housing affordability crisis: we have the second highest median home price in the nation (\$414,000 in July 2008) and a higher percentage of California homeowners spend a disproportionate share of their income on housing related costs than any other state. One result of the high housing cost is overcrowding; California ranks second in the nation in percentage of overcrowded homes. The reasons for California’s housing crisis are complex. Supply is clearly a factor, but increasing housing supply will not, by itself, solve the state’s affordability crisis. Other factors, including interest rates, real estate speculation and global increases in construction material costs have also contributed significantly to the increase in housing costs. To further complicate matters, the collapse of housing markets in various parts of the state has dramatically slowed new housing development. The solutions to California’s housing problems are also complex. Meeting the state’s housing needs must be accomplished in a balanced fashion that places housing in the context of a truly comprehensive plan. Success will require a partnership between government at every level—federal, state, regional and local—and the private sector including developers, employers and lenders.

APA California supports:

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

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

Issue Area #5: The Environment, Neighborhoods and Healthy Communities

Background: A healthy, high quality environment and safe, vital neighborhoods are important to all Californians, a basis of good planning, and essential to the state’s economy. Yet California’s tremendous population growth and its historic pattern of sprawling development have impacted resources and stressed natural systems. At the same time, the state has adopted AB 32, a far-reaching climate protection bill that will challenge planners to develop effective solutions at the local and regional levels. Our neighborhoods—the foundation of California’s communities—deserve the best that planning has to offer. Californians must also plan for a wide array of natural disasters, including earthquakes, floods, landslides and wildland fires. Planning and community design decisions also have an impact on people’s long-term health. With more than 90 percent of Californians living in areas with unhealthy levels of air pollution, reducing the largest source of that pollution—auto emissions—is essential. Communities can also encourage transit opportunities, healthy lifestyle choices and increased physical activity by planning more walkable and pedestrian friendly neighborhoods and supporting

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

APA California supports:

- Planning strategies at every level that seek to reduce carbon emissions and facilitate adaptation to the effects of climate change consistent with APA California's 2007 *Planning Policy Principles for Climate Change Response*
- Encouraging local governments to prepare Climate Action Plans, with accompanying EIRs, to encourage the establishment of local greenhouse gas reduction programs that would reduce the need for CEQA documents to be prepared for small projects
- Local general plans that include up to date information about water resources (e.g., from an Urban Water Management Plan) and policies to address water-related issues including sustainable water supply, flood management and water quality
- Higher densities in infill/growth areas linked to transit and infrastructure in addition to continued preservation of historical buildings and neighborhoods and continued authority for communities to decide the mix of housing to meet those densities
- Local general plans that include community design standards and land use patterns that encourage active and healthy lifestyle choices such as increased opportunities for pedestrian, bicycle and other non motorized transportation, and active recreation; the state should support and incentivize these shifts
- State standards that encourage new schools in areas with safe and convenient pedestrian access, including infill areas where large parcels may not be available; the state should continue its support of the California Safe Routes to School Initiative
- Local, regional, and state programs that reduce the use of fossil fuels through effective use of alternative transportation, transit, and sustainable community design, including microgeneration of power and community based reduction and offset programs
- Local, regional, and state programs that encourage remediation and redevelopment of brownfield and greyfield sites
- Providing communities with the authority to prevent unlicensed group homes from concentrating in particular neighborhoods, while ensuring that such uses are not excluded from the community
- Increased flood protection in urban areas beyond the current 100-year standard using prioritized hazard analysis developed with state leadership and funding
- Until a new flood protection standard can be implemented, ensuring that 100-year flood risks are fully understood and properly mitigated through the CEQA process and with affirmative findings by the local government at the time new development is approved
- Responsible planning and decision making by limiting local government liability for flood damage due to factors beyond the local agency's control

Issue Area #6: Sustainable Building and Design

Background: The built environment has a profound impact on our natural environment, economy, health and productivity. In the United States, buildings account for 65 percent of electricity use, 30 percent of greenhouse gas emissions, 30 percent of raw material use, 30 percent of landfill waste and 12 percent of potable water consumption.

