

FIRST QUESTION

WORTH 0.5%
OF TOTAL GRADE

WRITE YOUR FULL NAME
AND ANSWER ON A SMALL PIECE
OF PAPER AND LEAVE IT UP FRONT.

**WHAT PLANNING COMMISSION, CITY COUNCIL, NEIGHBORHOOD
ASSOCIATION, OR OTHER PUBLIC DECISIONMAKING MEETING ARE
YOU PLANNING TO ATTEND?**

HERE TODAY

1

**PLANNING DECISIONMAKERS:
THE OVERVIEW**

2

**PLANNING DECISIONMAKERS:
LOCAL GOVERNMENT**

3

**THREE TYPES OF LOCAL
GOVERNMENT DECISIONS**

4

**OTHER PLAYERS IN
THE PLANNING PROCESS**

PLANNING DECISIONMAKERS: THE OVERVIEW

**It is impossible to understand
how planning works
without first understanding
how local governments
are structured.**

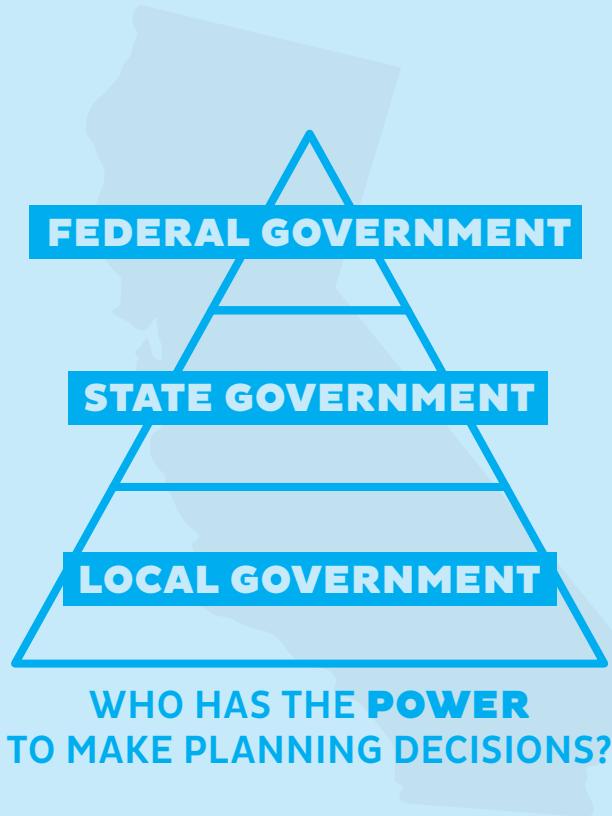
PLANNING DECISIONMAKERS: THE OVERVIEW



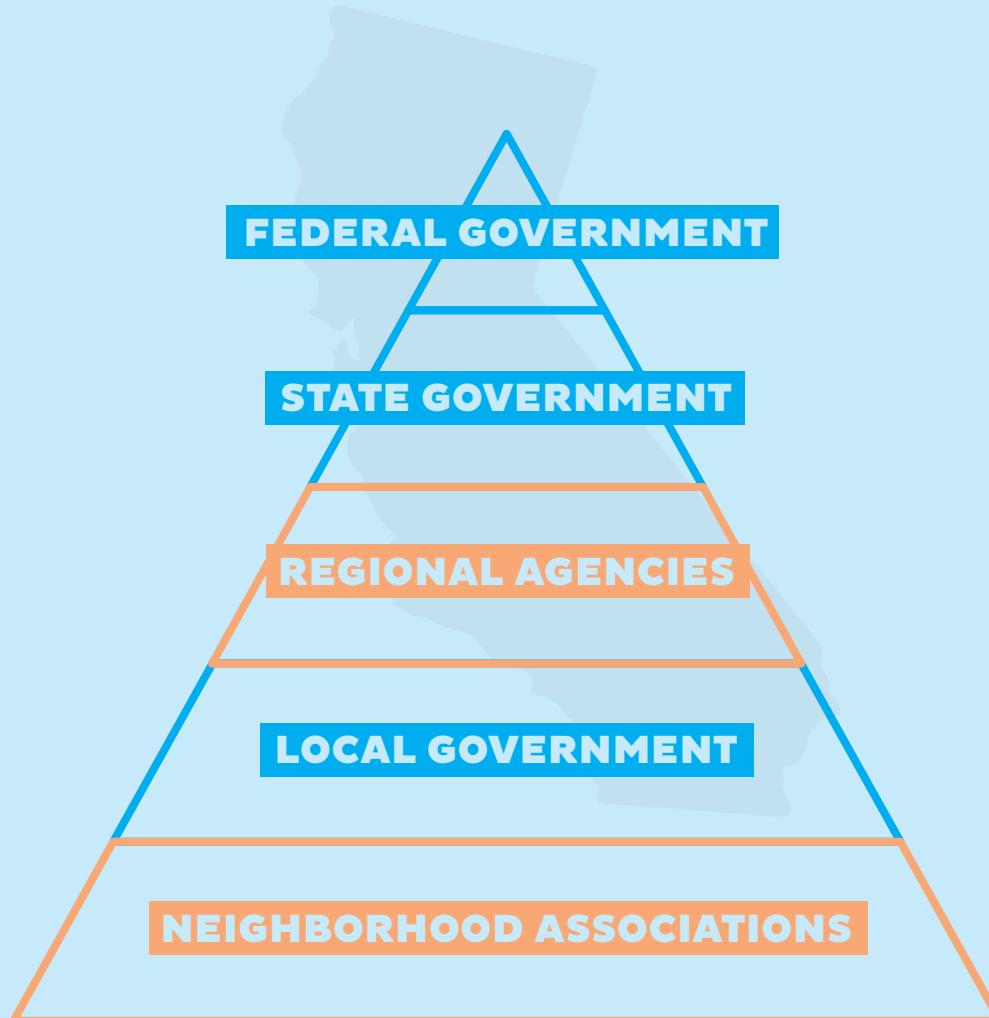
PLANNING DECISIONMAKERS: THE OVERVIEW



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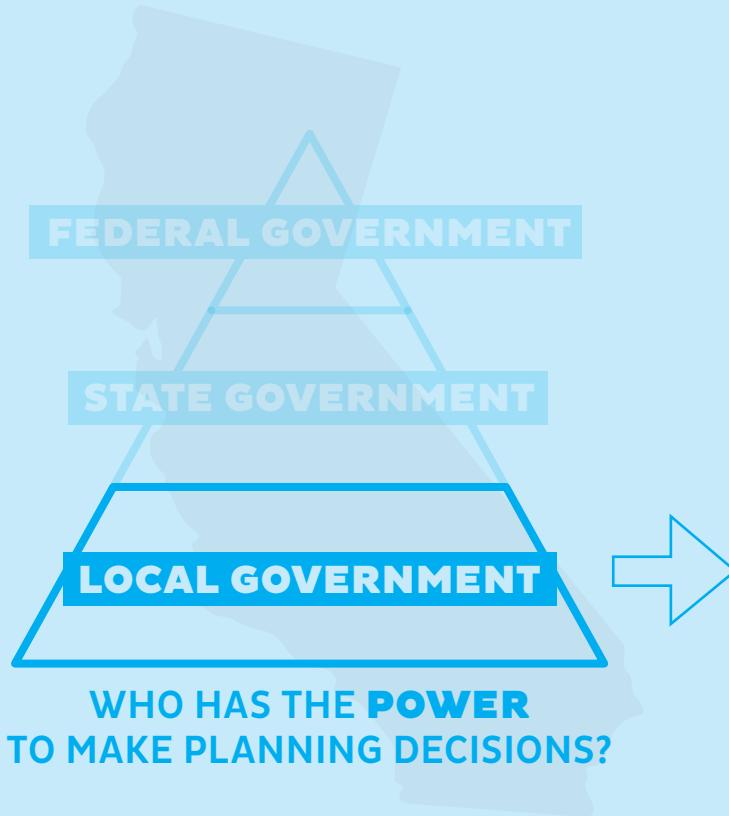
IT SHOULD ACTUALLY BE MORE LIKE THIS,
BUT WE WILL GET TO THESE OTHER GROUPS LATER

PLANNING DECISIONMAKERS: THE OVERVIEW



REGIONAL GOVERNMENTS
=
SHADOW GOVERNMENT?

PLANNING DECISIONMAKERS: THE OVERVIEW



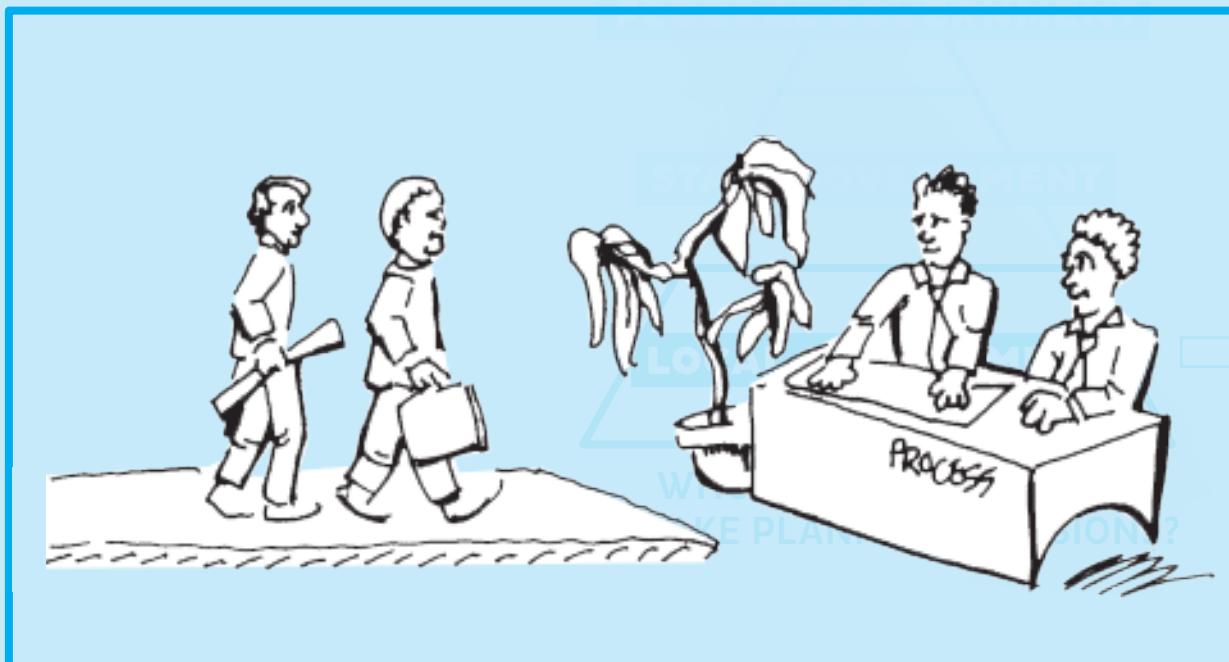
Local Planning Commission
or City Council has the
decisionmaking power
over the zone change or
the building permit

PLANNING DECISIONMAKERS: THE OVERVIEW

1

2

3



THE DEVELOPER BRINGS THE APPLICATION TO THE PLANNING DEPARTMENT WHICH EXAMINES THE PROJECT AND CONDUCTS ENVIRONMENTAL REVIEW.

Local Planning Commission or City Council has the decisionmaking power over the zone change or the **building permit process**

PLANNING DECISIONMAKERS: THE OVERVIEW

1 2 3



THE DEVELOPER THEN PRESENTS THE PROJECT TO THE PLANNING COMMISSION.

Local Planning Commission or City Council has the decisionmaking power over the zone change or the **building permit process**

PLANNING DECISIONMAKERS: THE OVERVIEW

1

2

3

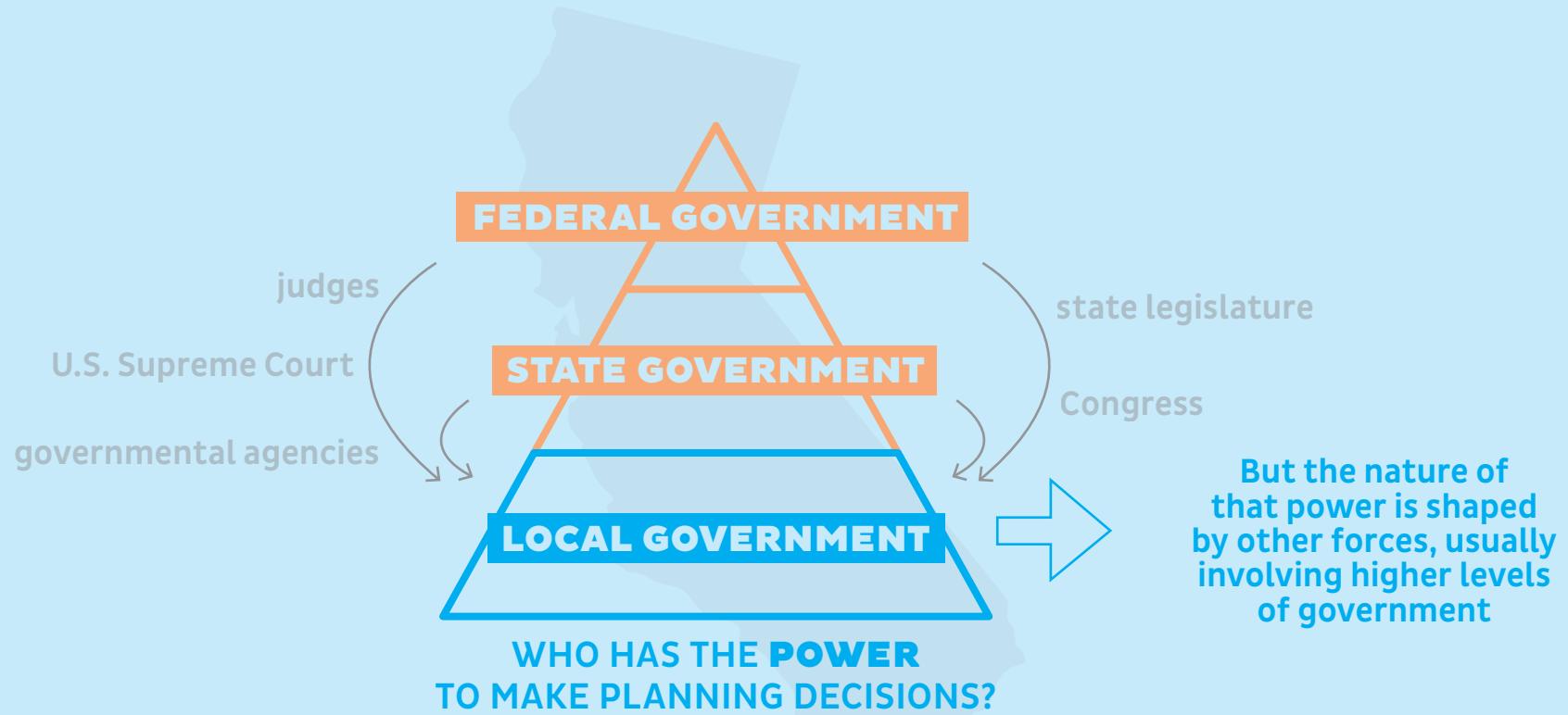


CITIZENS VOICE THEIR OPINIONS DURING THE PUBLIC COMMENT PERIOD.

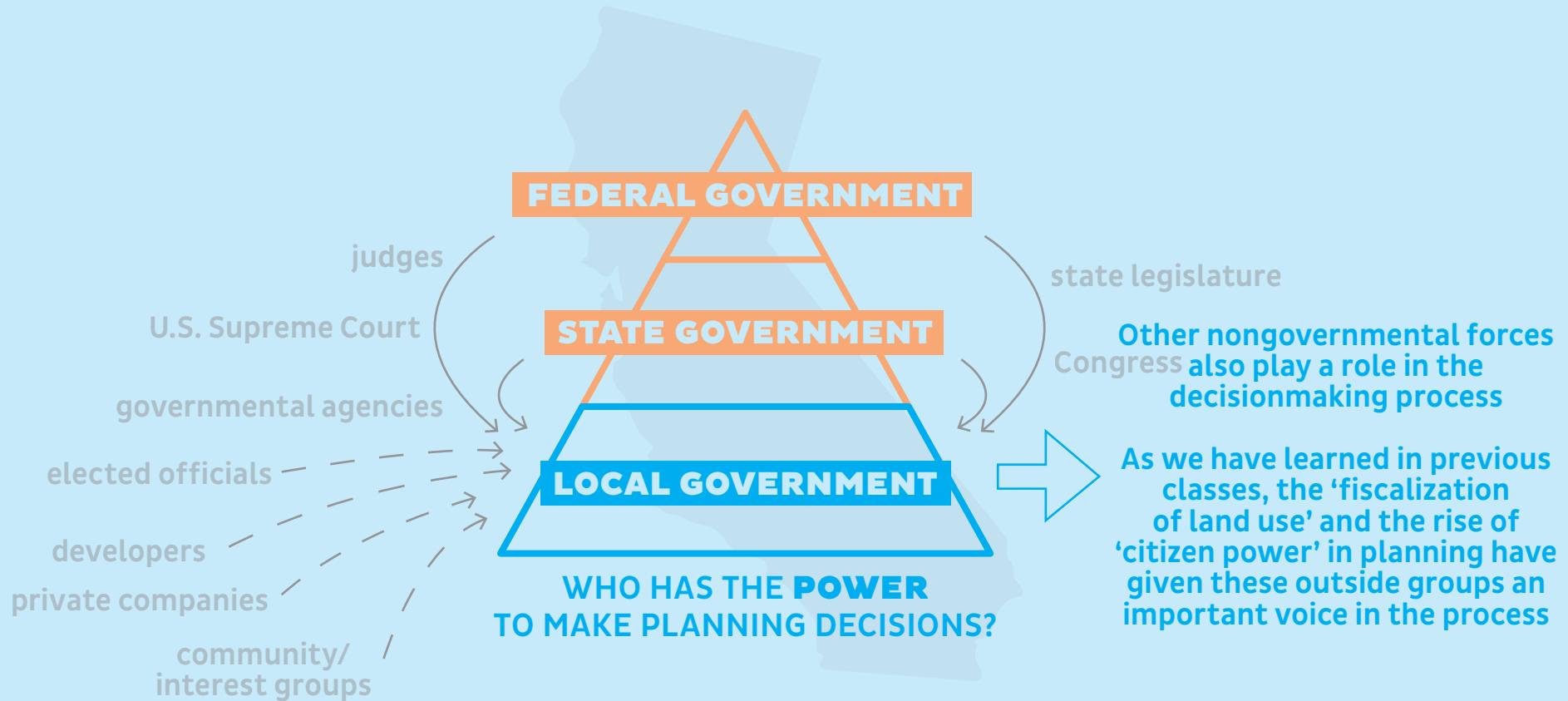
UNDER THE PERMIT STREAMLINING ACT, THE PLANNING COMMISSION MUST ACT WITHIN ONE YEAR OF THE ORIGINAL APPLICATION.

