

# **HERE TODAY**

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- 1 A LITTLE STORY**
- 2 HOW PLANNING REALLY WORKS**
- 3 WHAT IS URBAN AND LAND USE PLANNING**
- 4 HISTORY OF ZONING IN THE U.S.**
- 5 HISTORY OF PLANNING AS URBAN DESIGN**
- 6 NEW PRIORITIES**

# 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 TERM BEST DESCRIBES THE PHENOMENON OF OUTWARD  
DEVELOPMENT ONTO UNTouched, NATURAL LAND.**

A

URBAN  
INFILL

B

PROPOSITION  
13

C

URBAN  
SPRAWL

D

FISCALIZATION OF  
LAND USE

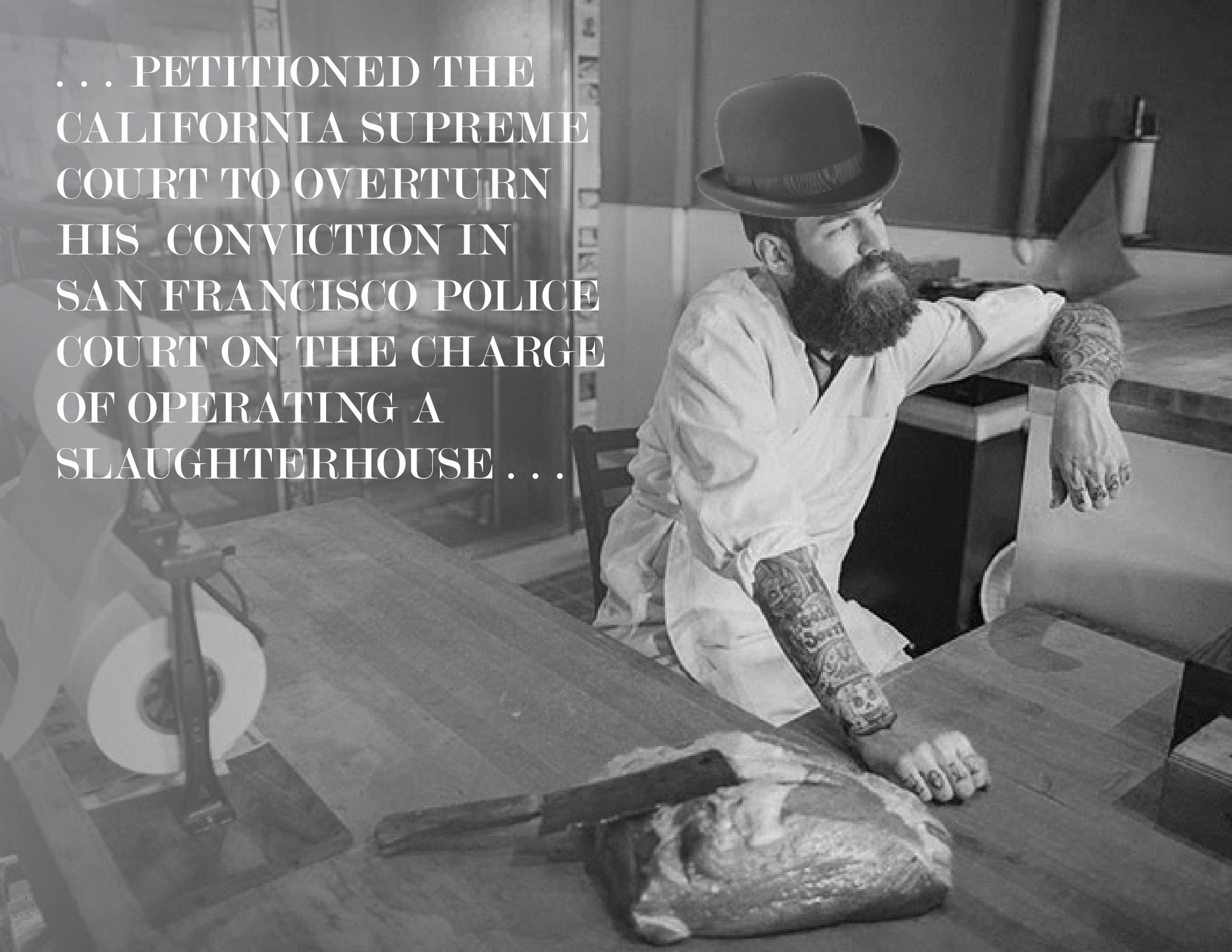
IN 1867,  
ONLY  
TWO YEARS  
AFTER THE  
END OF THE  
CIVIL WAR . . .

... A CERTAIN  
MR. SHRADER,  
WHO OPERATED A  
SLAUGHTERHOUSE  
IN SAN FRANCISCO ...



(NOT ACTUALLY MR. SHRADER)

... PETITIONED THE  
CALIFORNIA SUPREME  
COURT TO OVERTURN  
HIS CONVICTION IN  
SAN FRANCISCO POLICE  
COURT ON THE CHARGE  
OF OPERATING A  
SLAUGHTERHOUSE ...



Black Point



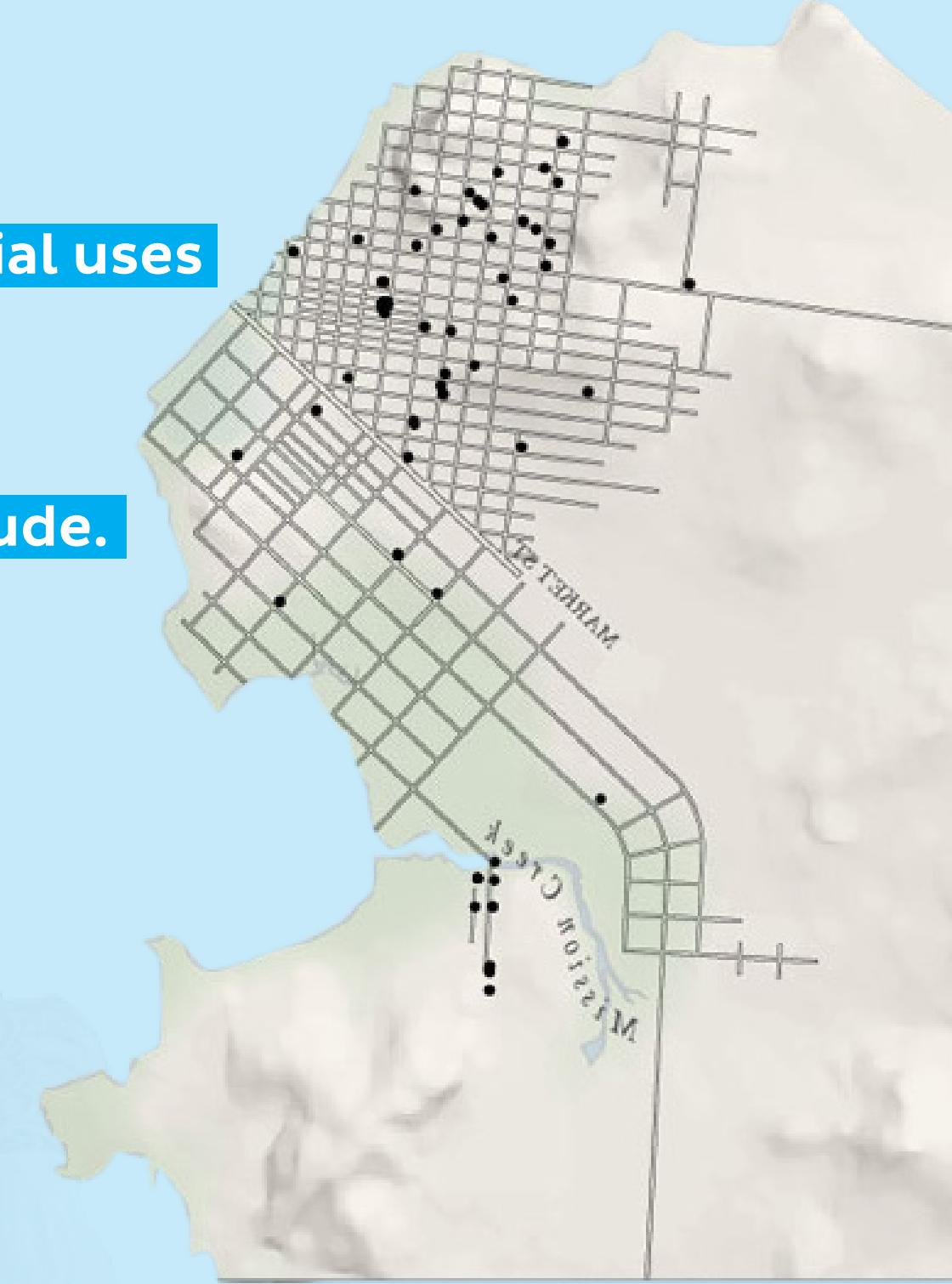
... THE YEAR BEFORE,  
THE CITY'S BOARD  
OF SUPERVISORS HAD  
BANNED SLAUGHTERHOUSES  
IN A PARTICULAR DISTRICT  
OF SAN FRANCISCO ...

