

GUIDE TO **California Planning**
fifth edition

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William Fulton
Paul Shigley

SOLANO
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BOOKS

GUIDE TO ***California Planning***
fifth edition

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print: 978-1-938166-23-5

e-book: 978-1-938166-24-2

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

Guide to California Planning, 5th edition, is printed on stock comprised of ten percent post-consumer fiber with soy-based ink formulated for minimally low VOC emissions.

Solano Press Books

P.O. Box 773 • Point Arena, California 95468

tel (800) 931-9373 • fax (707) 884-4109

email spbooks@solano.com

www.solano.com

Printed in the United States of America

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Preface

WHEN I SAT DOWN TO WRITE THE FIRST EDITION OF *Guide to California Planning*, I used to have to coax my daughter to sleep in her crib in order to get some peace and quiet to get the job done. As the fifth edition goes to press, she and her husband are California homeowners. Though it won't be her career, she is well-versed in the ways of California planning—having studied it at Sonoma State— and I'm pretty sure she will rock some Berkeley City Council meeting as a neighborhood activist one of these days.

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

California has changed much during this time. The state's population has increased by more than 10 million people. The demographic shift during that time has been particularly dramatic, creating the first truly multi-racial, multi-ethnic state. Home prices are now the highest in the country, creating an unprecedented crisis of affordability. The state is increasingly expensive, crowded, and urban in a way that was unimaginable at the time this book was first written.

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

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

when some gray-haired, middle-aged planning director comes up to tell me that he or she used this book as an undergraduate.

This fifth edition has been quite an undertaking because of several significant but related changes in planning practice in the last few years. The first is the increasing focus on urbanism, infill and transit-oriented development. Since the fourth edition was published, urban development has become the norm in California, at least in the populous coastal areas, and, like the planners who work in those communities, we have struggled to keep up with the changing nature of planning practice. The second is the end of redevelopment, which occurred just as the fourth edition came out and has played itself out since then; this change has forced a dramatic re-focusing of virtually all economic development and urban redevelopment efforts in the state. And the third is the evolving policy about climate change and greenhouse gas emissions reduction, which is increasingly driving transportation policy and, by extension, land use patterns throughout the state.

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

William Fulton

Acknowledgments

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

This fifth edition of *Guide to California Planning* is, once again, mostly a testament to the skill and persistence of my longtime colleague Paul Shigley. There is truly no more knowledgeable or capable writer on the subject of planning in California than Paul. For 10 years, we collaborated on the production of *California Planning & Development Report*, one of the most joyous partnerships of my life. It is Paul who did most of the heavy lifting for this edition in addressing natural resources and the ever-evolving world of the California Environmental Quality Act.

It would take an entire book to thank everyone who has helped with the effort of *Guide to California Planning* over the last 25 years, but I will name a few. As a longtime writer and teacher, I have learned more than I can say from the graduate students in urban planning at the USC Sol Price School of Public Policy, where I taught from 2004 to 2014, and the mid-career students in the UC Davis Extension Land Use and Natural Resources Certificate Program, where I taught from 1991 to 2012.

I am very grateful to those I have worked with in various capacities over the years who have taught me a great deal about California planning. These include especially David Early and Woodie Tescher, the general plan gurus at PlaceWorks; Bruce Brubaker at PlaceWorks and Tom Ford at M-Group helped a visually impaired writer understand how much design matters in creating communities. From my Ventura City Council days, I am grateful to Sandy Smith, Brian Brennan, Carl Morehouse, Ariel Calonne, Rick Cole, and Jeff Lambert. My time as Planning Director at the City of San Diego taught me more than I can say about the practice of planning in California and I am grateful to my colleagues Tom Tomlinson, Nancy Bragado, Cathy Winterrowd, Bill Anderson, David Graham, Liz Studebaker, Howard Blackson, and Steve Russell for their help and support.

On a personal level, I would like to thank many friends and professional colleagues for their enduring support of this project, especially Peter Detwiler, Chris Williamson, Bill Higgins, and Allison Joe.

And, as always, I am grateful for the support and help of my daughter Brooke Ezra Torf-Fulton, who is full of energy, enthusiasm, and ideas

about cities not just in California but around the world. For her I am more than happy to keep pushing to use good planning to shape a better future for the next generation of Californians.