DECISION MAY BE APPEALED TO CITY COUNCIL OR BOARD OF SUPERVISORS.

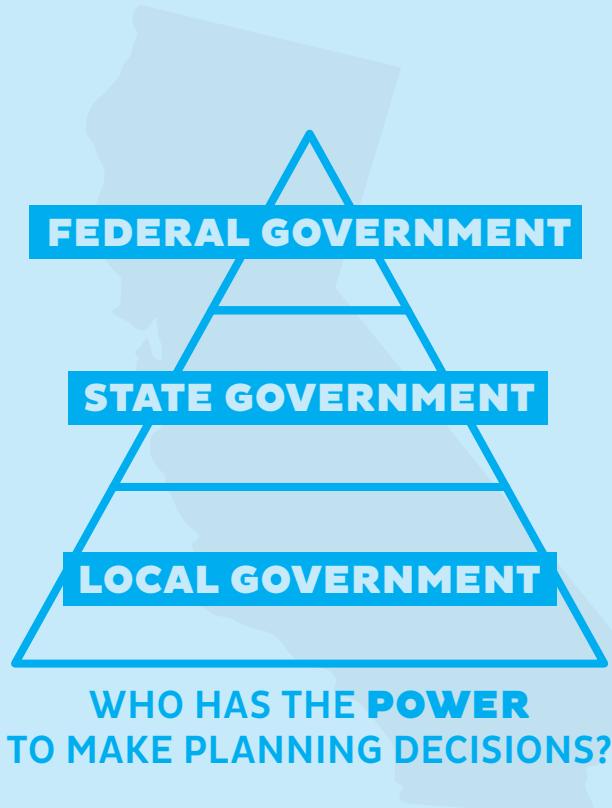
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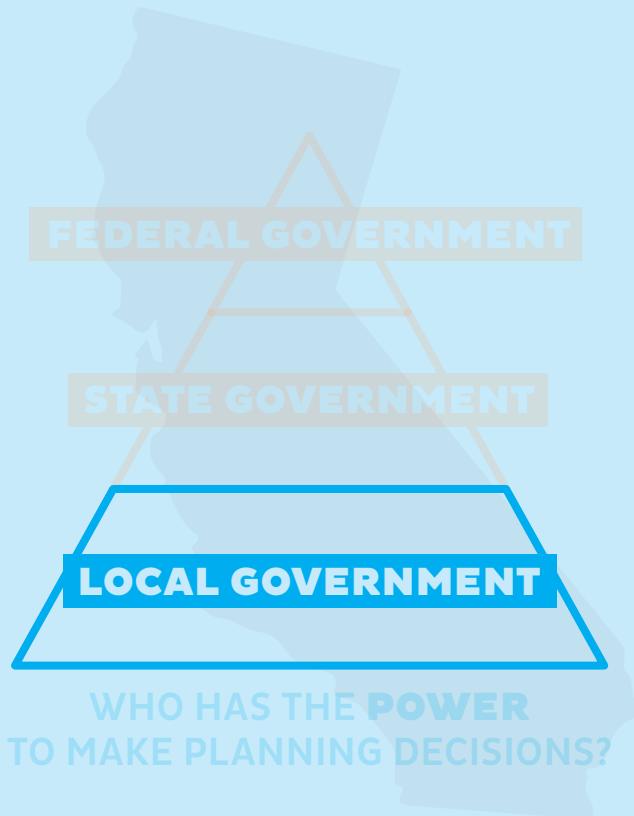
PLANNING DECISIONMAKERS: THE OVERVIEW



PLANNING DECISIONMAKERS: LOCAL GVNT.



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MORE THAN 7,000 DIFFERENT ENTITIES

FEDERAL GOVERNMENT

LOCAL GOVERNMENT

WHO HAS THE POWER
TO MAKE PLANNING DECISIONS?

PLANNING DECISIONMAKERS: LOCAL GVNT.

BETWEEN 3,000 AND 5,000 SPECIAL DISTRICTS (DEPENDING ON THE CRITERIA)



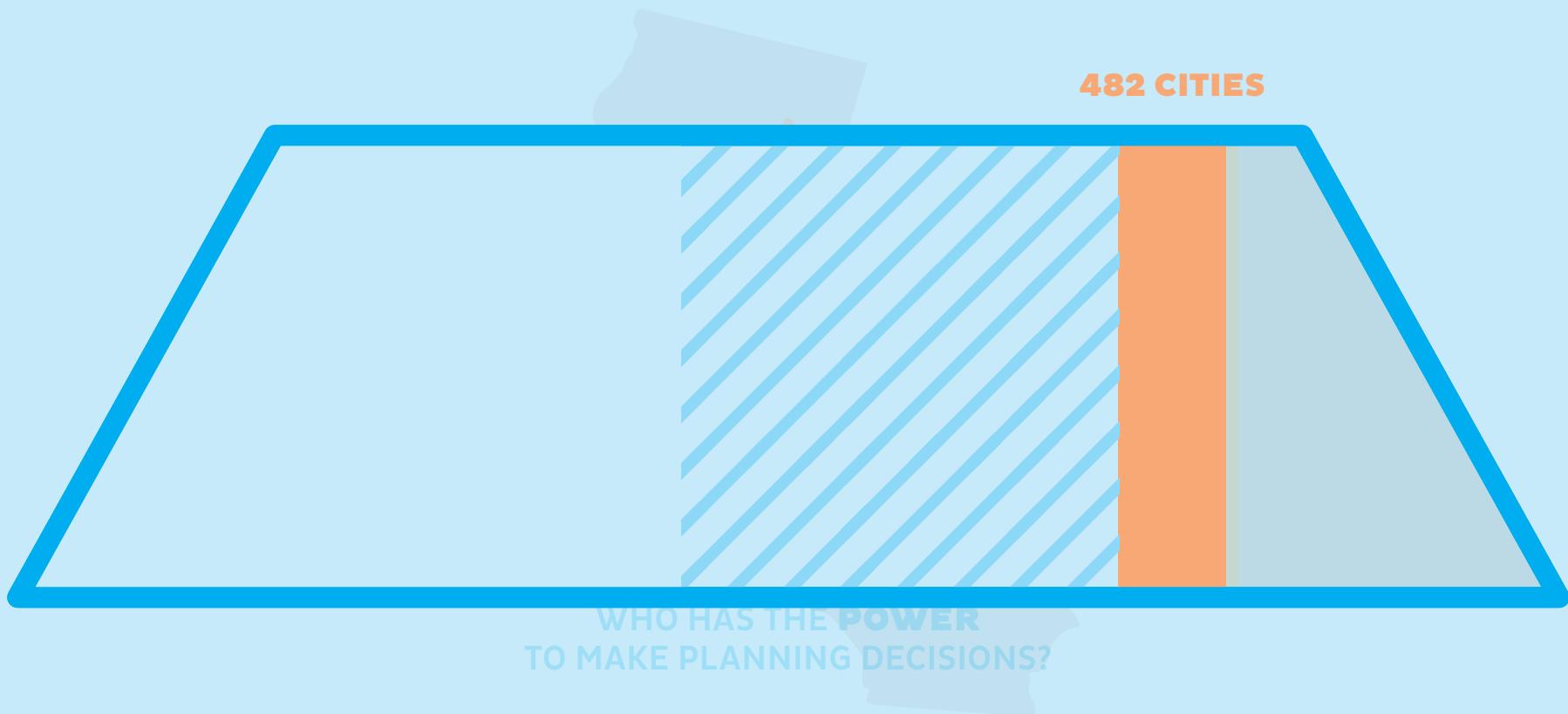
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PLANNING DECISIONMAKERS: LOCAL GVNT.

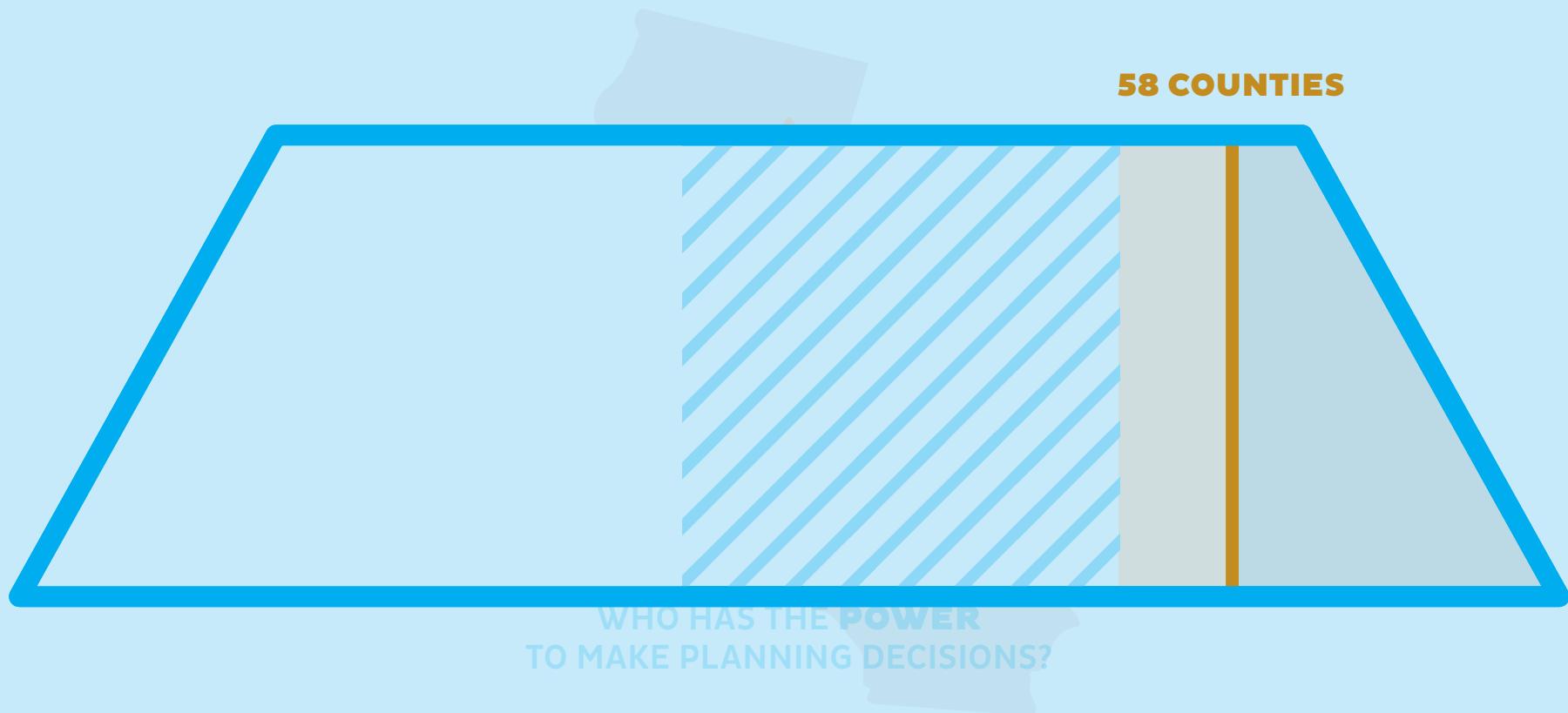
ABOUT 1,000 ARE
SCHOOL DISTRICTS



PLANNING DECISIONMAKERS: LOCAL GVNT.



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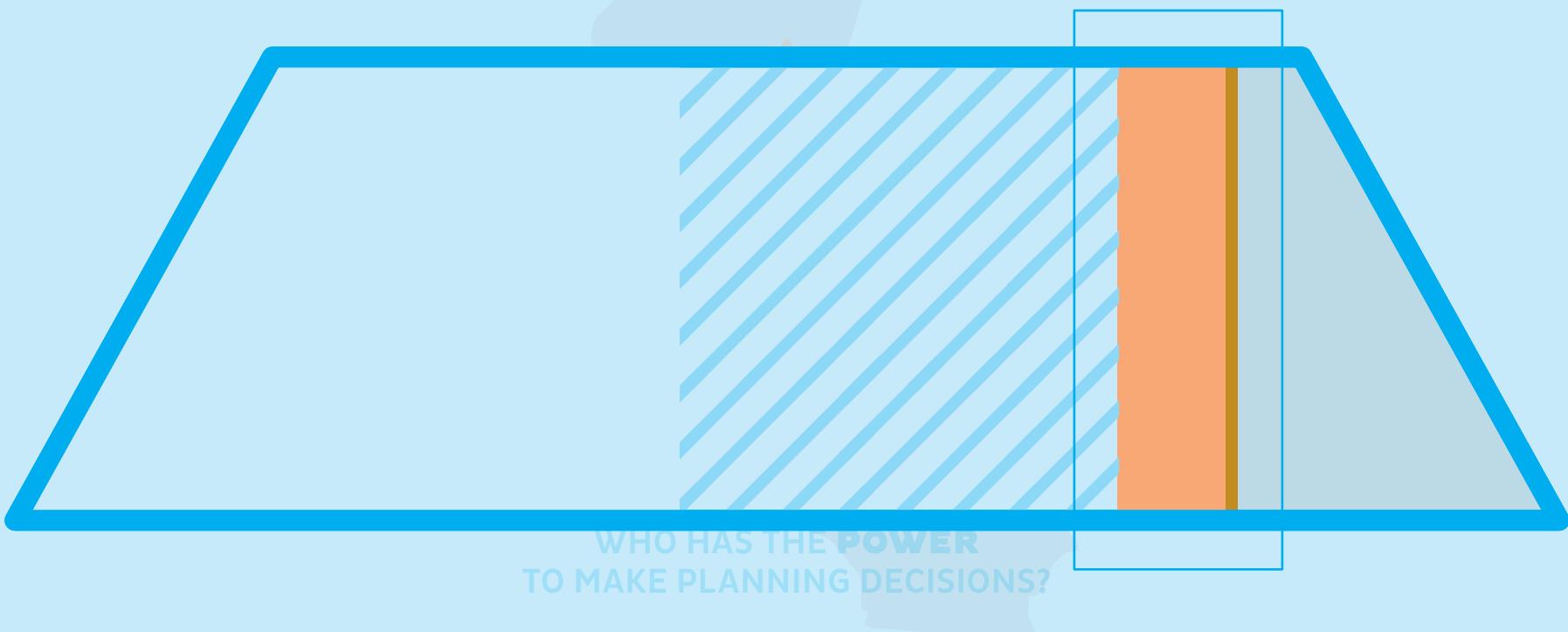
ALL LOCAL GOVERNMENTS PLAY A ROLE IN THE PLANNING PROCESS...



**WHO HAS THE POWER
TO MAKE PLANNING DECISIONS?**

PLANNING DECISIONMAKERS: LOCAL GVNT.

...BUT CITIES AND COUNTIES
ARE THE ONLY 'GENERAL PURPOSE'
LOCAL GOVERNMENTS AND THE ONLY ONES
TO HOLD REGULATORY POWER



PLANNING DECISIONMAKERS: LOCAL GVNT.