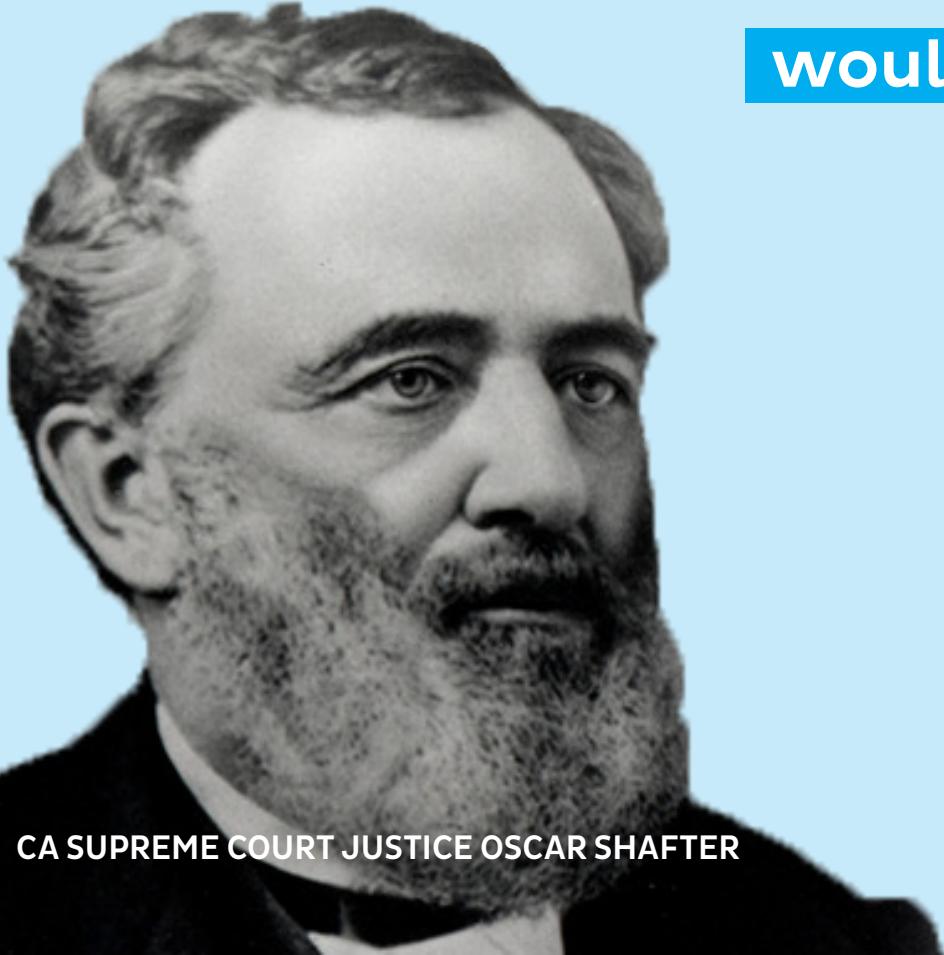
**This is a violation of my property rights  
that I am guaranteed to as a property owner  
as presented in the California Constitution!**

**You took my property away without  
providing me with just compensation!**



**Actually your business  
produces noxious industrial uses  
and contagious diseases  
that is a concern to the  
public health of others, dude.**



A black and white portrait of Oscar Shafter, a man with a full, dark beard and mustache, wearing a suit and tie. He is looking slightly to his left.

**Well, we are with San Francisco on this one.**

**If governments did not have the power to protect**

**public health, safety, and morals, there would be few**

**social or common rights that individuals**

**would actually respect of others.**

CA SUPREME COURT JUSTICE OSCAR SHAFTER

**The emergence of California's common land use planning tools is the result of nearly 150 years of struggle—between the private real estate market and government regulation, between architecture and law, between . . .**

**... rich and poor, between state mandates and local desires, and even, in a sense, between the idealistic promise of the future and the tangible benefits of the present.**



**Q: WHAT'S  
URBAN PLANNING?**

# **Q: WHAT'S URBAN PLANNING?**

**the process by which public agencies,  
mostly local governments,  
determine the intensity and geographical  
arrangements of various land uses  
in a community.**



**Q: WHAT'S  
URBAN | PLANNING?**

**Q: WHAT'S  
PLANNING | URBAN?**

**Q:**

**WHAT'S  
PLANNING  
FOR OUR  
URBAN  
COMMUNITIES**

**WHAT'S  
PLANNING  
FOR OUR  
URBAN  
COMMUNITIES**

Q ?  
HOW

# WHAT'S PLANNING FOR OUR URBAN COMMUNITIES

Q?

HOW  
POLICYMAKING  
LAND USE PLANNING  
TRANSPORTATION PLANNING  
ECONOMIC DEVELOPMENT  
COMMUNITY DEVELOPMENT  
PUBLIC HEALTH  
REGIONAL + INTERNATIONAL  
ZONING  
ADAPTIVE REUSE  
HOUSING DEVELOPMENT  
URBAN DESIGN  
ENVIRONMENTAL PLANNING  
POLITICAL MOBILIZING  
SPATIAL ANALYSIS  
HISTORIC PRESERVATION  
MACROECONOMICS  
AFFORDABLE HOUSING  
TACTICAL URBANISM  
LIVING

**WHAT'S  
PLANNING  
FOR OUR  
URBAN  
COMMUNITIES**

Y ?

WHAT'S  
PLANNING  
**HISTORY**?  
FOR OUR  
URBAN  
COMMUNITIES

# HOW PLANNING REALLY WORKS

## HISTORY

1



### PLAN 'MAKING'

Creation of planning  
and policy documents  
that inform how our  
communities should be.

General Plans  
Specific Plans  
District Plans  
Streetscape Plans

2



### PLAN 'IMPLEMENTING'

Process of carrying out  
those plans and policies  
on a project-by-project basis.