Breakthroughs in building science, technology, products and operations are now available to designers, builders and property owners who want to build green buildings and significantly reduce impacts to the environment while creating a healthier environment for the building's occupants, and, oftentimes, reducing construction and operation costs. Planners can play a crucial role in improving the sustainability of communities by encouraging and supporting sustainable building and design components.

APA California supports:

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

Issue Area #7: The California Environmental Quality Act

Background: CEQA, California's landmark environmental protection statute, has been in place for nearly 40 years. In addition to the statute itself, CEQA is implemented through Guidelines promulgated by the Resources Agency and numerous court decisions. Since its adoption in 1971, CEQA compliance has become far more costly and time consuming, to the extent that it is often perceived as an obstacle by developers or used as a tool for stopping development. More recently, CEQA has become the primary venue for addressing climate change impacts, although lead agencies struggle with a lack of guidelines or standards in this area. Despite these challenges, CEQA fulfills its essential mission by requiring disclosure and mitigation of environmental impacts. APA California believes that CEQA can be streamlined strategically to help achieve smart growth goals and improve CEQA's positive impacts.

APA California supports:

- Amending CEQA to maximize the use of tiering to encourage up-front review of environmental impacts so as to limit or avoid project-by-project CEQA review; this is especially important for large-scale impact issues like climate change
- Restoring the ability to use a Negative Declaration after adoption of a prior EIR that identified unavoidable significant effects

- In preparing the CEQA Guidelines amendments required by SB 97 to address climate change, suggesting that OPR consult with CARB and the CEC to develop methodologies for climate change analysis and mitigation measures to address both project impacts on GHG emissions that the potential effects of climate change on the project
- Amending the CEQA statute to provide a threshold of significance for climate change impacts that lead agencies can rely upon in preparing CEQA documents
- Requiring climate change analysis in CEQA at the plan level and for other large projects, not for small and infill projects
- For other impact areas authorizing cities and counties to determine appropriate environmental thresholds of significance, based on the General Plan
- Focusing CEQA on measurable physical environmental effects, not socio-economic issues that should be addressed in another venue. For example, urban decay should be eliminated as an environmental impact subject to CEQA

Issue Area #8: Inclusion and Social Justice

Background: The field of planning is deeply rooted in advocating for equity, reform, and justice for its membership and all people. California faces many challenges as the demographics of the state change and the historical minority is likely to become the majority and where global climate change threatens the health, safety and prosperity of the disenfranchised. By advocating effective planning strategies among its membership, within our planning efforts and at all levels of government we can ensure social and economic equity for all people.

APA California supports:

- City and county policies and programs that advance inclusiveness and diversity in their communities, and build a climate conducive to sound, equitable, inclusionary, and non-discriminatory planning both as a means of empowerment and to help move communities toward a more just future
- Community, regional, and state planning activities (social, economic, and physical) that provide for the fair treatment of all people
- Including policies and programs in general plans to ensure that the natural systems, built environment and social services address the entire community and all people are treated with equity
- Making planning documents readily available to all segments of the population
- Expanded public participation beyond traditional outreach efforts to engage those that historically do not participate in the planning process and to increase participation from underserved populations
- State protocols to ensure seamless negotiation between recognized Native American tribes and local, regional and state agencies to ensure that gaming facilities built on tribal lands or by tribal entities provide proper environmental planning, protection, and mitigation of adverse impacts on the environment, regional infrastructure and on nearby communities

Issue Area #9: Public Participation and the Planning Process

Background: Broad and meaningful public participation is essential to any successful planning process. The technology for communicating and sharing information has changed dramatically and planners are often at the forefront of those changes. However, state laws governing public notice requirements have changed little in several decades,

still mandating the use of communication tools that are no longer effective in some communities. APA California believes that public participation in the planning process should be increased by taking advantage of the most effective tools available and that public involvement should occur as early as possible in the process.

APA California supports:

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