STATE GOVERNMENT

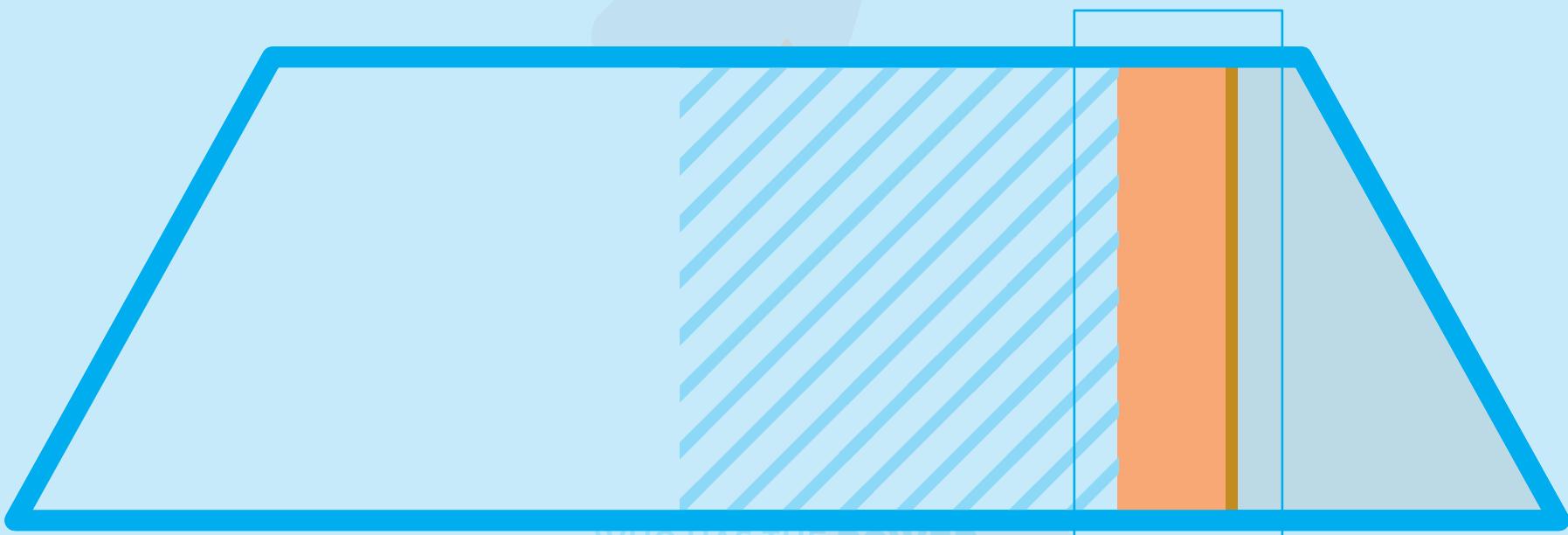
EXCEPT FOR THE
CALIFORNIA
COASTAL COMMISSION,
WHICH GAINS ITS
REGULATORY POWERS
FROM THE STATE

we will get a little bit
more into them later

WHO HAS THE POWER
TO MAKE PLANNING DECISIONS?

PLANNING DECISIONMAKERS: LOCAL GVNT.

CITIES AND COUNTIES CAN
ADMINISTER LAND USE REGULATIONS
BECAUSE THE STATE CONSTITUTION
SPECIFICALLY GIVES THEM THAT POWER



PLANNING DECISIONMAKERS: LOCAL GVNT.



WHEREAS, The 10th Amendment to the Constitution of the United States reads as follows:

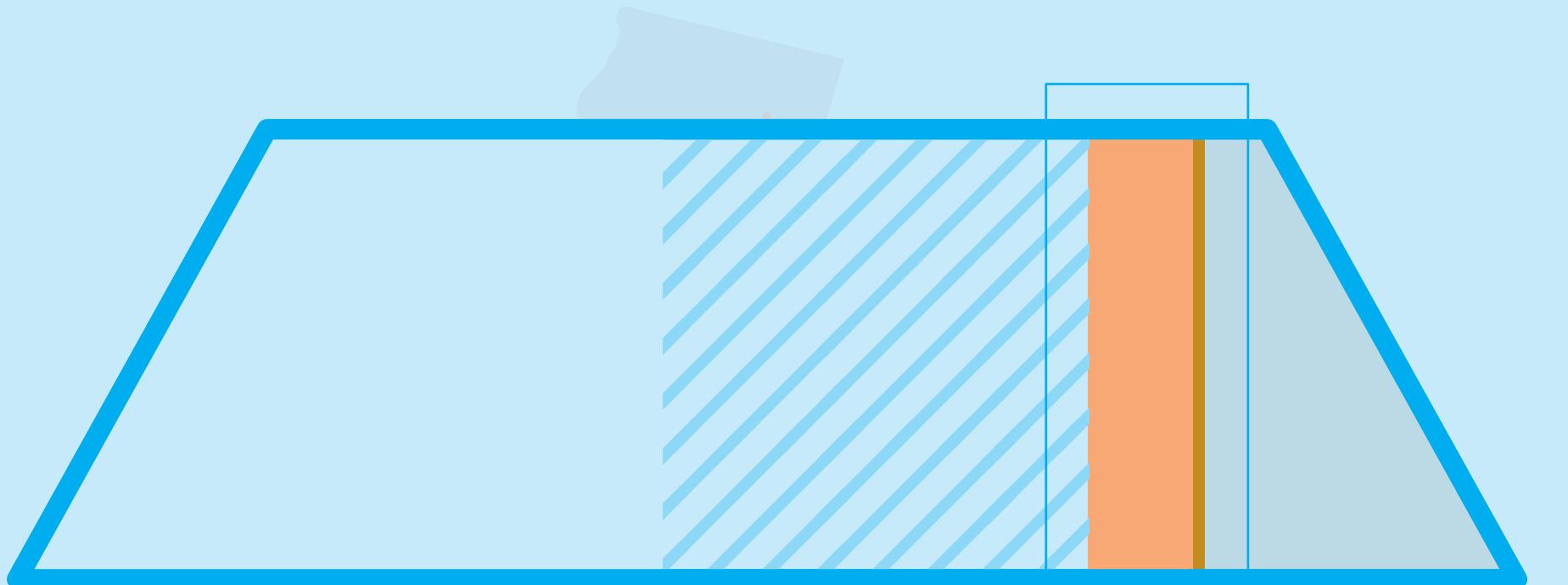
"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment is that the federal government was created by the states specifically to be an agent of the states; and

**THE 10TH AMENDMENT TO
THE STATE CONSTITUTION
(RESERVED POWERS DOCTRINE)
STATES THAT ANY POWERS
NOT SPECIFICALLY GRANTED TO
THE FEDERAL GOVERNMENT ARE
RESERVED BY THE STATES**

PLANNING DECISIONMAKERS: LOCAL GVNT.



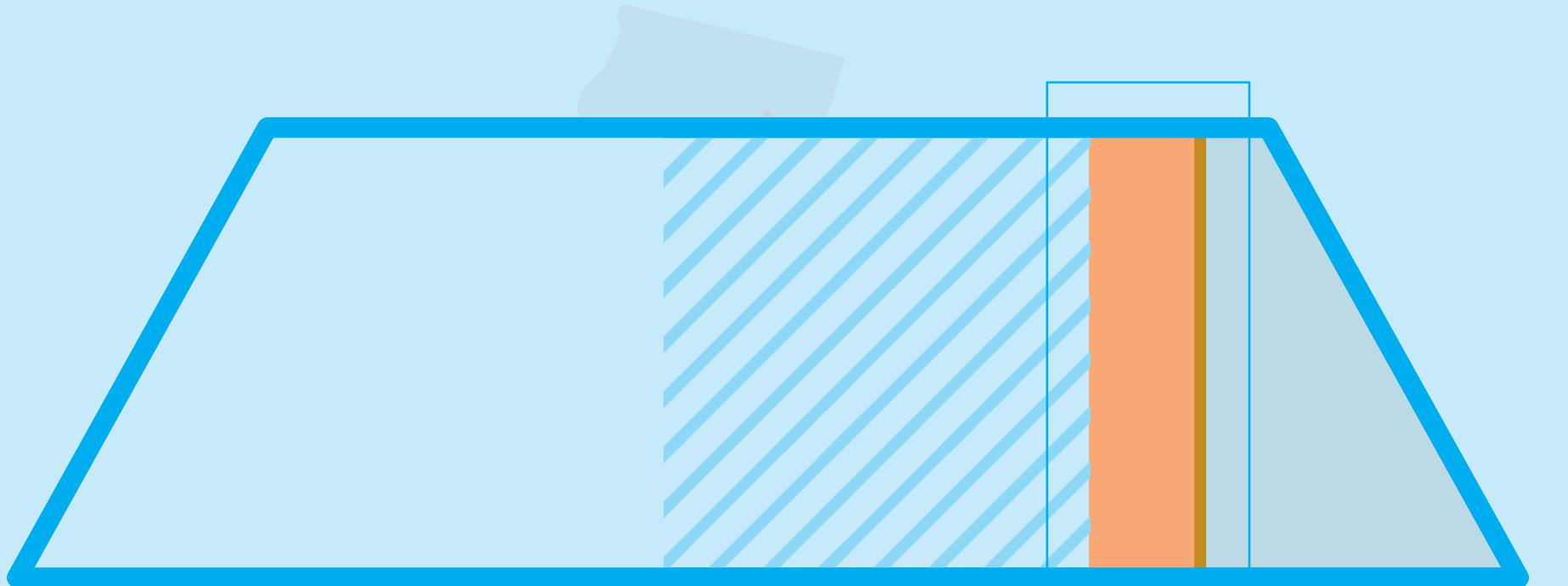
WHO HAS THE POWER
TO MAKE PLANNING DECISIONS?

**AS SUCH, LOCAL GOVERNMENTS IN CALIFORNIA
EXERCISE 'POLICE POWER' OVER LAND USES**



Police power permits governments
to restrict private activities
in order to protect the public health,
safety, welfare, and “public morals”

PLANNING DECISIONMAKERS: LOCAL GVNT.



WHO HAS THE POWER
TO MAKE PLANNING DECISIONS?

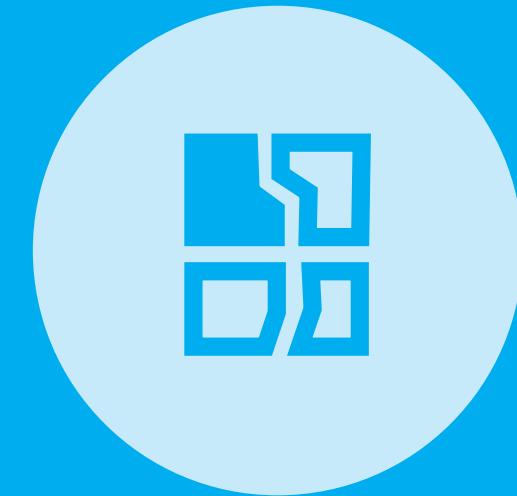
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Article X, section 7: A county or city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws



Police power permits governments to restrict private activities in order to protect the public health, safety, welfare, and "public morals"

CORE WAYS THAT THE STATE CREATED THE LEGAL STRUCTURE FOR PLANNING IN CALIFORNIA



PLANNING, ZONING, AND DEVELOPMENT LAWS

Govt. Code § 65000 et seq.

This set of laws lays out the legal basis for the state's interest in planning and establishes the requirement that all local governments create "planning agencies."

CORE WAYS THAT THE STATE CREATED THE LEGAL STRUCTURE FOR PLANNING IN CALIFORNIA

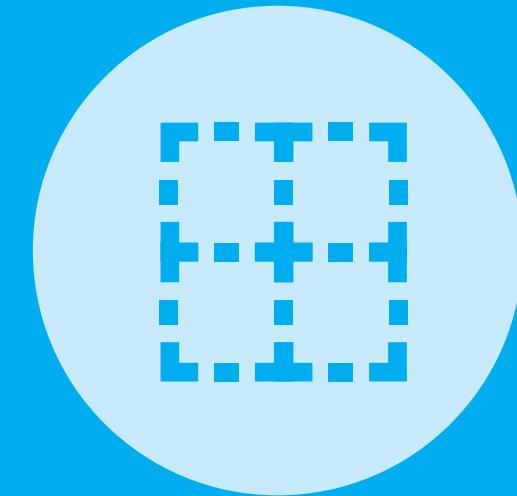


GENERAL PLAN LAW

Govt. Code § 65300 et seq.

These code sections require that all local governments prepare a “general plan” for the future development of the city or county, and lay out all the state’s requirements governing what a general plan should contain. The general plan is the same as the document that most planners outside California refer to as the “comprehensive plan” or the “master plan”.

CORE WAYS THAT THE STATE CREATED THE LEGAL STRUCTURE FOR PLANNING IN CALIFORNIA



SUBDIVISION MAP ACT

Govt. Code § 66410 et seq.

This law governs all subdivision of land. It requires that local governments establish regulations to guide subdivisions, and grants powers to local governments to ensure that the subdivision occurs in an orderly and responsible manner.

CORE WAYS THAT THE STATE CREATED THE LEGAL STRUCTURE FOR PLANNING IN CALIFORNIA

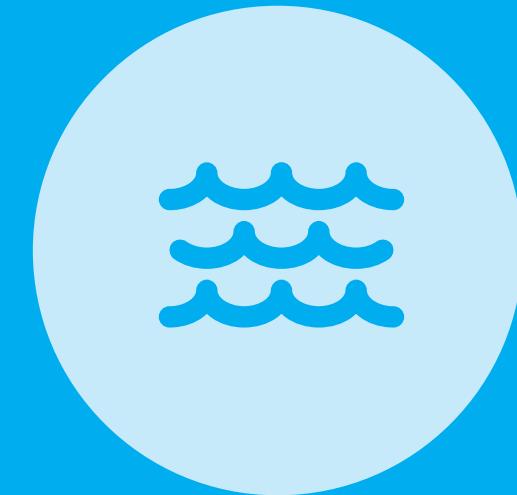


CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pub. Res. Code § 21000 et seq.

This law requires local governments to conduct some form of environmental review on virtually all public and private development projects. CEQA's requirements, which are mostly procedural, sometimes cause local governments to prepare environmental impact reports on specific development projects, detailing the likely environmental damage the projects would cause.

CORE WAYS THAT THE STATE CREATED THE LEGAL STRUCTURE FOR PLANNING IN CALIFORNIA



COASTAL ACT

Pub. Res. Code § 30000 et seq.

This law, originally passed as a ballot initiative in 1972, establishes special planning requirements for coastal areas and creates a powerful state agency, the Coastal Commission, to oversee coastal planning.

CORE WAYS THAT THE STATE CREATED THE LEGAL STRUCTURE FOR PLANNING IN CALIFORNIA

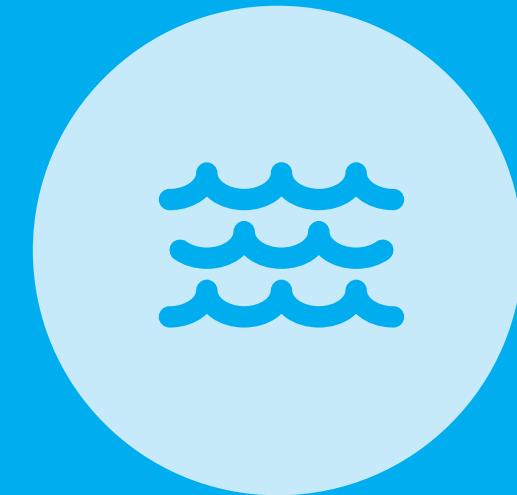


COMMUNITY REDEVELOPMENT LAW

Pub. Res. Code § 30000 et seq.

This law gives cities and counties great power to redevelop 'blighted' areas. It is perhaps the most powerful single tool local governments possess, other than the basic laws permitting them to engage in planning at all.