Zoning Decisions  
Permit Approvals (or Denials)  
Infrastructure Investment

# HOW PLANNING REALLY WORKS

1



HISTORY

## HISTORY OF PLANNING AS URBAN DESIGN

Architecture and Landscape  
Architecture Tradition

2

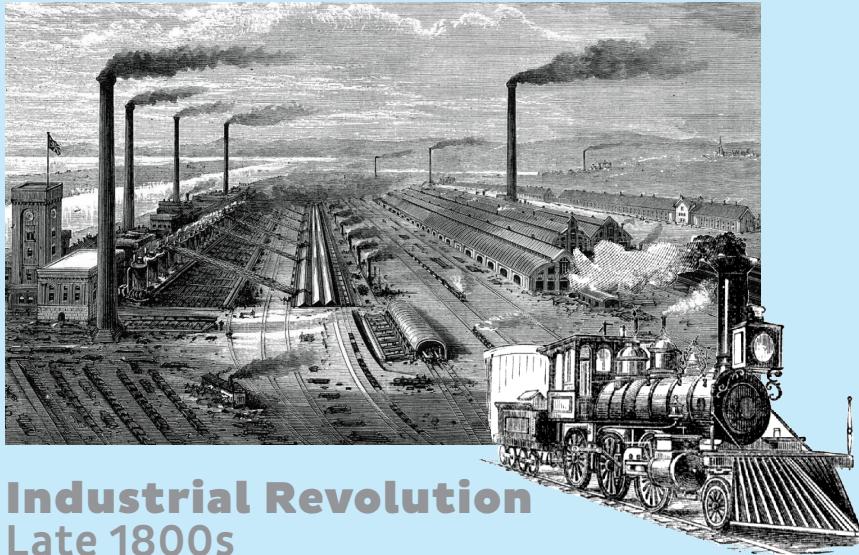


## HISTORY OF PLANNING AS A LAND USE DESIGNATION

Legalistic Tradition

# HISTORY OF ZONING IN THE U.S.

# HISTORY?

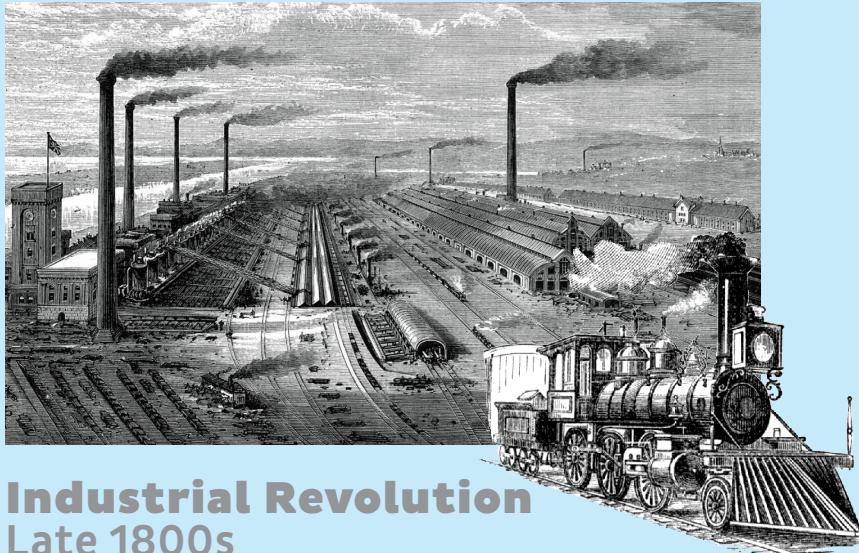