William Fulton
Berkeley, California
September 2017

Everyone changes careers three times. That's the rule of thumb, right? But career changes are stressful and, thankfully, I've made only one true career change. In 2011, after a quarter century as a journalist writing for newspapers, magazines, trade publications, and niche websites, I made a switch. I finally became a practitioner.

As a journalist, I was outside of the process. I wrote primarily about land use planning and development, public policy, infrastructure and related topics. I talked on a daily basis to planners, public officials, developers, advocates, academics and lawyers. I attended and even spoke at numerous conferences, workshops and academic gatherings. Yet it all remained theoretical to me.

Then I joined the consulting firm ICF as an editor and analyst. Suddenly, I was no longer writing about somebody doing something related to land use; I was actually the one doing the something. At ICF, I help write the EIRs upon which planners rely and advocates sue. I pull up the CEQA checklist and figure out whether a project would have a significant impact on the environment. I help clients get their projects through various approval and permitting processes. I work with project managers and technical specialists to craft analyses of public infrastructure projects. I even write mitigation measures that some poor planner or contractor or agency bureaucrat will have to interpret and implement years in the future. The game is no longer theoretical for me; I'm in it. And what a complicated game it is.

In past editions of this book, I thanked the planners and other folks who talked to me on and off the record about projects, the process, legislation and anything else about which I had questions as a journalist. These were the people who educated a government journalism major who was trying to make sense of the ever-evolving topic of land use planning and development. These folks will always have my gratitude for providing me the background not only to write this book, but to become an effective practitioner.

This time around, I'd like to thank my colleagues at ICF. ICF is a large consulting company, but the branch for which I work originated in

the early 1970s as Jones & Stokes Associates. As a journalist who waded through many environmental impact reports, I always thought that the documents prepared by Jones & Stokes were of the highest quality. When ICF absorbed Jones & Stokes several years back, my friend John Stokes, son of J&S founder Jim Stokes, told me, “Thank god I’ll get my name back.” John did get his name back, yet our Sacramento office remains filled with professionals from the J&S days who maintain high standards. And, of course, ICF has added others like me who did not work at Jones & Stokes but who try to uphold those standards. I have never before worked with a group of smarter people.

My colleagues at ICF have taught me a great deal and have contributed to this book in many ways. In particular, I thank Brad Norton, who reviewed material prepared for this edition and who has shared his remarkably broad expertise freely. Other colleagues, whether they know it or not, have provided me with invaluable education and insights. My thanks specifically to the allegedly retired Mike Rushton and Terry Rivasplata, both of whom have practical answers to the most intractable problems, as well as to Sally Zeff and Susan Bushnell-Bergfalk for sharing their knowledge of various processes, and to Larry Goral, Laura Yoon and Rob Preston for their excellent writing examples. I also thank Elizabeth Antin and Adam Smith, both of whom have moved on but have not been forgotten.

As always, I’m grateful to my wife, Dana, a public servant who, directly and indirectly, reminds me that every system and policy is only as good as the people—yes, the practitioners—who implement it.

Paul Shigley
Santa Rosa, California
October 2017

About the Authors

William Fulton, AICP, is Director of the Kinder Institute for Urban Research at Rice University as well as Editor and Publisher of *California Planning & Development Report* (www.cp-dr.com). Over the past 35 years, he has written about and influenced planning in California in a wide-ranging series of roles, including Mayor and City Councilmember in Ventura, Director of Planning in San Diego, Principal at the urban planning consulting firm now known as Placeworks, Senior Fellow at the Price School of Public Policy at the University of Southern California, and Vice President and Director of Policy Development at the advocacy group Smart Growth America. He wrote the first edition of *Guide to California Planning* in 1991 and has written several other books about planning, including *The Reluctant Metropolis: The Politics of Urban Growth in Los Angeles* and *The Regional City: Planning for the End of Sprawl*, co-authored with Peter Calthorpe.

Paul Shigley is an editor and analyst in the Environment and Planning division of ICF, where he prepares environmental review documents and natural resource management plans for public agencies, utilities and private landowners. Prior to joining ICF in 2011, Paul was a journalist for 24 years, serving as editor of *California Planning & Development Report* and as an editor and reporter for newspapers in Grass Valley, Redding and the Napa Valley. He also was a frequent contributor to regional and national publications, including *Planning* magazine. Paul is a graduate of California State University, Sacramento. He and his wife, Dana, live in Santa Rosa, California and Portland, Oregon.