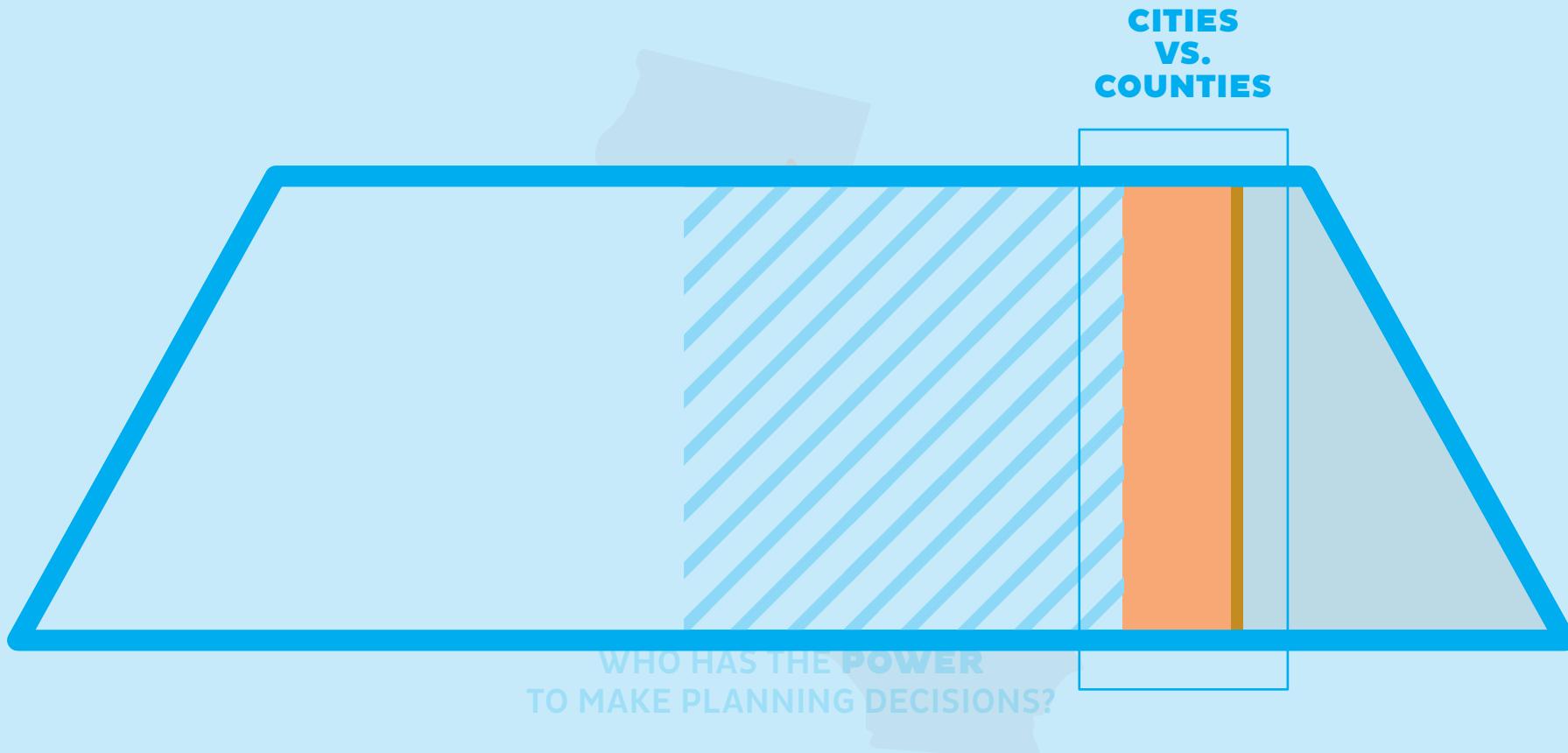
CORE WAYS THAT THE STATE CREATED THE LEGAL STRUCTURE FOR PLANNING IN CALIFORNIA



CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT *Govt. Code § 56000 et seq.*

This law is not strictly speaking a planning law. However, its provisions play an important role in local planning because it governs procedures by which local government boundaries may be changed. Under the Act, all annexations, incorporations, and other boundary changes must be processed through a special countywide agency called the local agency formation commission (LAFCO).

PLANNING DECISIONMAKERS: LOCAL GVNT.



PLANNING DECISIONMAKERS: LOCAL GVNT.

CITIES HAVE JURISDICTION OVER LAND INSIDE THEIR BORDERS

PLANNING DECISIONMAKERS: LOCAL GVNT.

COUNTIES HAVE JURISDICTION OVER OVER WHAT'S LEFT-THE "UNINCORPORATED" AREAS

PLANNING DECISIONMAKERS: LOCAL GVNT.

COUNTIES HAVE JURISDICTION OVER WHAT'S LEFT-THE "UNINCORPORATED" AREAS

Counties are “creatures”, or legal entities, of the state government whose basic mission is to implement state policy on a regional basis

They are subdivisions of the state; every square inch of California falls within one of its 58 counties

Counties focus most of their attention on health, welfare, and criminal justice, services they must deliver on a regional basis to all residents whether they live inside cities or not

Because they control so much agricultural and other nonurban land, county-level land use planning often has a rural or resources focus

PLANNING DECISIONMAKERS: LOCAL GVNT.

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PLANNING DECISIONMAKERS: LOCAL GVNT.

CITIES HAVE JURISDICTION OVER LAND INSIDE THEIR BORDERS

Unlike counties, California's cities
are not "creatures" of the state

Rather, they are created by local citizens
to serve their own purposes, especially
to provide urban services (such as water
and sewer service and a police force)

Larger cities—as well as many smaller, older ones—
are “charter cities,” meaning they have more
discretion within their city charters to establish
land use processes (subject to a vote of the city’s
residents)

Most smaller cities are “general law cities,”
meaning they do not have a city charter
and must adhere to state law, making them more
of a separate entity from the state government,
while general law cities are more dependent

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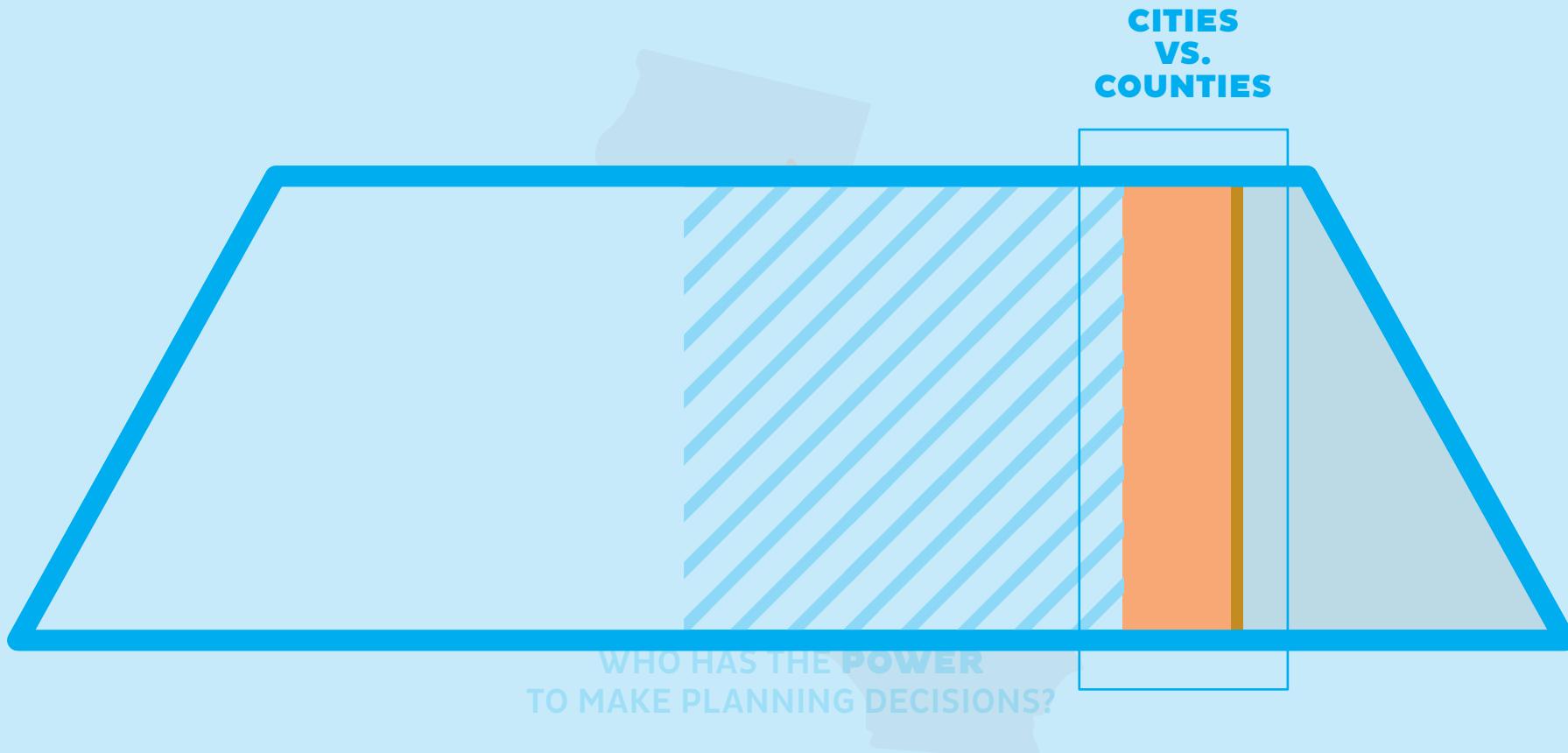
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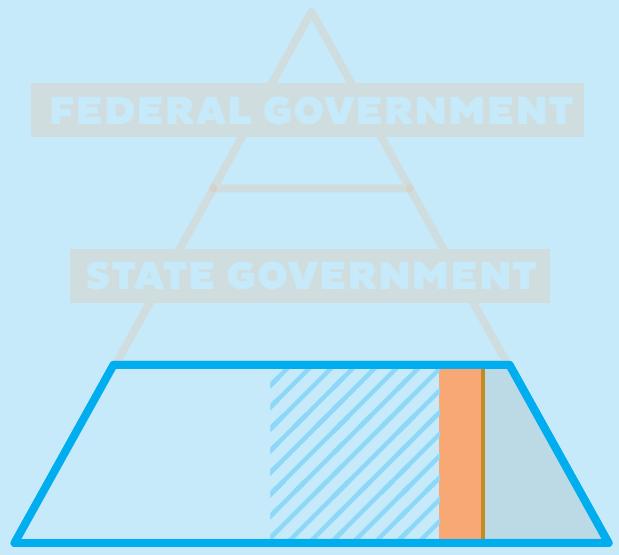
CHARTER VS. GENERAL LAW CITIES:

<http://cifac.org/california-cities-by-county-and-type/>

PLANNING DECISIONMAKERS: LOCAL GVNT.

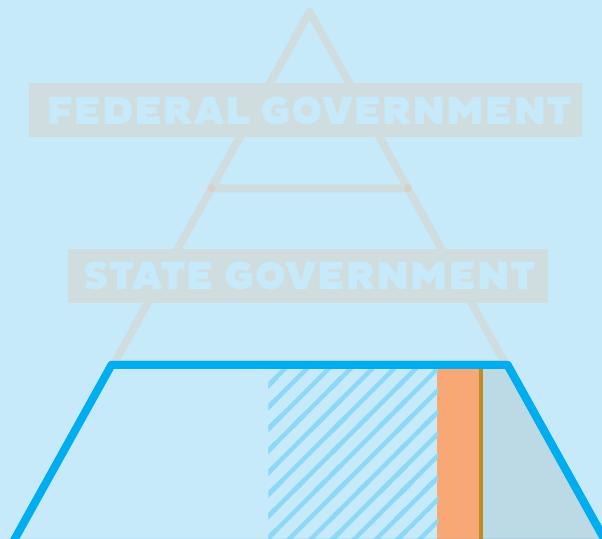


PLANNING DECISIONMAKERS: LOCAL GVNT.



**WHAT TYPES OF POWER
DO CITIES AND COUNTIES HAVE?**

PLANNING DECISIONMAKERS: LOCAL GVNT.

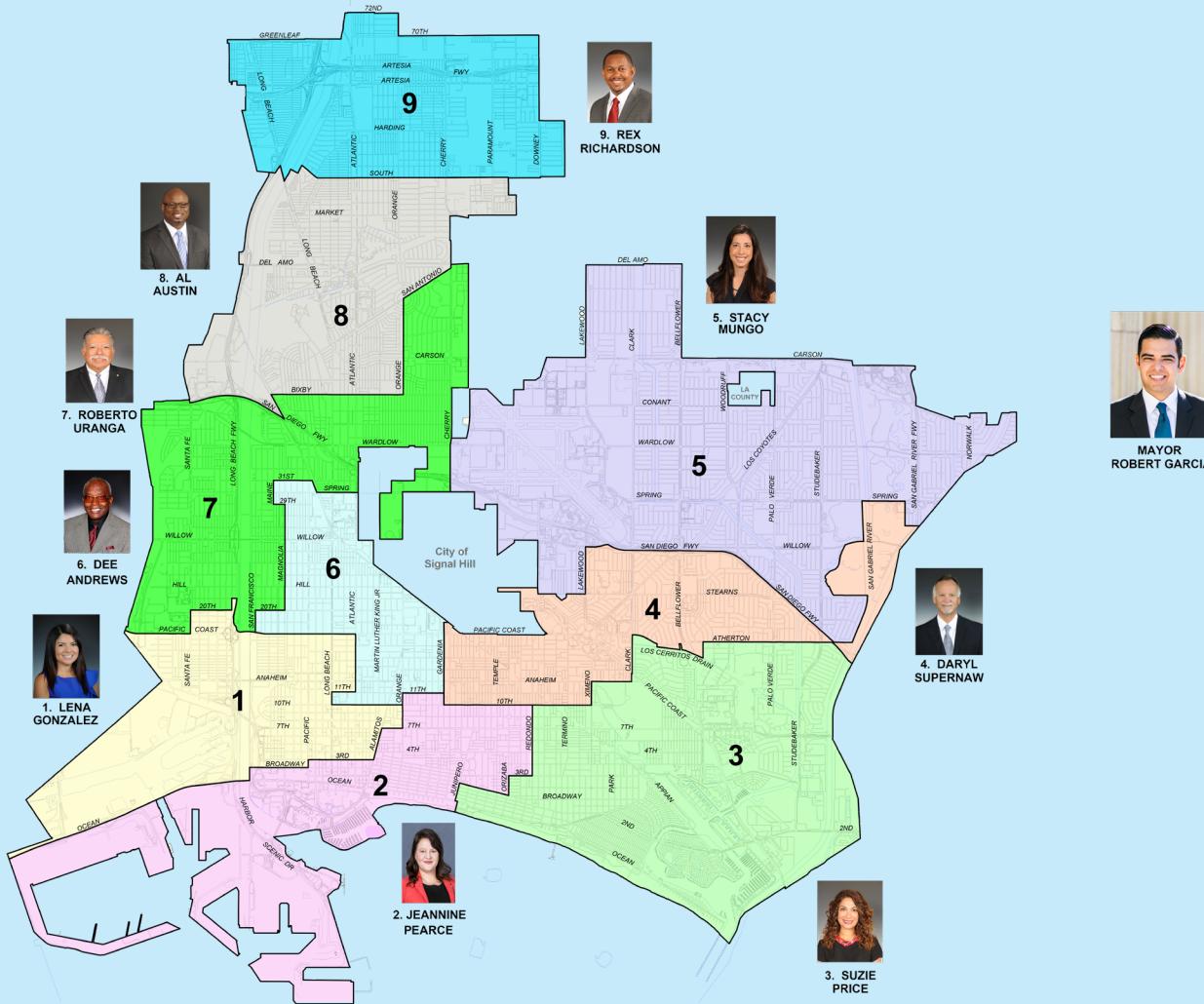


UNDER STATE LAW, EVERY COUNTY AND EVERY CITY HAS A LEGISLATIVE BODY AND A PLANNING AGENCY

A CITY LEGISLATIVE BODY IS CALLED THE CITY COUNCIL

A COUNTY'S LEGISLATIVE BODY IS CALLED THE BOARD OF SUPERVISORS

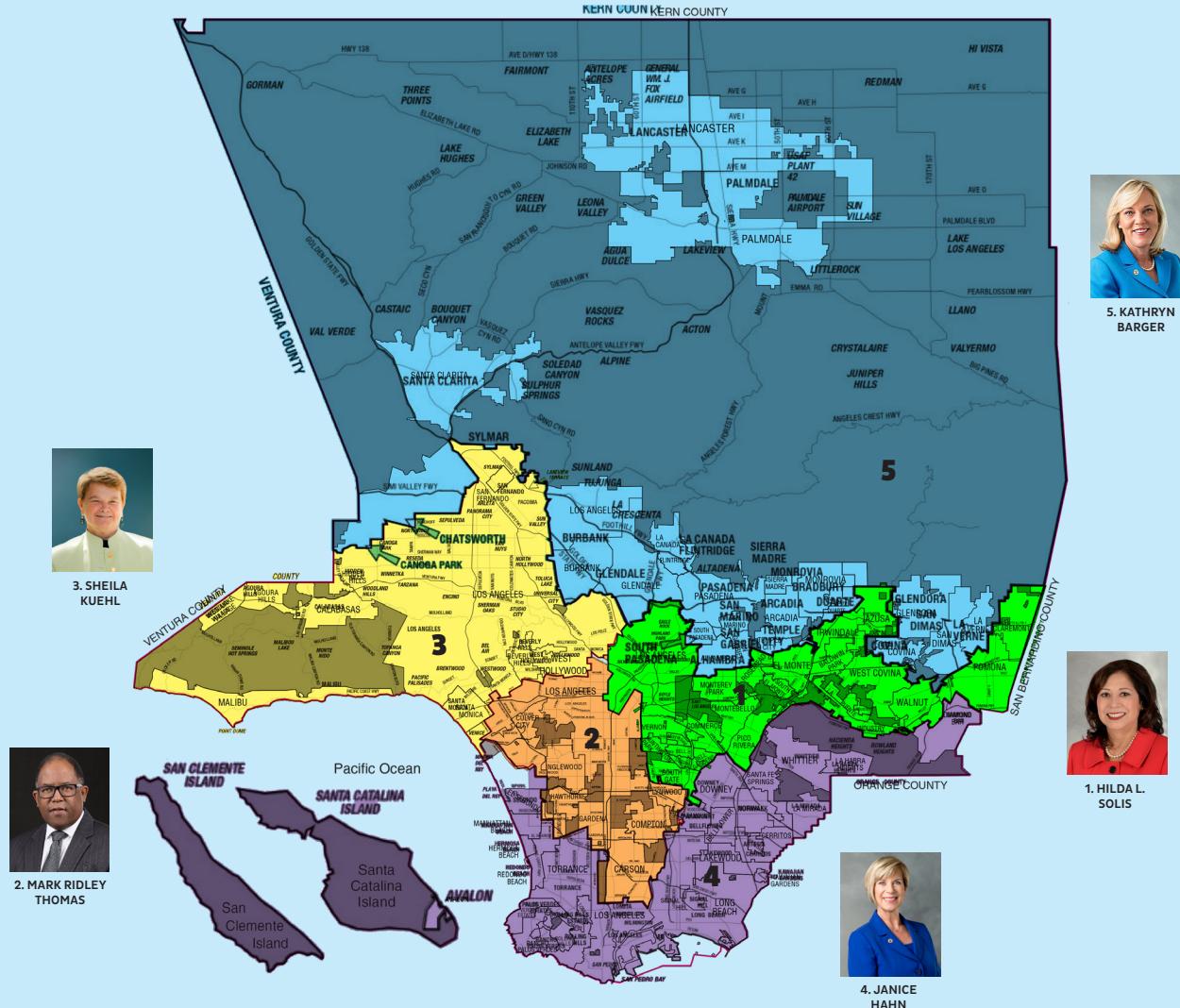
PLANNING DECISIONMAKERS: LOCAL GVNT.