**Industrial Revolution**  
Late 1800s



# HISTORY OF ZONING IN THE U.S.

# HISTORY?



**Industrial Revolution**  
Late 1800s

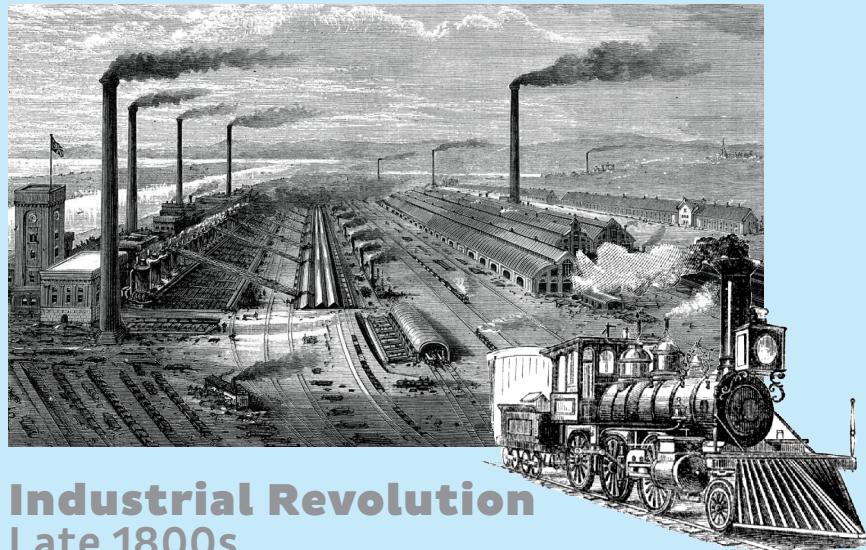


Jacob Riis

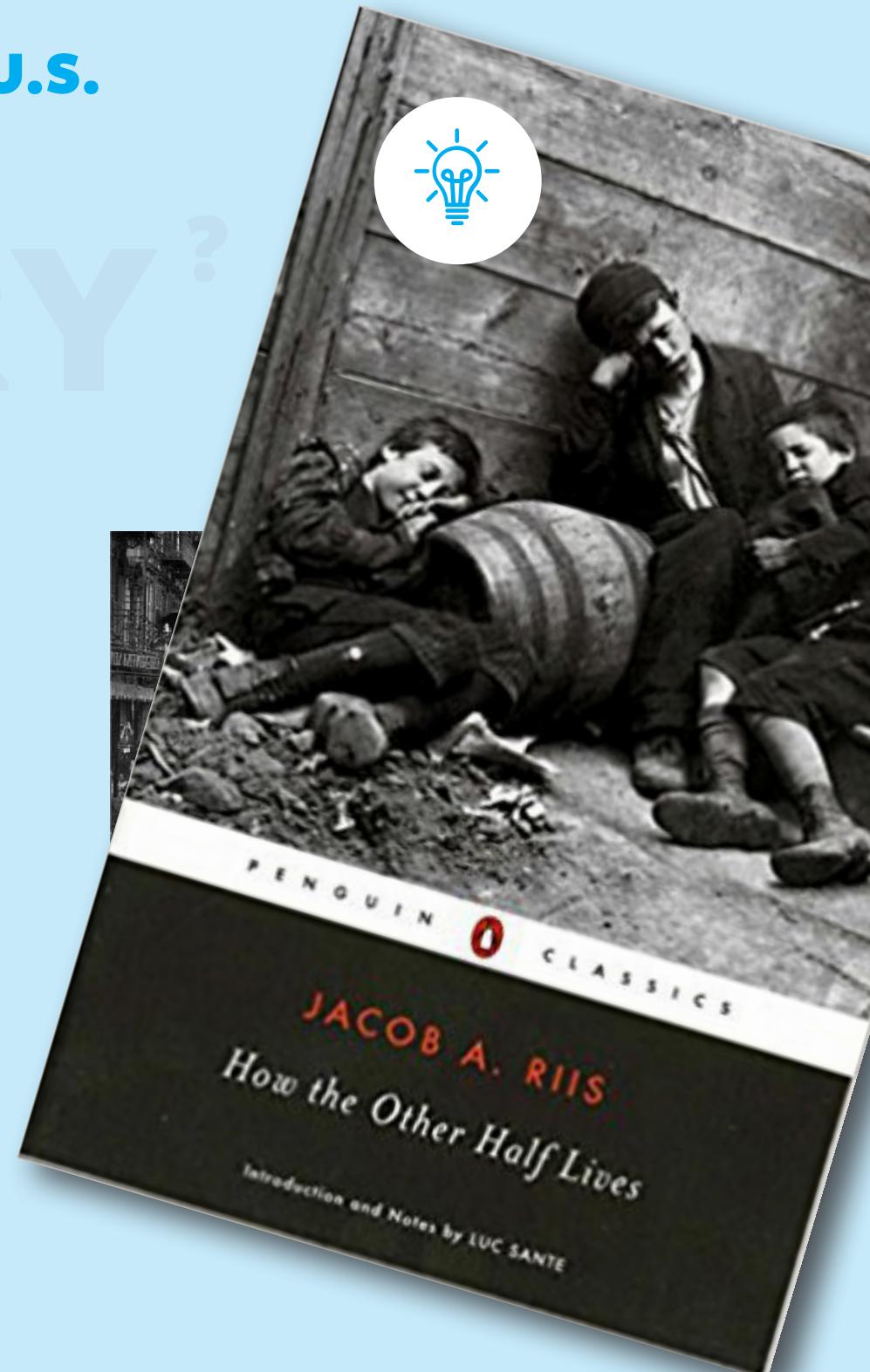


# HISTORY OF ZONING IN THE U.S.

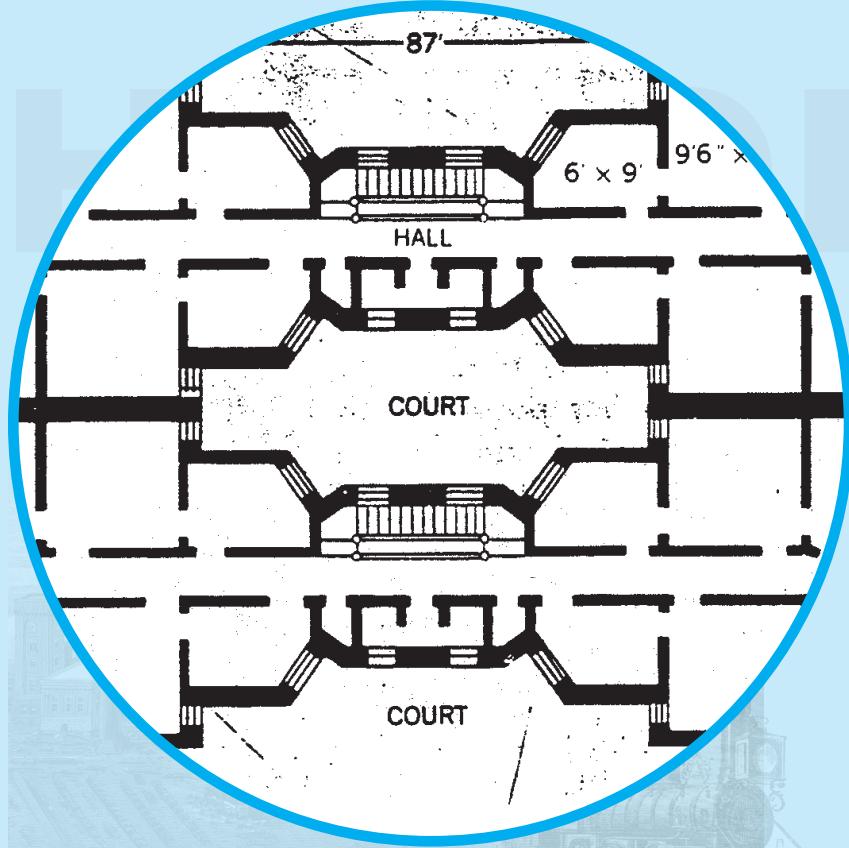
# HISTORY?



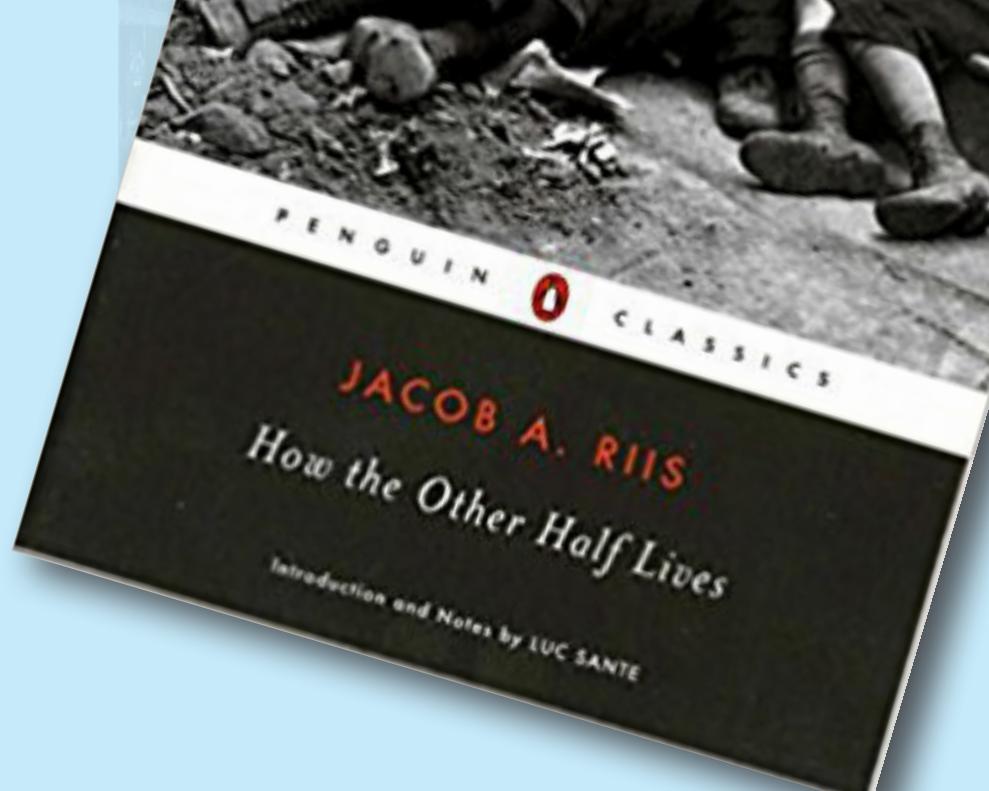
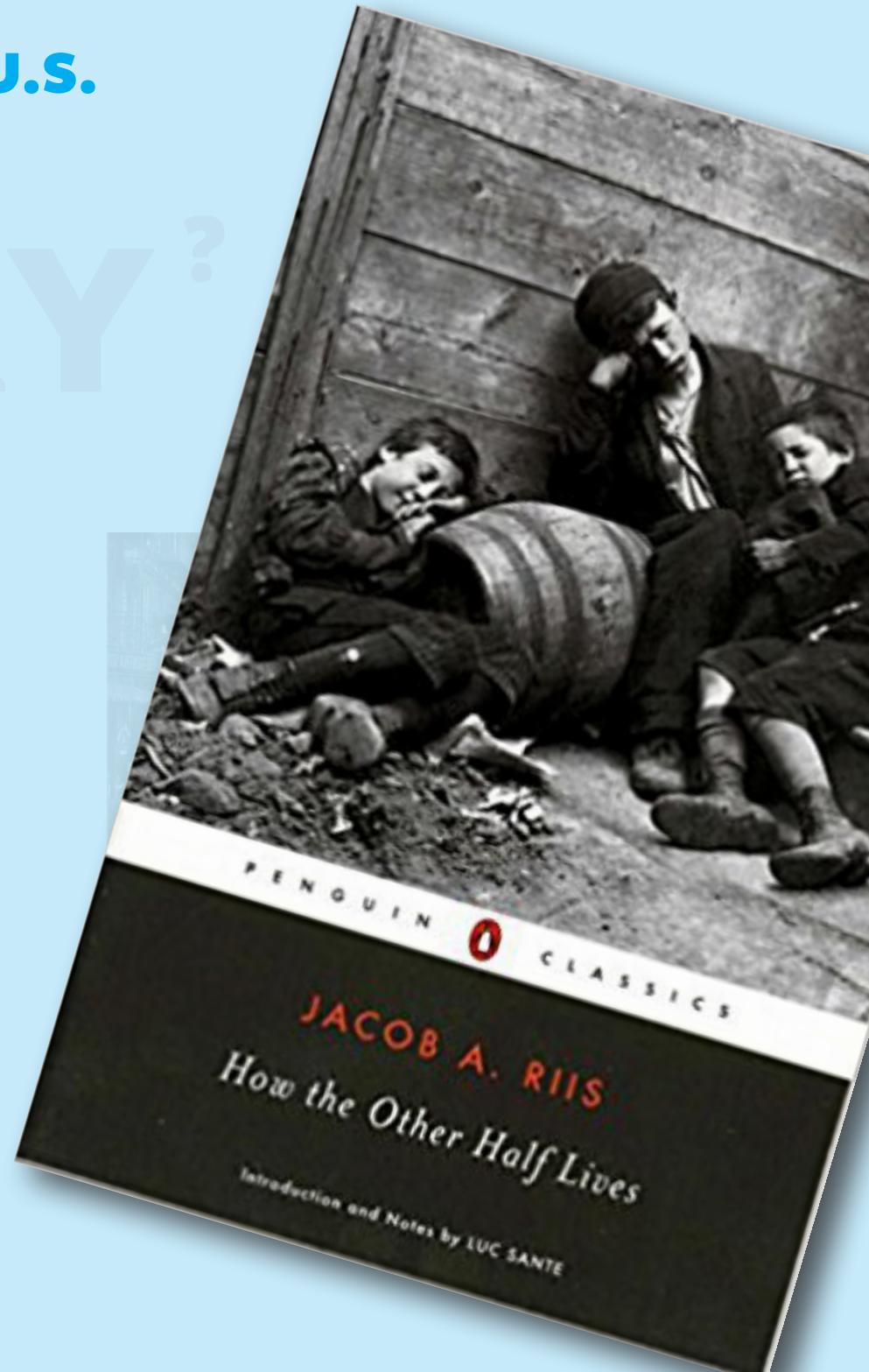
**Industrial Revolution**  
Late 1800s