A CITY LEGISLATIVE BODY IS CALLED
THE CITY COUNCIL

A COUNTY'S LEGISLATIVE BODY IS CALLED
THE BOARD OF SUPERVISORS

PLANNING DECISIONMAKERS: LOCAL GVNT.



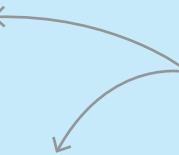
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THREE TYPES OF LOCAL GOVERNMENT DECISIONS

1

**LEGISLATIVE
ACTS**



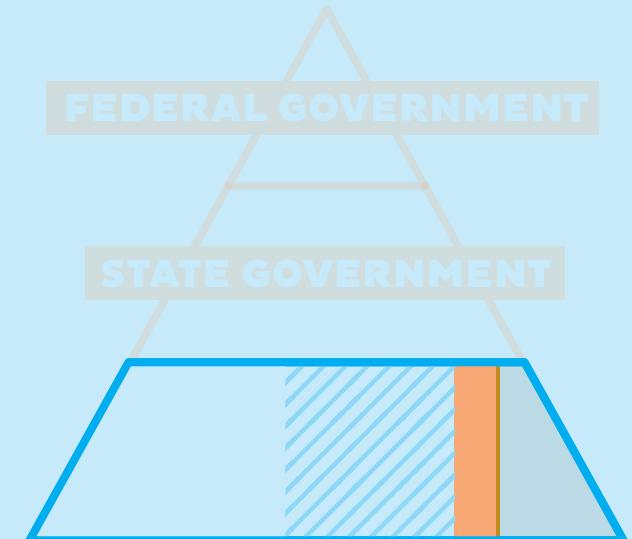
These are “discretionary”,
meaning that they are up
to the discretion, or decision,
of city council or supervisors

2

**QUASI-JUDICIAL
ACTS**

3

**MINISTERIAL
ACTS**

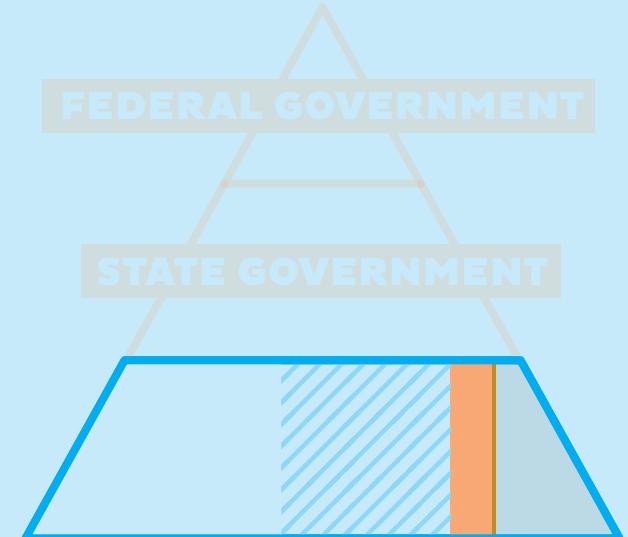


**WHAT TYPES OF POWER
DO CITIES AND COUNTIES HAVE?**

THREE TYPES OF LOCAL GOVERNMENT DECISIONS

- 1 LEGISLATIVE ACTS
- 2 QUASI-JUDICIAL ACTS
- 3 MINISTERIAL ACTS

These are “nondiscretionary”, meaning that planning staff, local government employees specializing in planning issues, are the ones making decisions



WHAT TYPES OF POWER
DO CITIES AND COUNTIES HAVE?

THREE TYPES OF LOCAL GOVERNMENT DECISIONS



1

LEGISLATIVE ACTS

General policy decisions, such as general plan revisions and “zoning ordinances” (written regulation and law that defines how property in specific geographic zones can be used)

2

These acts are no different than laws passed by the State legislature or by State Congress

3

Discretionary: approved by the city council or board of supervisors

ACTS

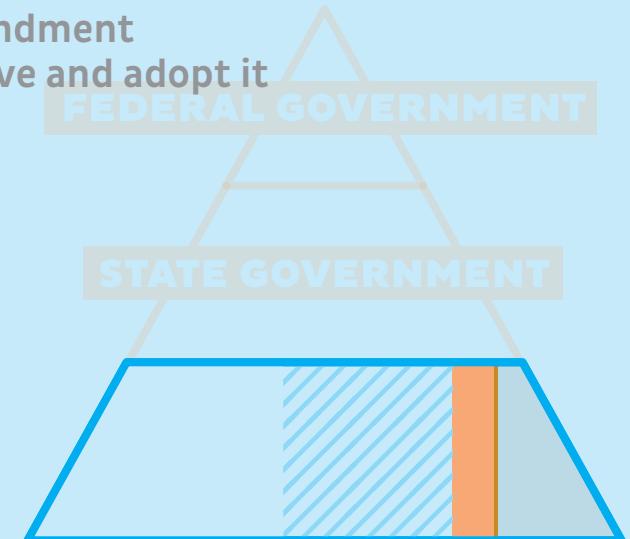
Sort of functions as a Legislative Branch at the federal level

A planning commission may recommend a general plan amendment or zoning ordinance, but only the legislative body can approve and adopt it

They are subject to “initiative and referendum”, meaning that it can be placed on the ballot for voters

(initiative meaning that citizens initiate a statute(law))

(referendum meaning that citizens refer a statute passed by the legislature to the ballot so that voters can enact or repeal the measure)



WHAT TYPES OF POWER
DO CITIES AND COUNTIES HAVE?

THREE TYPES OF LOCAL GOVERNMENT DECISIONS

1



QUASI-JUDICIAL ACTS

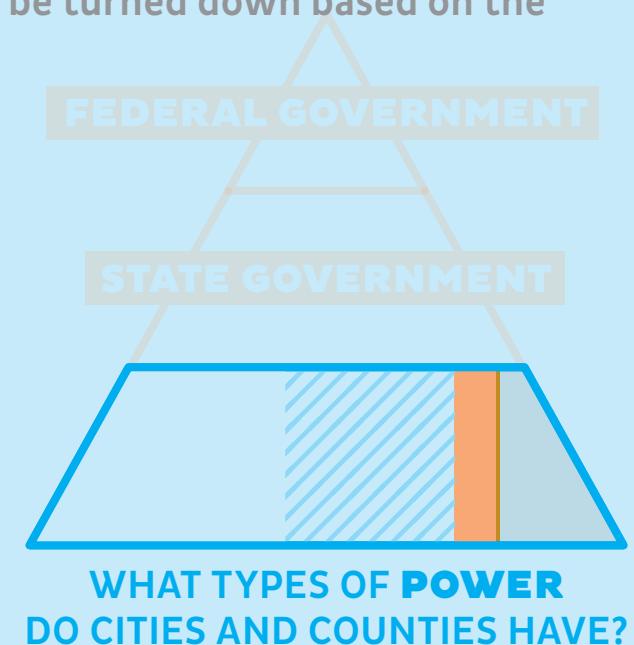
2

Decisions that apply legislative policy to individual development projects, much as a court might apply legal precedents to a particular case

Sort of functions as a Judicial Branch at the federal level

Because quasi-judicial actions merely interpret rather than set policies, the planning commission's ruling is legally binding, though these decisions can be appealed to the city council or board of supervisors

For this same reason, quasi-judicial decisions cannot be placed on the ballot through the initiative and referendum process



THREE TYPES OF LOCAL GOVERNMENT DECISIONS

1

LEGISLATIVE
ACTS

2

QUASI-JUDICIAL
ACTS

3

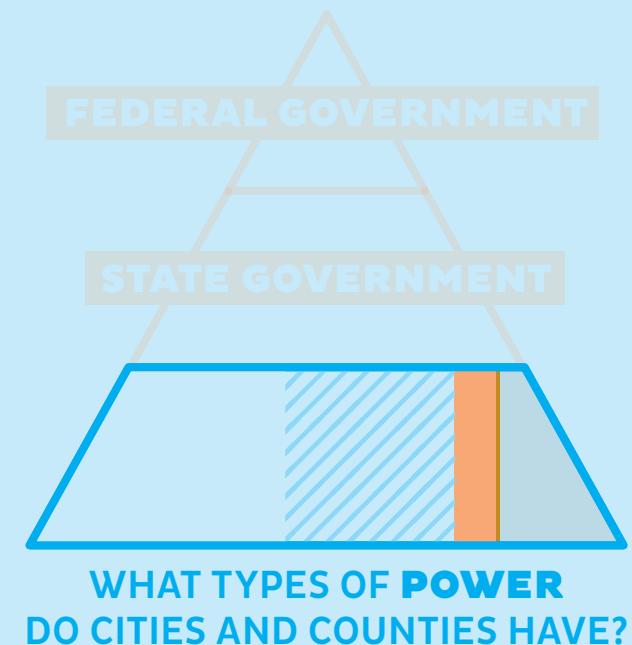
MINISTERIAL
ACTS

Actions in which the local government has no discretion, but planning staff are the ones approving permits

Usually a ministerial act involves the mandatory issuance of a permit (like a building permit or other permit) if certain conditions are met

Ministerial acts are not subject to initiative and referendum

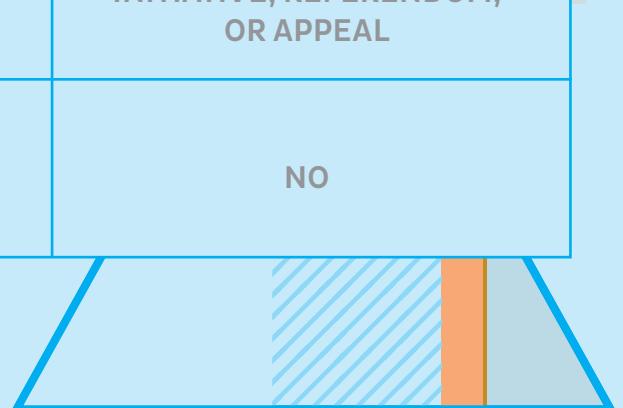
Unlike legislative and quasi-judicial acts, they are also exempt from environmental review under CEQA



THREE TYPES OF LOCAL GOVERNMENT DECISIONS

“ministerial actions” =
actions that do not require
any discretion

TYPE OF DECISION	LEGISLATIVE	QUASI-JUDICIAL	MINISTERIAL
BY WHOM	CITY COUNCIL	PLANNING COMMISSION	PLANNING STAFF
DOES WHAT	CREATES POLICY	HAS DISCRETION OVER HOW POLICY IS APPLIED TO INDIVIDUAL PROJECTS	APPLIES NONDISCRETIONARY POLICY TO INDIVIDUAL PROJECTS
EXAMPLES	GENERAL PLAN REVISIONS ZONING ORDINANCES	CONDITIONAL USE PERMITS ZONING VARIANCES	BUILDING PERMITS, OTHER PERMITS WHEN CONDITIONS ARE MET
APPEALS	SUBJECT TO INITIATIVE AND REFERENDUM	SUBJECT TO APPEAL TO CITY COUNCIL	NOT SUBJECT TO INITIATIVE, REFERENDUM, OR APPEAL
SUBJECT TO CEQA?	YES	YES	NO



WHAT TYPES OF POWER DO CITIES AND COUNTIES HAVE?

WHO DRAWS POLITICAL BOUNDARIES?



LOCAL AGENCY FORMATION COMMISSION (LAFCO)

**With the exception of redevelopment boundaries,
all local government boundaries in California
are drawn not by the local governments
themselves, but by a special agency in
each county called LAFCO**

**State legislature approved the first
LAFCO law in 1963, intended to stop
the competition for desirable raw land among cities,
which was leading to leapfrog development
and suburban sprawl in rapidly urbanizing
metropolises, such as San Jose**

WHO DRAWS POLITICAL BOUNDARIES?



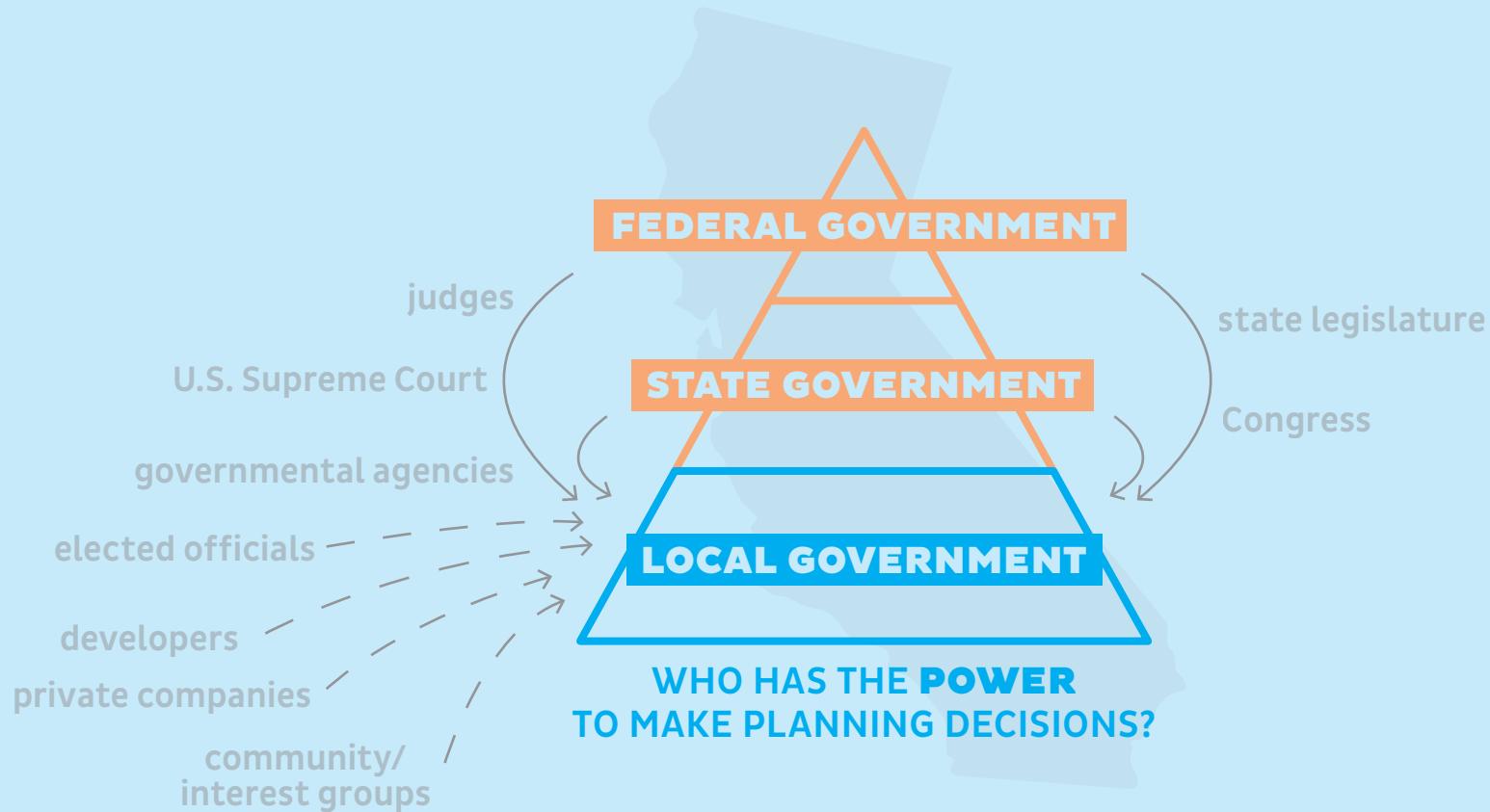
LOCAL AGENCY FORMATION COMMISSION (LAFCO)

LAFCOs were specifically charged with creating orderly local boundaries in order to minimize sprawl