# HISTORY OF ZONING IN THE U.S.



**Industrial Tenement Housing**  
Late 1800s   Public Health  
Safety Concerns  
Social + Economic Inequality  
Poor Working Conditions

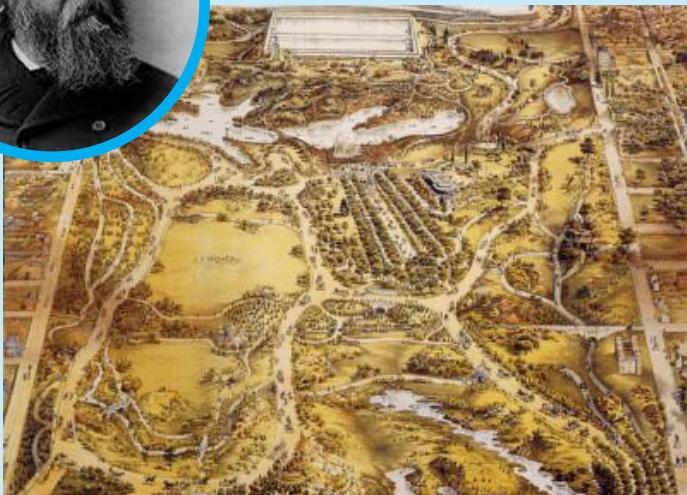




# HISTORY OF PLANNING AS URBAN DESIGN



Frederick Law Olmsted



# HISTORY?



## Parks Movement

Believed that parks should complement the city to which it belongs, escaping the urban

Most design traditions of American urban development are derived from the pastoral and romantic vision of landscape architecture of Olmsted and Calvert Vaux created during the 1850s at Central Park



CENTRAL PARK  
NEW YORK



GOLDEN GATE PARK  
SAN FRANCISCO



LAND PARK  
SACRAMENTO



UC IRVINE  
IRVINE, CA



PERSHING SQUARE  
LOS ANGELES, CA





EL DORADO EAST REGIONAL PARK  
LONG BEACH, CA

# HISTORY OF PLANNING AS URBAN DESIGN



Daniel Burnham



HISTORY?



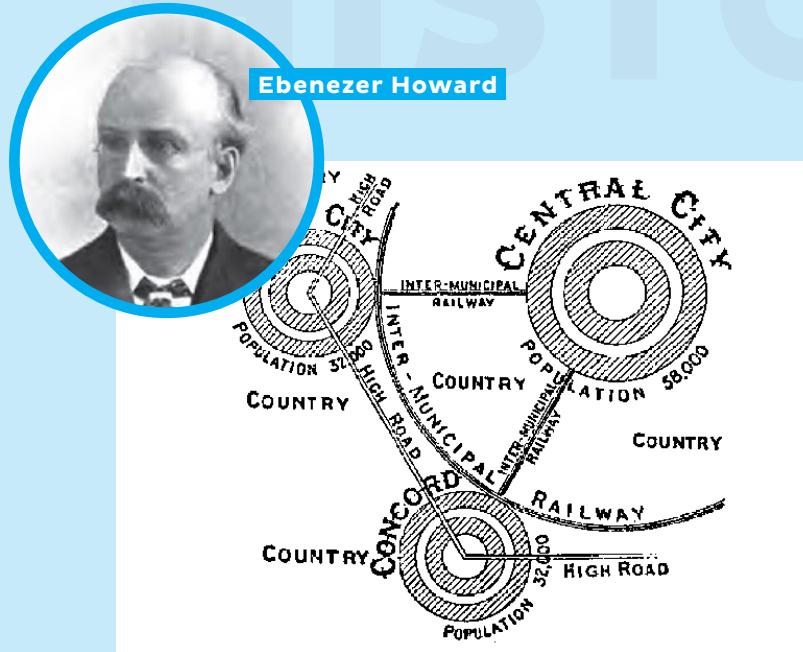
## City Beautiful Movement

Believed that beautification could promote social order, increasing the quality of life

Presented at the Colombian Exposition Chicago in 1893 at the World's Fair, creating a temporary White City of plaster

Neoclassical architecture used for many civic buildings to reinforce ideas of civility and sophistication

# HISTORY OF PLANNING AS URBAN DESIGN



Ebenezer Howard



## Garden City Movement

"Town and country must be married, and out of this joyous union will spring a new hope, a new life, a new civilization"

New towns on the metropolitan fringe that maintained a village atmosphere, yet accommodated the automobile and incorporated farmland and natural areas into the design

Following postwar population growth, the idea of Garden Cities became poorly interpreted by many as suburban neighborhoods





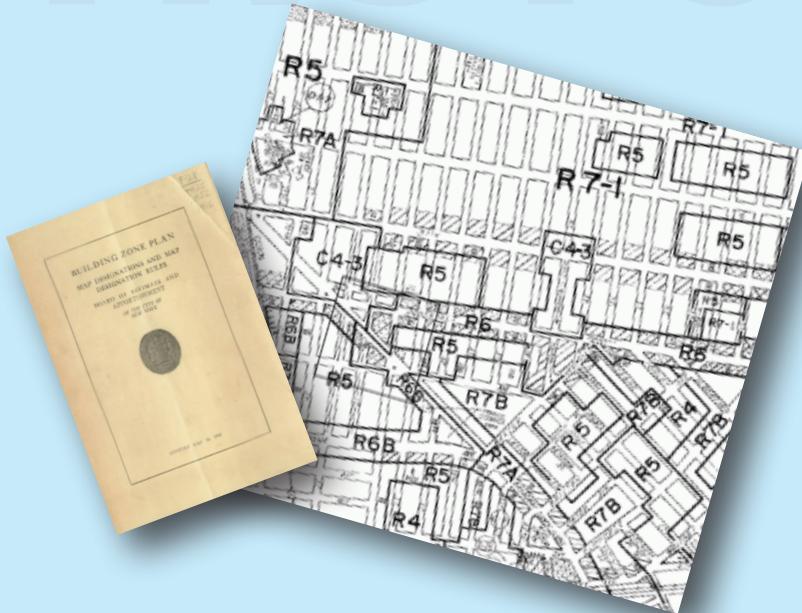
IRVINE RANCH  
IRVINE, CA



IRVINE RANCH  
IRVINE, CA

# HISTORY OF PLANNING AS LAND USE REGULATION

# HISTORY?



## 1916 Zoning Resolution

Concerns from people living near factories led to separation of uses.