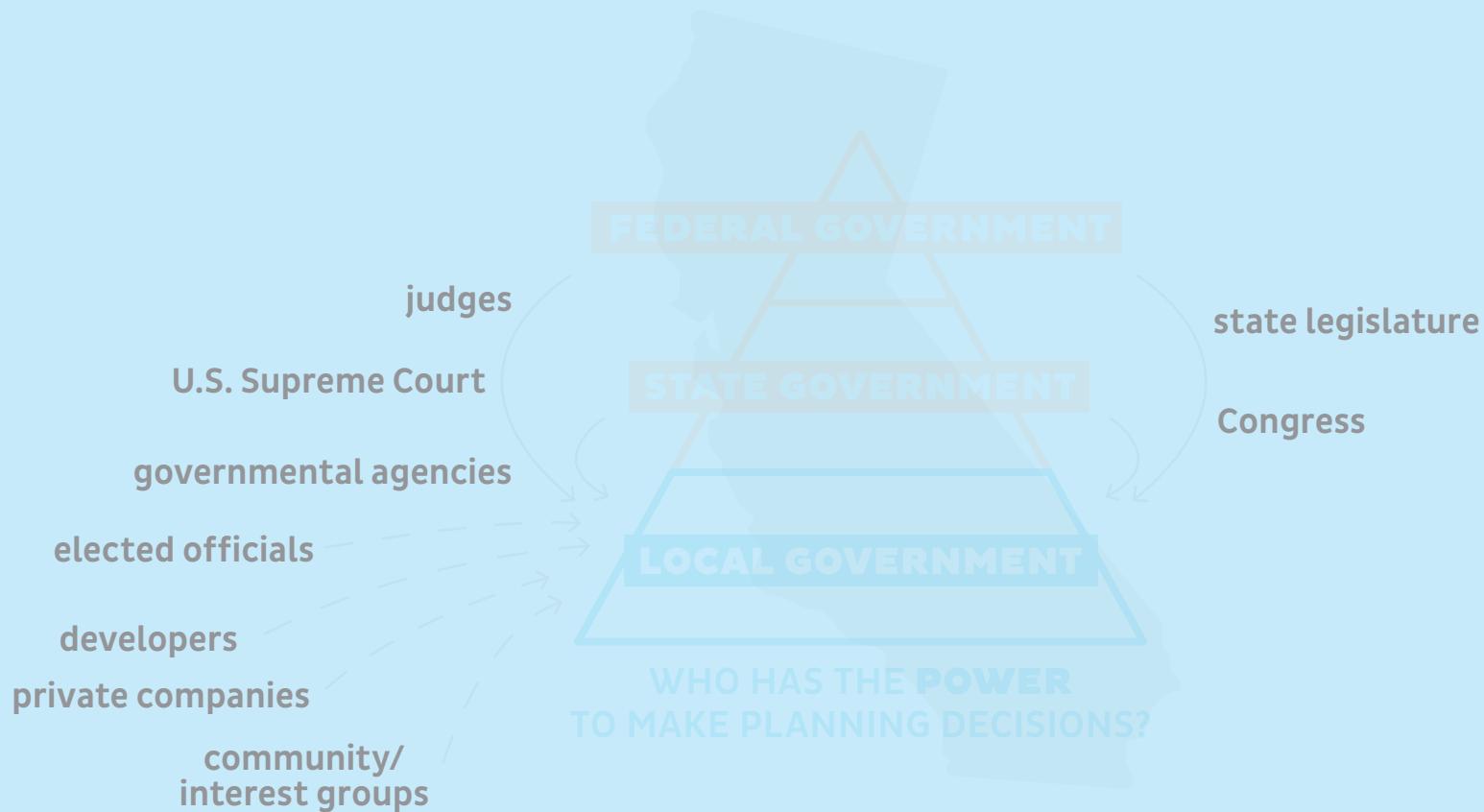
However, the LAFCO process can often become very political because a majority of the LAFCO board members are elected local officials

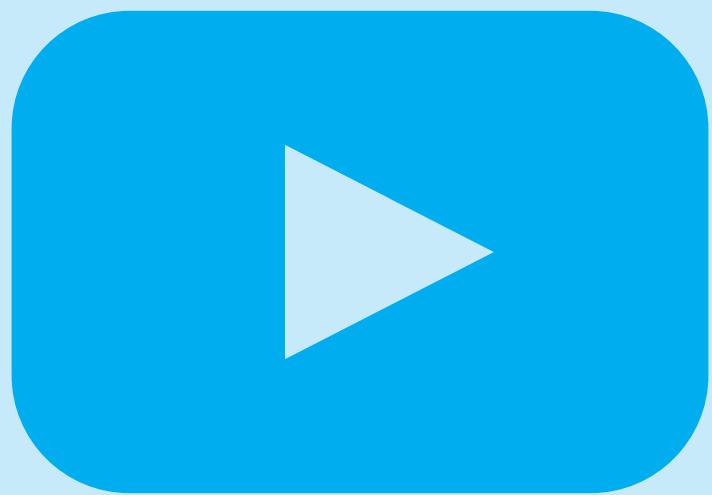
So even though LAFCOs have no land use power, their decisions affect development patterns because LAFCOs determine which local jurisdiction will have responsibility for planning new areas

OTHER PLAYERS IN THE PLANNING PROCESS



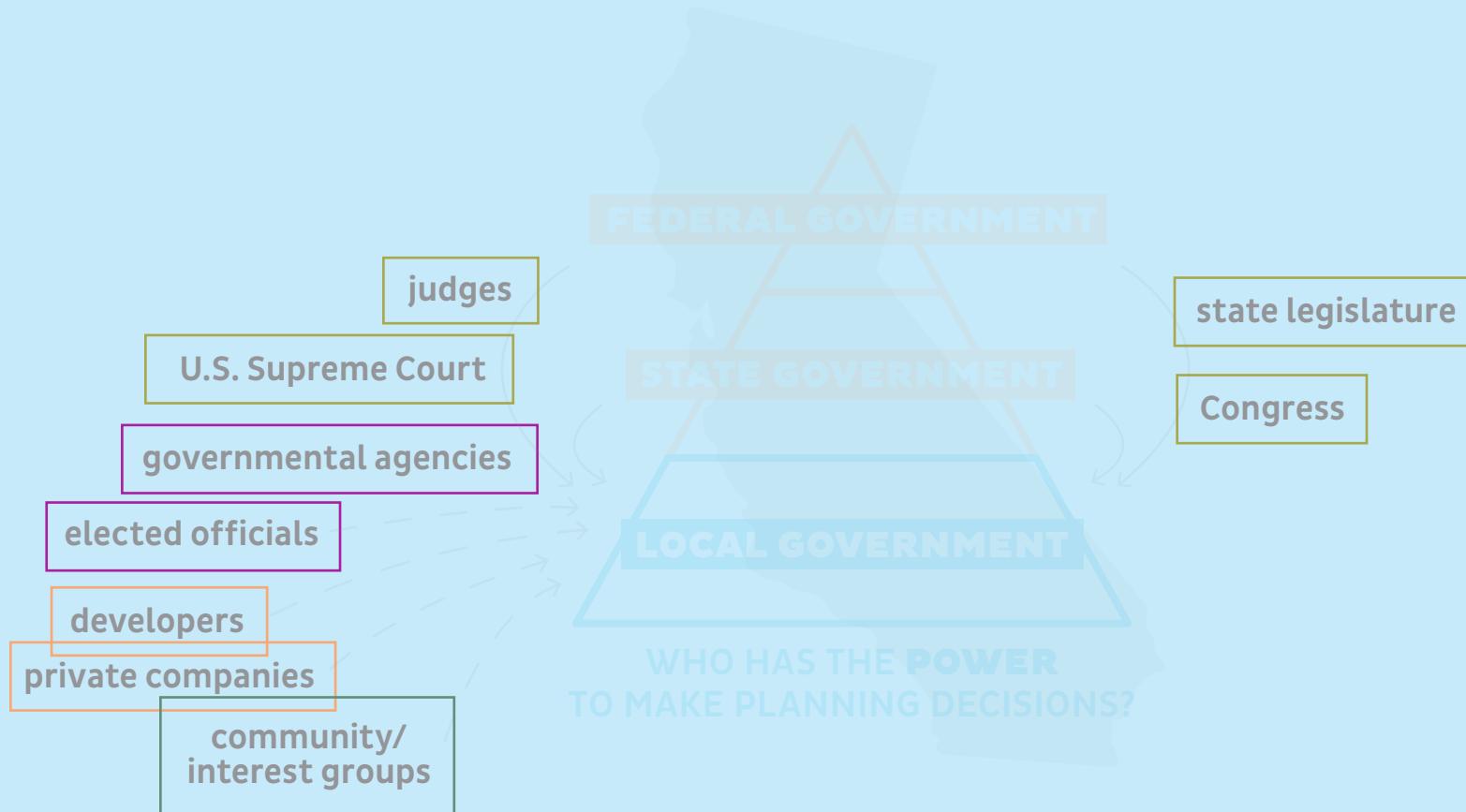
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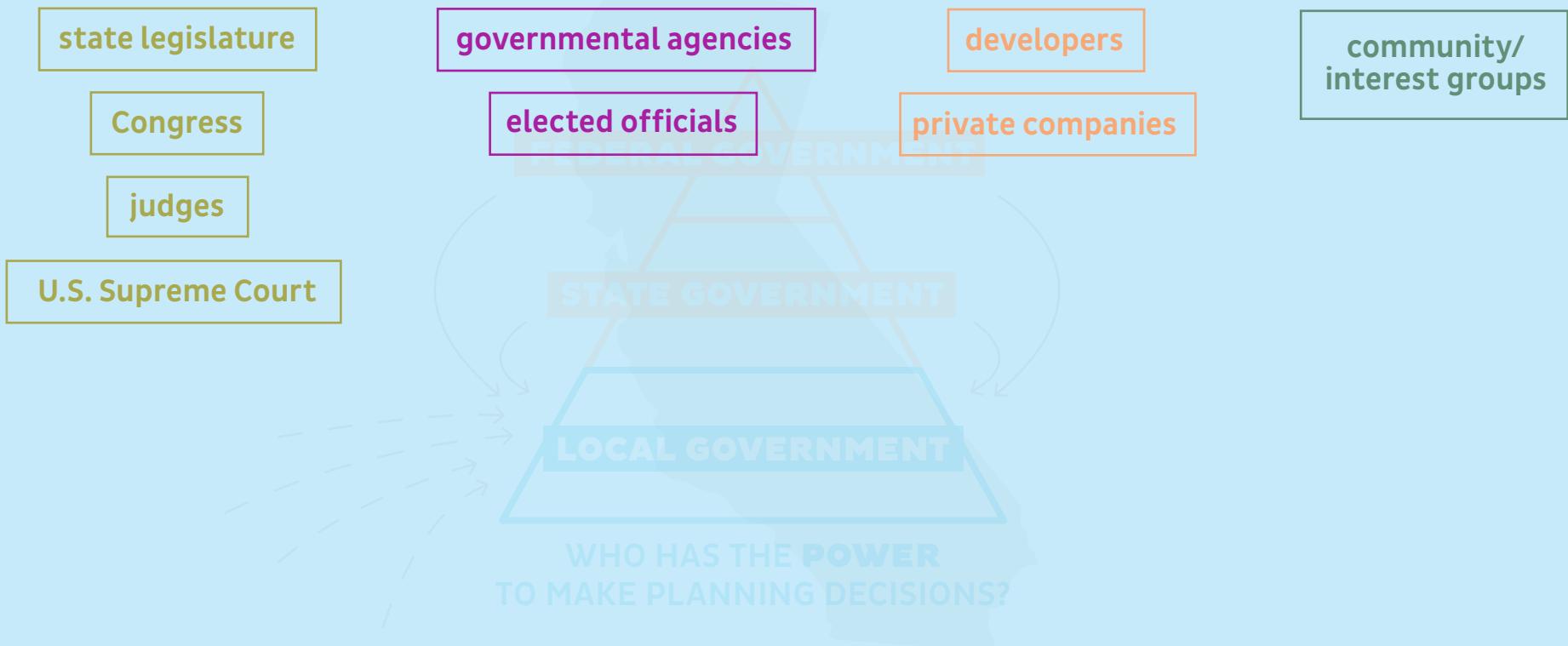


https://www.youtube.com/watch?v=7q_0NM0cseQ&feature=youtu.be

OTHER PLAYERS IN THE PLANNING PROCESS



OTHER PLAYERS IN THE PLANNING PROCESS



OTHER PLAYERS IN THE PLANNING PROCESS

RULEMAKERS

state legislature

Congress

judges

U.S. Supreme Court

OTHER GOVERNMENT AGENCIES

governmental agencies

federal government

state government

regional governments

elected officials

PRIVATE REAL ESTATE INDUSTRY

developers

lenders

buyers

private companies

CITIZEN GROUPS

community/
interest groups

homeowner
associations

environmentalists

historic preservation
advocates

chamber of commerce

neighborhood
associations

students

community
organizations

LOCAL GOVERNMENT

OTHER PLAYERS IN THE PLANNING PROCESS

RULEMAKERS

state legislature

Congress

judges

U.S. Supreme Court

OTHER GOVERNMENT AGENCIES

governmental agencies

federal government

state government

regional governments

elected officials

PRIVATE REAL ESTATE INDUSTRY

developers

lenders

buyers

private companies

CITIZEN GROUPS

community/interest groups

homeowner associations

environmentalists

historic preservation advocates

chamber of commerce

neighborhood associations

students

community organizations

a delicate balance & relationship

elected officials are supposed to represent citizens groups, which are meant to represent citizens as a whole

LOCAL GOVERNMENT

OTHER PLAYERS IN THE PLANNING PROCESS

RULEMAKERS

state legislature

Congress

judges

U.S. Supreme Court

OTHER GOVERNMENT AGENCIES

governmental agencies

federal government

state government

regional governments

elected officials

PRIVATE REAL ESTATE INDUSTRY

developers

lenders

buyers

private companies

CITIZEN GROUPS

community/
interest groups

homeowner
associations

environmentalists

historic preservation
advocates

chamber of commerce

neighborhood
associations

students

community
organizations

work with local
planning staff to
address community
needs and services

LOCAL GOVERNMENT

OTHER PLAYERS IN THE PLANNING PROCESS

RULEMAKERS

state legislature

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U.S. Supreme Court

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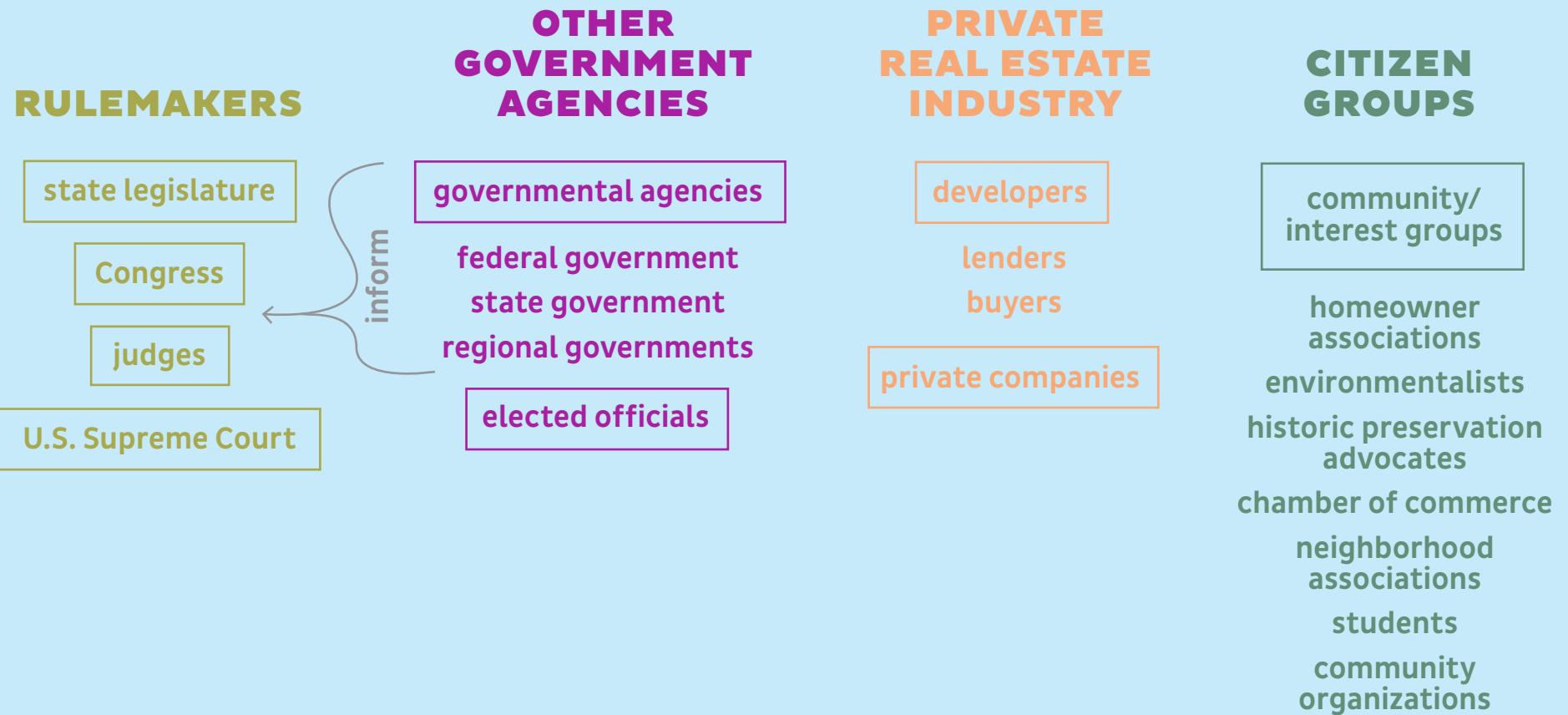
students

community
organizations

oftentimes, both of
these groups interact
directly with local
planning staff

LOCAL GOVERNMENT

OTHER PLAYERS IN THE PLANNING PROCESS



LOCAL GOVERNMENT

OTHER PLAYERS IN THE PLANNING PROCESS

RULEMAKERS

state legislature

Congress

judges

U.S. Supreme Court

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historic preservation
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chamber of commerce

neighborhood
associations

students

community
organizations

define the
parameters
of the planning
work

LOCAL GOVERNMENT

OTHER PLAYERS IN THE PLANNING PROCESS



US CONGRESS

Congress (federal government) does not directly interfere with land use issues, leaving those matters up to the states