## 19th Century

Zoning emerged for the same reasons as the previously mentioned urban planning movements, but was/is more reactive than proactive

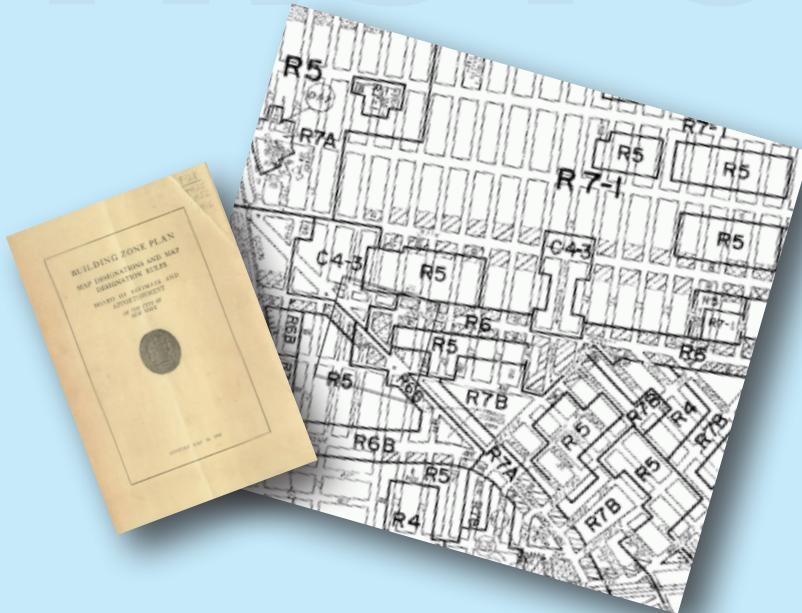


**Nuisance law:** When something is a “nuisance” to someone else, in which case the government can use “police power” to enforce zoning and land use authority

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

# HISTORY OF PLANNING AS LAND USE REGULATION

# HISTORY?



## 1916 Zoning Resolution

Concerns from people living near factories led to separation of uses.



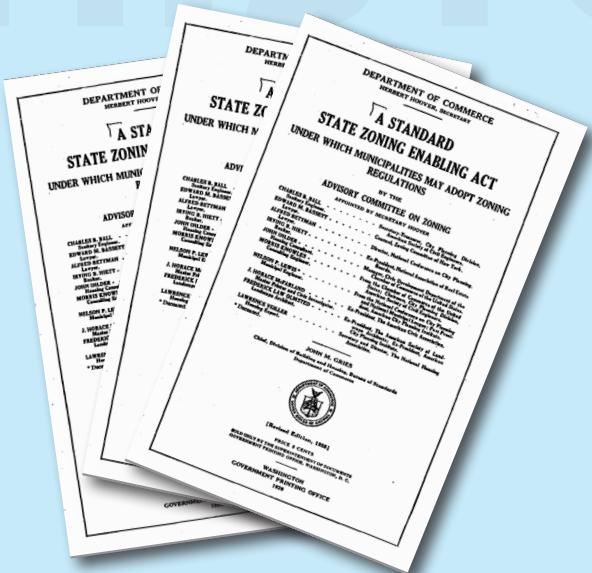
## 19th Century

National Conference on City Planning in 1913 published several model zoning ordinances for state and local governments to follow

During the 1920s, the federal government proposed the Standard State Zoning Enabling Act (SSEA) and the Standard City Planning Enabling Act (SPEA).

# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



## Standard State Zoning Enabling Act (SSEA)

Allowed local governments to divide land into zones with regulations in each zone

## Early 19th Century

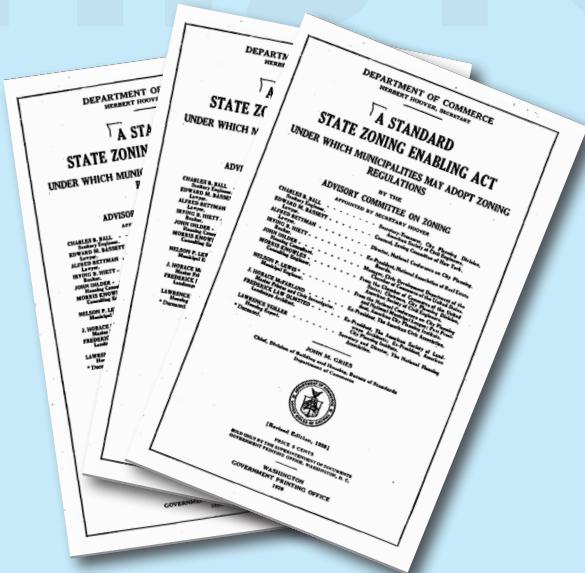
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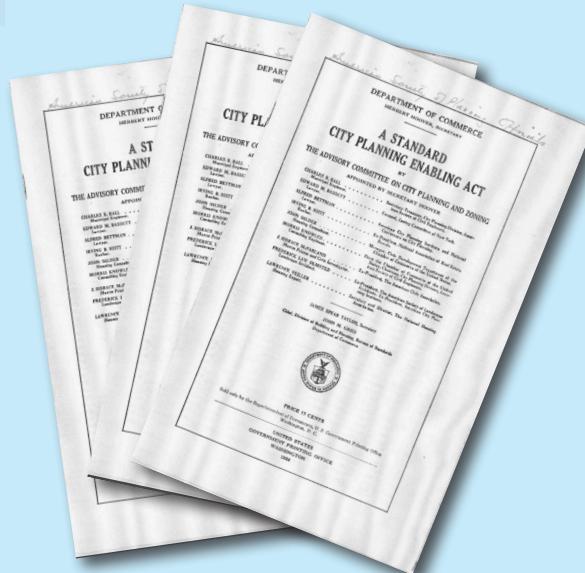
# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



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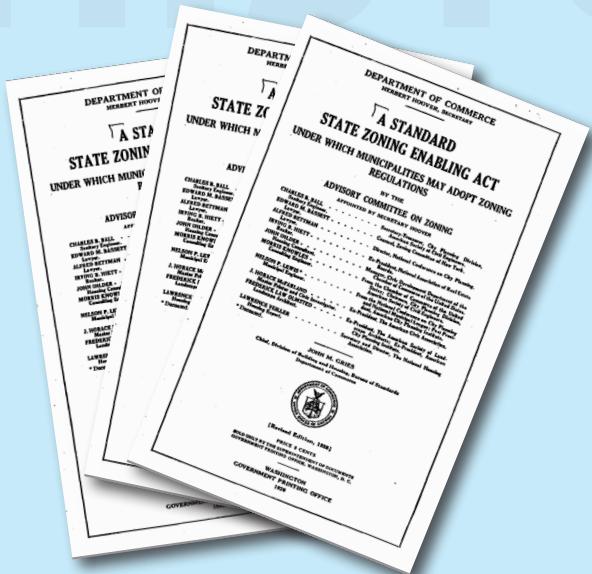


## Standard Planning Enabling Act (SPEA)

Defined the organization and power of the planning commission, the content of a 'master plan', control of private subdivision of land, and provision for the establishment of a regional planning commission and a regional plan

# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



## Standard State Zoning Enabling Act (SSEA)

Allowed local governments to divide land into zones with regulations in each zone