Nevertheless, Congress has passed several laws, mostly environmental, that affect the land use process at the local level

The federal government can use these laws to stop development, even if local government officials disagree

Protection of
endangered species

Impact to air and
water quality

Congress often appropriates funds to buy land for conservation purposes

Santa Monica
Mountains National
Recreation Area

Golden Gate
National Recreation
Area

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



CA LEGISLATURE

State legislature has more of a direct part in establishing the roles of local planning for 120+ years

Subdivision
Map Act (1893)

general plan
law (1927)

specific elements in
general plan (1950s)

zoning ordinance and
general plan must
be consistent (1971)

Community
Redevelopment
Law (1950s)

California
Environmental Quality
Act (CEQA) (1970)

The legislative arena is highly susceptible to politics and other external forces, such as lobbyists

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



CA LEGISLATURE

Statewide ballot measures, brought up by initiative or a referendum, can be just as influential as the legislature in shaping local government planning

Prop 20 (1972):
creation of the
Coastal Commission

specific elements in
general plan (1950s)

Prop 13 (1978):
weakened local
governments' general
property tax base

zoning ordinance and
general plan must
be consistent (1971)

We've also voted and passed several municipal bonds (loans that local governments take) that support state and local public works projects and natural resource protection

\$42 billion in bonds to fund transportation, housing, education, flood control levees, and natural resources protection

Prop 84 (2006):
\$90 million for local
planning projects

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE COURTS

Because it deals with the issue of regulating private property, planning often raises constitutional issues

Two Types of Land Use Cases:

Constitutional Case
plaintiff argues that the local planning process has violated their constitutional rights

"value has been taken from them by the government without just compensation" (US Constitution, 5th Amendment)

Statutory Case
plaintiff argues that the local planning process has violated a state or federal law

local general plan is not consistent with the local zoning ordinance

an environmental impact report should have been prepared on a project

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

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GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



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RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



STATE & FEDERAL AGENCIES

Regulate activities of both private landowners and local governments under environmental laws such as the Clean Water Act and the Endangered Species Act

Manage vast amounts of land, especially in California's mountain and desert areas.

The federal government owns about half of the land in California

Construct roads, water systems, and other critical pieces of infrastructure that often guide the direction of growth

Provide funding to local governments in some areas associated with planning, such as affordable housing

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Fish and Game

Regulates private landowners through
the California Endangered Species Act

Administers a large amount of land
set aside for wildlife

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Forestry and Fire Protection

Responsible for fighting wildland fires all around the state and has become increasingly involved in recent years in subdivision planning in forested counties, especially in the Sierra foothills

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Parks and Recreation

Owns all of the California state parks

Operates most of those parks, but because of budget cuts, some parks have closed and operation of others has been assumed by local agencies and nonprofits

Participates in land use and land management activities that affect state park land

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

California Energy Commission

Regulates the siting (finding a location) of power plants around the state, as well as some “alternative” power plants such as solar thermal projects

In recent years, the agency has also been the conduit for large amounts of federal money focused on energy conservation efforts

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Regional Land Use Agencies

Four state agencies are responsible for land use in specific geographical areas: the Bay Conservation and Development Commission (San Francisco Bay), the Coastal Commission (the Coast), the Tahoe Regional Planning Agency (Lake Tahoe area), and the Delta Stewardship Council (Sacramento Delta)

All but the Delta Stewardship Council have explicit land use regulatory authority that usurps the power of local governments

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Transportation

Builds and maintains the state highway system

In recent years, some of the power of Caltrans to plan these facilities has been assumed by regional transportation planning agencies around the state

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Water Resources

Owns, operates, and maintains the State Water Project, which brings water from Northern California and the Sierra Nevada Mountains to agricultural and urban users in the San Joaquin Valley and Southern California

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Housing and Community Development

Does not construct affordable housing projects but does provide funding to local governments, nonprofits, and developers that do

Has oversight (but not regulatory power) concerning local housing elements

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Corrections

Oversees the state's prison-building program

During the 1990s, the state government built dozens of prisons, many in rural communities that were happy to get the stable jobs that prisons provide

Since then, prison construction has nearly halted

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
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GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of General Services

Responsible for all of the state's real estate and facility planning activities, including construction and leasing of necessary buildings

During the 1990s, the agency pursued real estate acquisitions, and office development and leases in downtown areas, including major office projects in the downtown areas of Sacramento, Oakland and Los Angeles

In the early 2000s, Governor Davis strengthened the state agency's commitment to core urban areas when he signed an executive order directing General Services to select locations near public transit, close to areas with affordable and available housing, and within walking distance of stores and commercial areas with "mixed-use" buildings

OTHER PLAYERS IN THE PLANNING PROCESS



STATE AGENCIES

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

California State University and University of California

Responsible for siting and maintaining the state's public universities

Few new campuses are built these days, although in 2002, CSU Channel Islands opened at a former state mental institution in Camarillo

Meanwhile, the University of California continues to build out a new campus in Merced

Because many campuses, especially UCs, are located in areas with high housing prices, the state has developed thousands of apartments and dormitory rooms both on and off campuses during recent years

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Environmental Protection Agency

Has an important, indirect role in local planning by administering the Clean Air Act, which discourages further heavy industrial development in some parts of California and also encourages local governments to engage in carpooling programs and similar efforts to reduce the number of vehicle trips

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

U.S. Fish and Wildlife Service

Role in local planning is defined largely by the federal Endangered Species Act, which includes the designation of land as “critical habitat” for endangered species

Thus, the agency serves, in effect, as the ultimate land use regulator in undeveloped areas where a critical habitat has been designated

National Marine Fisheries Service

Has a role similar to Fish and Wildlife's in enforcing the Endangered Species Act, but only for fish and some other aquatic species

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

U.S. Army Corps of Engineers

Has a role as a federal development agency,
building public works

In California, its role as a builder is limited, but
they are the administrators of permits to dredge and fill
wetlands under Section 404 of the Clean Water Act

Thus, most landowners who have wetlands on their
property must obtain a permit from the Corps

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Bureau of Land Management

Owns and manages vast amounts of desert and mountain land in California; much of it is among the most environmentally sensitive land in the state

Though urban development is generally not permitted, the agency must balance conservation and environmental protection goals against the desires of many other user groups, such as off-road vehicle enthusiasts, film companies, miners, alternative energy developers, and hunters

Has shown willingness to trade land it owns in or near urban areas to developers in exchange for privately held land further out of town

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

U.S. Forest Service

Owns large tracts of land and often finds itself in a position similar to the Bureau of Land Management

Though charged with land conservation, the Forest Service is also required by law to accommodate the needs of many other users, especially loggers and recreationists such as skiers

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

National Park Service

Owns smaller and more discrete pieces of prime environmentally sensitive land around the state, principally in the Sierra Nevada and the deserts of Southern California

Unlike the Bureau of Land Management and the Forest Service, the Park Service is charged with recreation and conservation activities only

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
INDUSTRY

CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Bureau of Reclamation

Like the California Department of Water Resources, the Bureau of Reclamation is responsible for building and maintaining water systems

Includes a variety of dams around the state and the Central Valley Project, the large system of dams and canals that feeds water from Northern California and the Sierra Nevada to irrigation districts and agricultural businesses in the Central Valley

RULEMAKERS

OTHER
GOVERNMENT
AGENCIES

PRIVATE
REAL ESTATE
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CITIZEN
GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Transportation

Unlike Caltrans, the federal Department of Transportation is not engaged in actually constructing roads and transit facilities

As a major funding source for both highways and transit projects, they play a key role in determining which facilities are built, where, and when

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Housing and Urban Development

Like the federal Department of Transportation, HUD does not actually construct community facilities but plays an important role in funding them

Subsidizes public housing authorities that own and operate publicly owned low-income housing projects around the country

Also operates many other programs that provide funding for affordable housing owned by nonprofits, commercial development projects in struggling downtowns, and other urban redevelopment efforts

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



FEDERAL AGENCIES

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

CONSERVATION AGENCY DEVELOPMENT AGENCY

Department of Defense

Over the past 20 years, the Pentagon's role has largely involved closing or shrinking bases and disposing of property, often to redevelopment-style local authorities

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



LANDOWNER

These are the institutions and individuals who actually own property

They are passive participants in the planning process

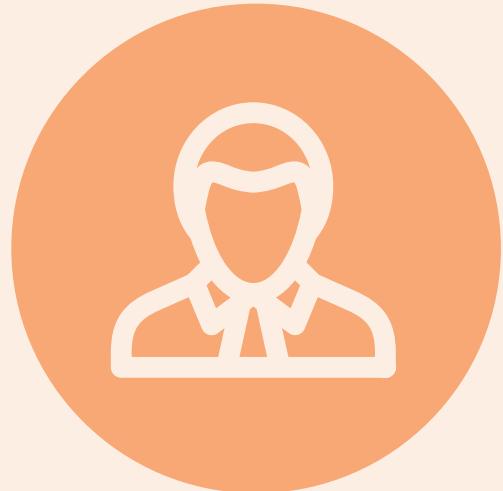
RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



DEVELOPER

The developer is usually the front person or organization applying for approval of a particular project—or, in the case of a broader planning process, advocating the views of private developers generally

These businesses and individuals specialize in planning real estate developments and obtaining land use approvals

Many developers don't actually buy the land, instead, they go into partnership with landowners or find other opportunities to purchase the property

Similarly, many developers don't actually build the projects they plan. Once approvals are obtained, they sell the entire project, or pieces of it, to companies that specialize in building (not so the case for affordable housing developers)

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



BUILDER

The companies and individuals who specialize in actually constructing the buildings

Larger builders will also act as developers and obtain their own project approvals

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



**INVESTORS
AND LENDERS**

Institutions that provide the financing required to obtain land use approvals and construct buildings

There are different types of investors and lenders in real estate, including commercial banks, which typically provide the short-term loans for construction costs

Developers' actions are driven largely by the demands placed upon them by investors and lenders

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



CONSUMERS

The businesses, institutions, and individuals that buy, rent, and lease all the buildings that will be constructed as a result of land use approvals

This market includes almost everyone in the country, including large and small business, government and educational institutions, homebuyers, and renters

The consumers are not directly involved in the planning process, but are represented somewhat by developers given that they are trying to tell consumers their product, or their building

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

**PRIVATE
REAL ESTATE
INDUSTRY**

**CITIZEN
GROUPS**

OTHER PLAYERS IN THE PLANNING PROCESS



this is a huge can of worms
we will get into later!

PRIVATE CITIZEN GROUPS

Over the past 40 years, state and federal laws designed to encourage citizen participation have narrowed the gap between developers and citizens

The procedural requirements of CEQA and state planning law give citizen groups leverage over developers, and citizen enforcement powers grant the groups the right to sue if local governments do not follow procedures

homeowner or neighborhood associations

environmental groups

historic preservation or arts groups

Chamber of Commerce and other similar groups



NIMBYS

People concerned only with a not-in-my backyard agenda, a term often used by planners and developers

RULEMAKERS

OTHER GOVERNMENT AGENCIES

PRIVATE REAL ESTATE INDUSTRY

CITIZEN GROUPS

OTHER PLAYERS IN THE PLANNING PROCESS



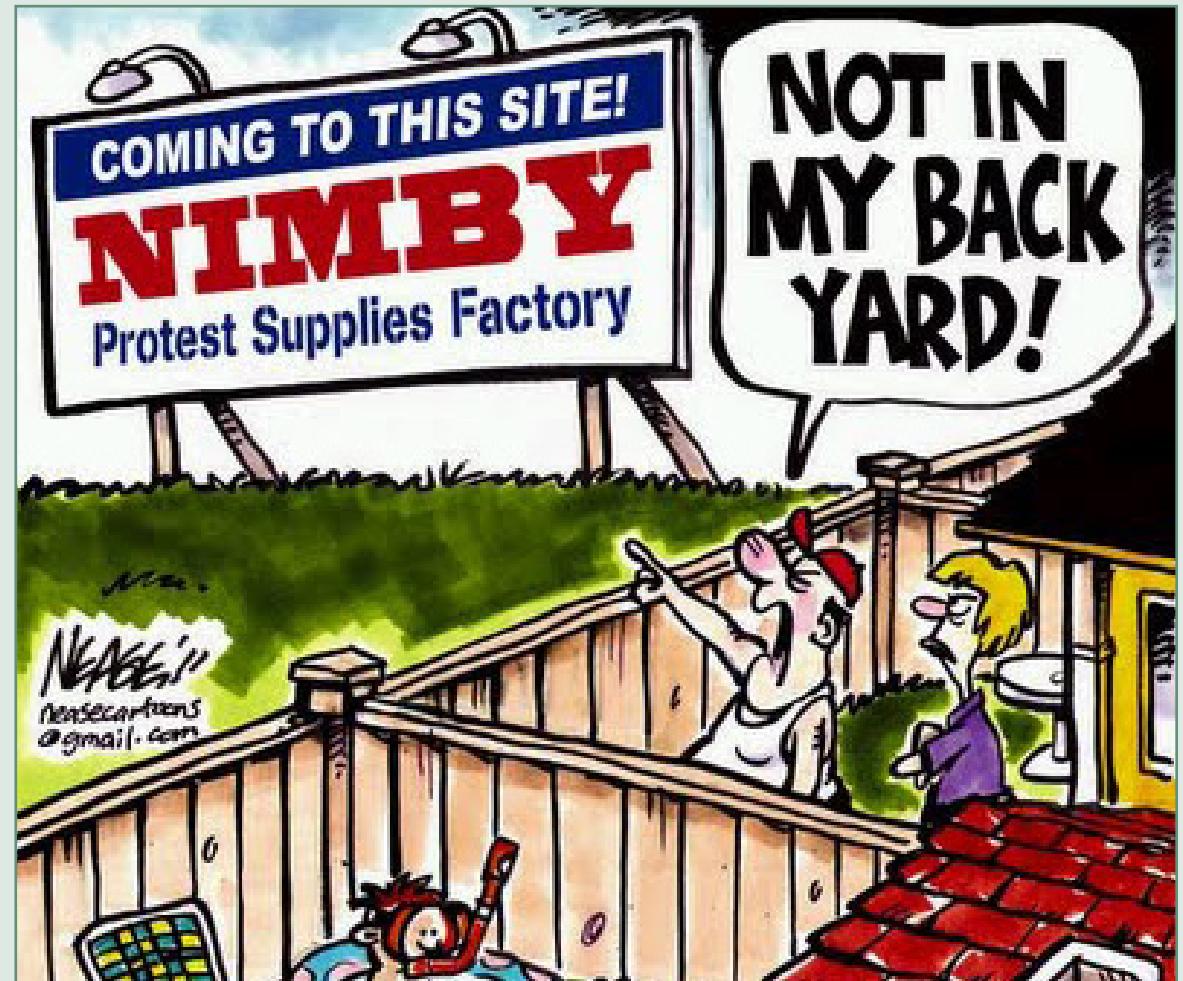
PRIVATE CITIZEN GROUPS

RULEMAKERS

OTHER
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REAL ESTATE
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GROUPS



OTHER PLAYERS IN THE PLANNING PROCESS



PRIVATE CITIZEN GROUPS



RULEMAKERS

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OTHER PLAYERS IN THE PLANNING PROCESS