## 8 CITIES WITH ZONING ORDINANCES

1916

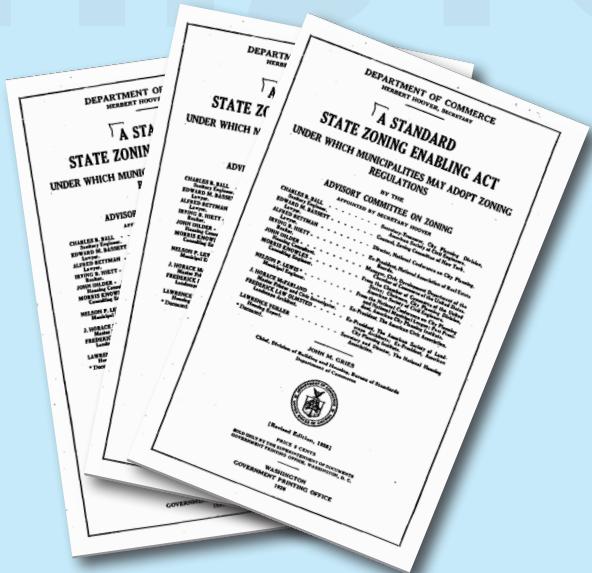


## 800+ CITIES WITH ZONING ORDINANCES

1930

# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



## Standard State Zoning Enabling Act (SSEA)

Allowed local governments to divide land into zones with regulations in each zone

## FIVE ASSUMPTIONS OF EARLY ZONING ORDINANCES

Segregation of land uses would improve the quality of the urban environment

The zoning map would provide a vehicle to formulate an intelligent all-at-once decision to which the market would conform

Once the zoning was in place, cities would rarely change the rules

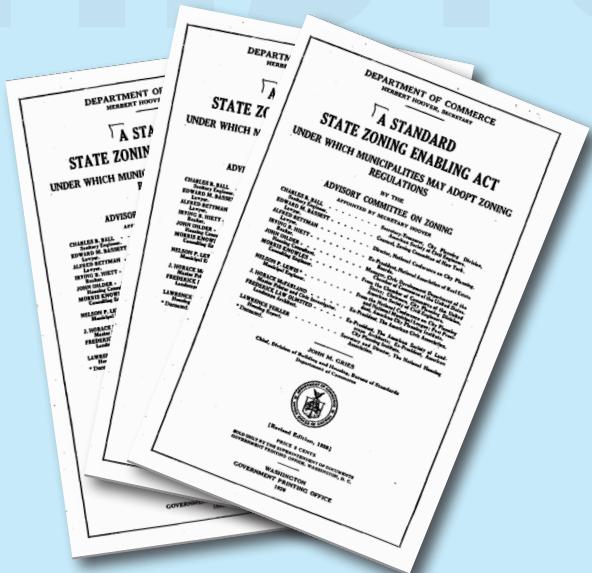
Nonconforming uses would go away

Local government power would be sufficient to accomplish these goals



# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



## Standard State Zoning Enabling Act (SSEA)

Allowed local governments to divide land into zones with regulations in each zone



## FIVE ASSUMPTIONS OF EARLY ZONING ORDINANCES

Segregation of land uses would improve the quality of the urban environment

**WRONG**

Zoning would provide a vehicle to correlate an intelligent at-a-distance decision to which the market would conform

Once the zoning was in place, cities would rarely change

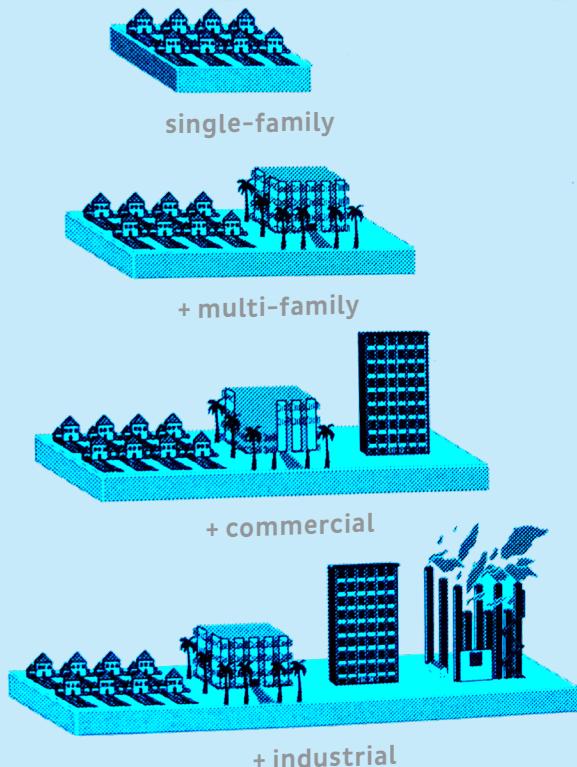
Nonconforming uses would be law

Local government power would be sufficient to accomplish these goals

Ira Michael Heyman, Law Professor, UC Berkeley

# HISTORY OF PLANNING AS LAND USE REGULATION

# HISTORY?



## Cumulative Zoning

Given that one of the main goals of zoning ordinances was to preserve the single-family character of a neighborhood, cumulative zoning allows for uses that are higher on the “pyramid”, but not lower

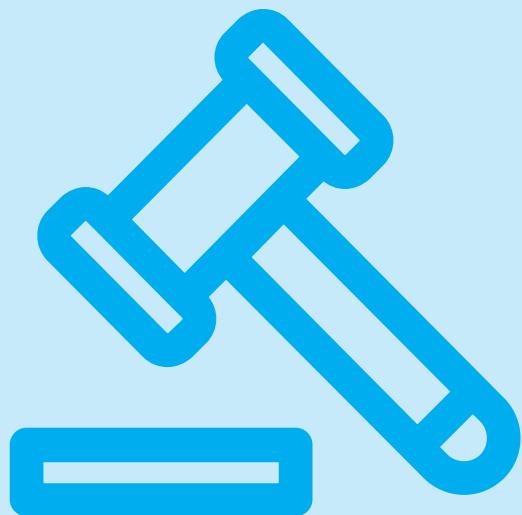
For example, this means that land zoned for “residential” will only allow for residential development, but land zoned for “industrial” can allow for any type of development like residential or commercial



# HISTORY OF PLANNING AS LAND USE REGULATION

## HISTORY?

### Constitutionality of Zoning (Arguments against the legality of zoning)



**Due Process Argument:**  
From the 14<sup>th</sup> Amendment of the U.S. Constitution, a government might violate one's constitutional right to "procedural" due process by not giving them a fair hearing in some way

During the 1920s, many landowners argued that zoning was not a legitimate use of the police power and therefore their property had been taken through a violation of substantive due process



# HISTORY OF PLANNING AS LAND USE REGULATION

## HISTORY?



### Constitutionality of Zoning

(Arguments against the legality of zoning)

#### Equal Protection Argument:

From the 14<sup>th</sup> Amendment of the U.S. Constitution, by dividing land into different use categories, a zoning ordinance favored some landowners over others, therefore denying equal protection under the law to all the landowners



# HISTORY OF PLANNING AS LAND USE REGULATION

## HISTORY?



### Constitutionality of Zoning (Arguments against the legality of zoning)

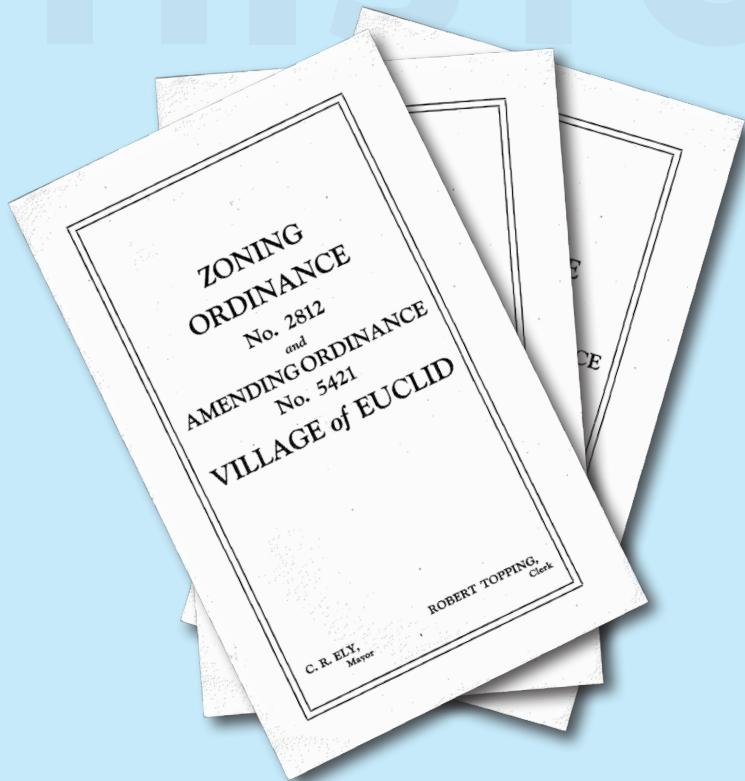
**Just Compensation Argument:**  
From the Fifth Amendment of the U.S. Constitution, prohibiting a government from taking a citizen's property without paying the citizen just compensation