PRIVATE CITIZEN GROUPS

RULEMAKERS

**OTHER
GOVERNMENT
AGENCIES**

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**CITIZEN
GROUPS**



OTHER PLAYERS IN THE PLANNING PROCESS

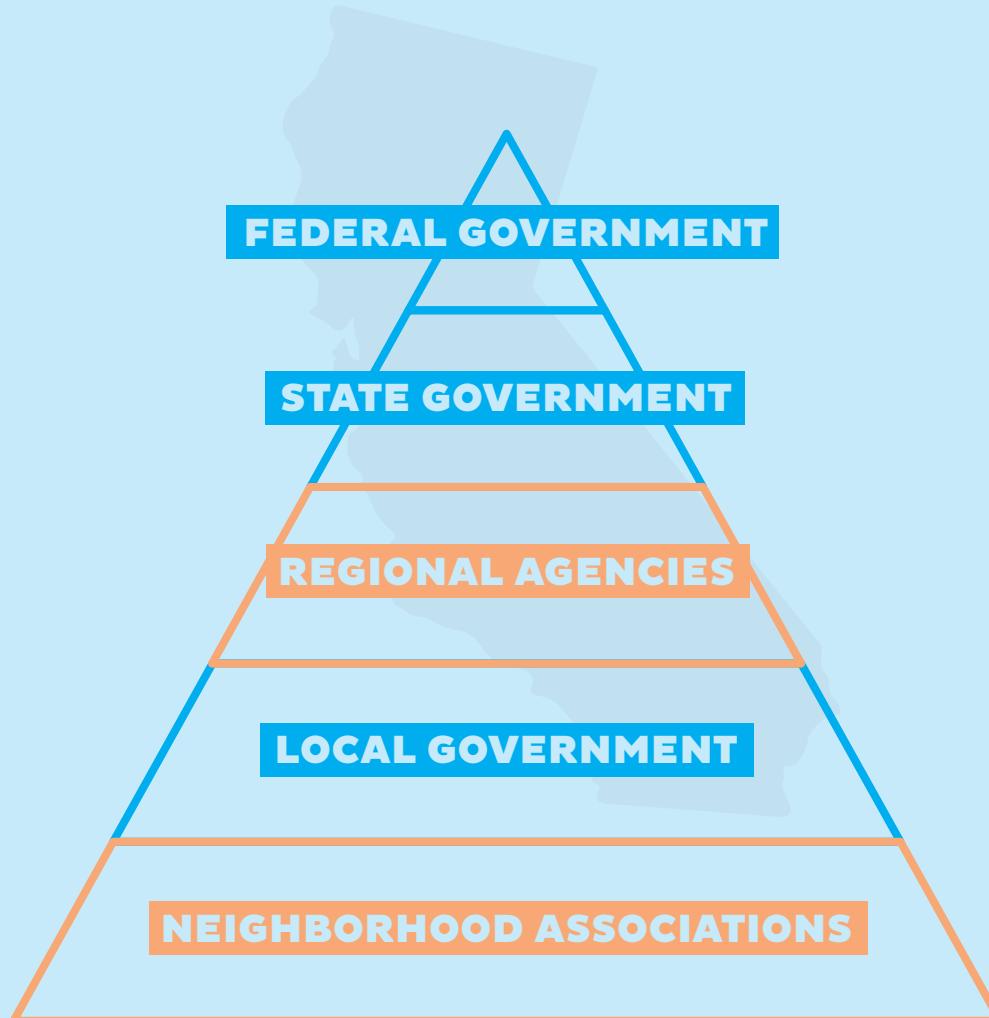
**Planning problems do not begin
and end at the city or county line.**

**Almost all planning problems
spill over these boundaries.**

OTHER PLAYERS IN THE PLANNING PROCESS

**Air pollution and traffic congestion
are perhaps the classic examples.
Housing and job markets are also
regional in nature, and cannot
be tackled on a city-by-city basis.**

OTHER PLAYERS IN THE PLANNING PROCESS



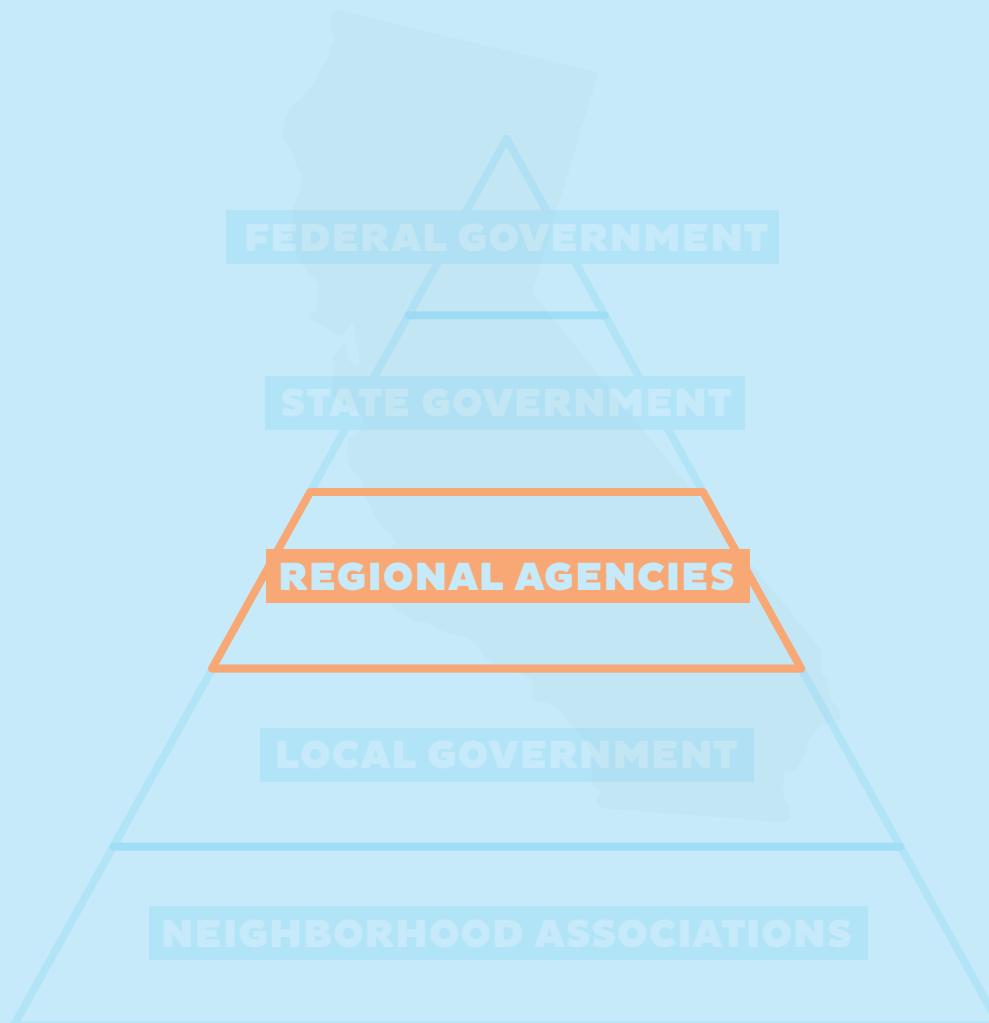
**IT SHOULD ACTUALLY BE MORE LIKE THIS,
BUT WE WILL GET TO THESE OTHER GROUPS LATER**

OTHER PLAYERS IN THE PLANNING PROCESS



**REGIONAL GOVERNMENTS
=
SHADOW GOVERNMENT?**

OTHER PLAYERS IN THE PLANNING PROCESS



IT SHOULD ACTUALLY BE MORE LIKE THIS,
BUT WE WILL GET TO THESE OTHER GROUPS LATER

OTHER PLAYERS IN THE PLANNING PROCESS



As mentioned previously, we have three State-mandated regional agencies that deal with land use regulation:

San Francisco Bay Conservation and Development Commission

Coastal Commission

Tahoe Regional Planning Agency

All of these agencies are the result of the environmental movement in the late '60s and early '70s

it has been politically impossible to create other regional agencies with regulatory power

OTHER PLAYERS IN THE PLANNING PROCESS

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**Edward Soja
Urban Theorist, UCLA**



OTHER PLAYERS IN THE PLANNING PROCESS

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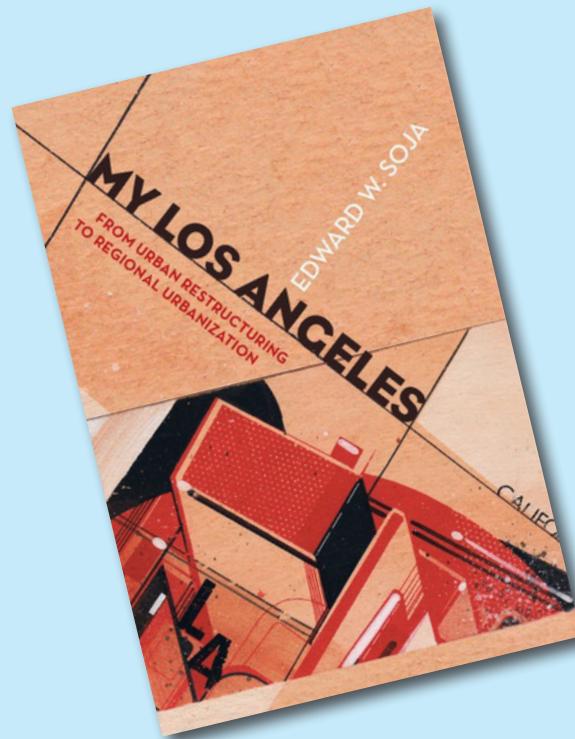
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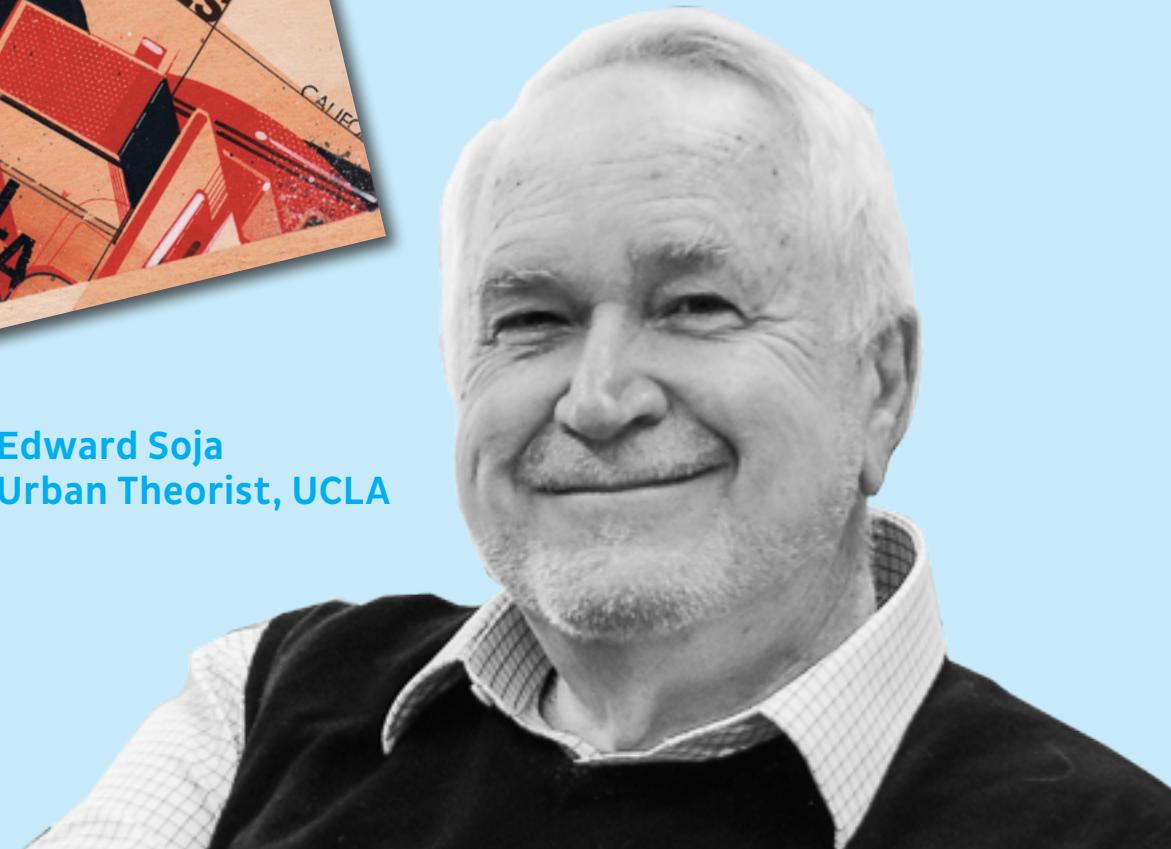
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Edward Soja
Urban Theorist, UCLA



OTHER PLAYERS IN THE PLANNING PROCESS



COUNCILS OF GOVERNMENT (COGs)

Regional agencies most often constructed as voluntary membership organizations, with local elected officials serving on the board, usually playing important roles defined in state and federal law

Association of Bay Area Governments (ABAG)

Southern California Association of Governments (SCAG)

San Diego Association of Governments (SANDAG)

COGs are usually designated by the federal government as Metropolitan Planning Organizations (MPOs) for transportation planning purposes (except in the Bay Area)

OTHER PLAYERS IN THE PLANNING PROCESS



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METROPOLITAN PLANNING ORGANIZATIONS (MPOs)

Under federal law, MPOs are responsible for creating the Regional Transportation Plans, or RTPs, effectively creating the list of transportation projects in each region to be funded and constructed with local, state, and federal transportation funds over the next 20- to 25-year period

Under SB 375, adopted in 2008, MPOs must use the RTP—as well as a general land use scenario for their region—as a way of reducing greenhouse gas emissions

OTHER PLAYERS IN THE PLANNING PROCESS



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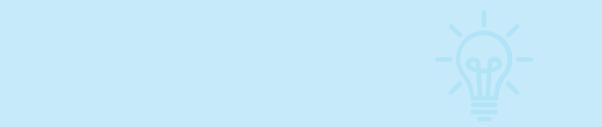


METROPOLITAN PLANNING ORGANIZATIONS (MPOs)

Under federal law, MPOs are responsible for creating the Regional Transportation Plans, or RTPs, effectively creating the list of transportation projects in each region to be funded and constructed with local, state, and federal transportation funds over the next 20- to 25-year period

Under **SB 375**, adopted in 2008, MPOs must use the RTP—as well as a general land use scenario for their region—as a way of reducing greenhouse gas emissions

OTHER PLAYERS IN THE PLANNING PROCESS



AB 32 calls for a reduction in greenhouse gas emissions to 1990 levels no later than 2020, a decrease of approximately 25 percent

Regional agencies most often constructed with volunteer membership by elected officials serving on the board, with important roles defined in federal law

COGs are usually designated by the federal government as Metropolitan Planning Organizations (MPOs) for transportation planning purposes (except in the Bay Area)

The intent of SB 375 is to find ways, using transportation and land use policy, to reduce VMT from the levels that they might otherwise reach effort that requires them to identify state housing target numbers to local governments

method of meeting the greenhouse gas emissions reduction targets contained in AB 32

COUNCILS OF GOVERNMENT

Under SB 375, the MPOs cannot tell cities and counties how to do their land-use planning, but over time, the SCSs should nudge the local jurisdictions in the direction of a more concentrated and presumably sustainable development pattern, even if local general plans do not currently reflect that pattern

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OTHER PLAYERS IN THE PLANNING PROCESS



COUNCILS OF GOVERNMENT (COGs)
method of meeting the greenhouse gas emissions reduction targets contained in AB 32

Regional agencies most often constructed via voluntary membership by county governments with local elected officials serving on the board, usually playing important roles defined in state and federal law

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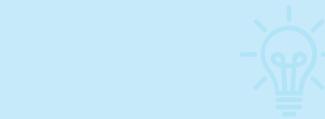


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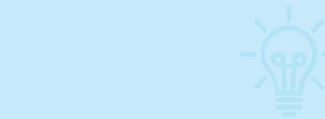


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The intent of SB 375 is to find ways, using transportation and land use policy, to reduce VMT from the levels that they might otherwise reach.

Most COGs are also MPOs. MPOs must adopt RTPs, which include VMT reduction goals. This effort requires them to identify state housing target numbers to local governments.



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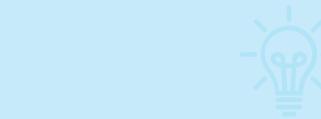
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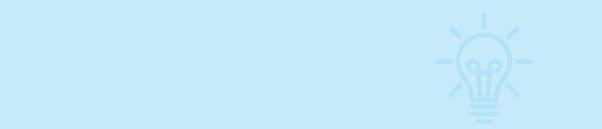


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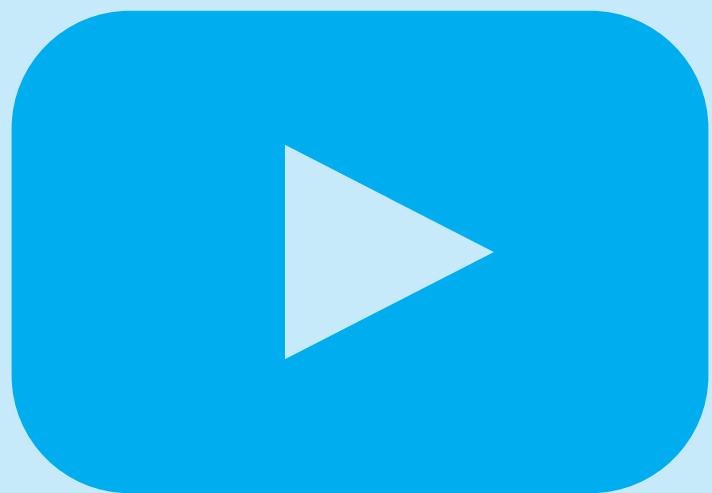
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https://www.youtube.com/watch?v=7q_0NM0cseQ&feature=youtu.be

ASSIGNMENTS

- 1 READ CHAPTER SIX**
- 2 CONTINUE READING THE DEATH AND LIFE OF GREAT AMERICAN CITIES**
- 3 ATTEND YOUR PUBLIC HEARING !**

LAST QUESTION

WORTH 0.5%
OF TOTAL GRADE

WRITE YOUR FULL NAME
AND ANSWER ON A SMALL PIECE
OF PAPER AND LEAVE IT UP FRONT.

**WHEN ARE YOU PLANNING TO ATTEND A PUBLIC DECISIONMAKING
MEETING? (RESEARCH ONLINE, RAISE HAND IF YOU NEED HELP)**