This argument would not emerge until the 1970s, when property owners began vocalizing their rights



# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



## Village of Euclid vs. Ambler Realty Co.

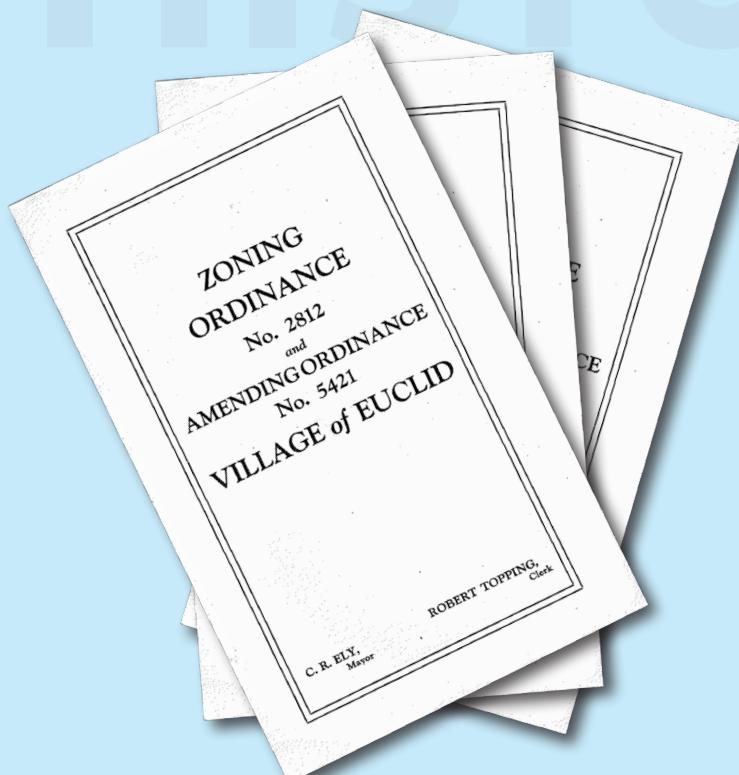
A 1926 U.S. Supreme Court case regarding the relatively new practice of zoning, which substantially bolstered zoning ordinances in towns nationwide in the United States and in other countries of the world, including Canada

Euclid vs. Ambler upheld the constitutionality of zoning



# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



## Village of Euclid vs. Ambler Realty Co.

Ambler Realty owned 68 acres in Cleveland

Upon learning that the company wanted to host industrial, commercial, and some residential uses

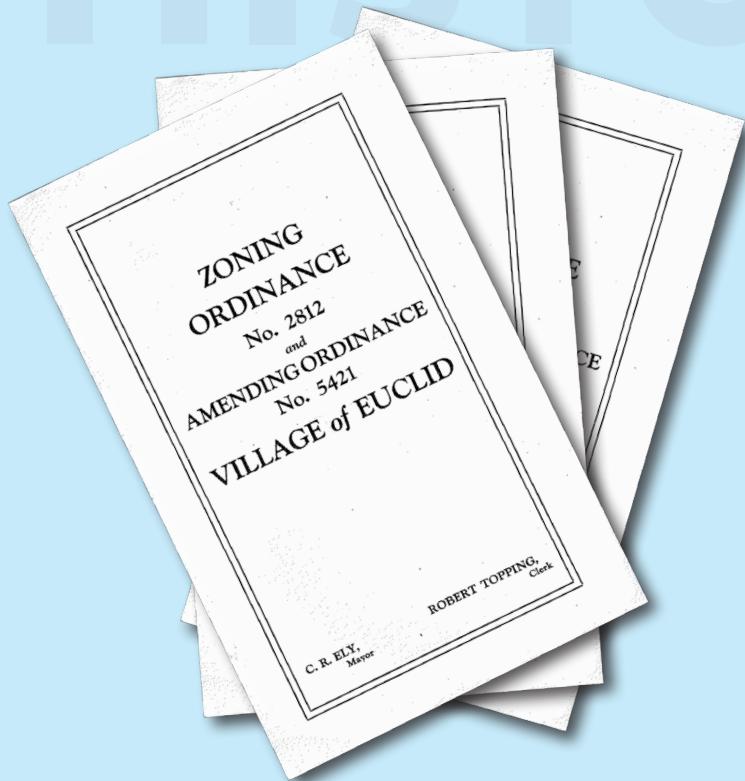
The Euclid Village Council enacted a zoning code based on New York City's building restrictions

Ambler Realty sued claiming the zoning ordinance took its property without due process of law and denied the company equal protection under the law



# HISTORY OF PLANNING AS LAND USE REGULATION

## HISTORY?



### Village of Euclid vs. Ambler Realty Co.

Court upheld the Euclid zoning ordinance on a 6 to 3 vote, making future zoning efforts constitutional

Reasoning from the Supreme Court Justices was that because urban living was 'very complex' and crowded, zoning is a legitimate rationale for more regulation

Appealed to the conservative Supreme Court Justices as the separation between their single-family suburban homes and the 'complexities' of urban life

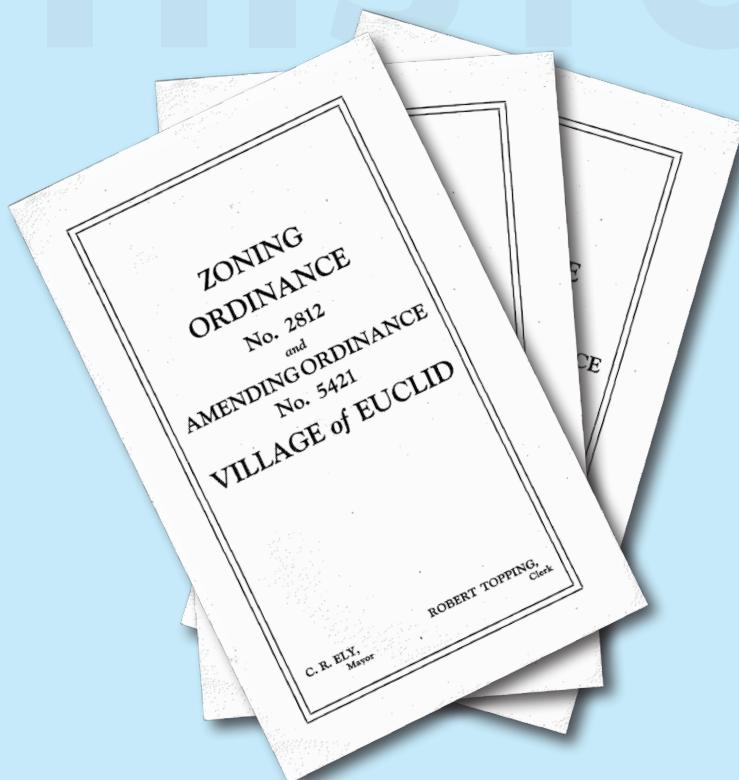
Fulton talks about how this had an elitist agenda, preserving middle class White America

We will definitely talk about this another time!



# HISTORY OF PLANNING AS LAND USE REGULATION

HISTORY?



## Village of Euclid vs. Ambler Realty Co.

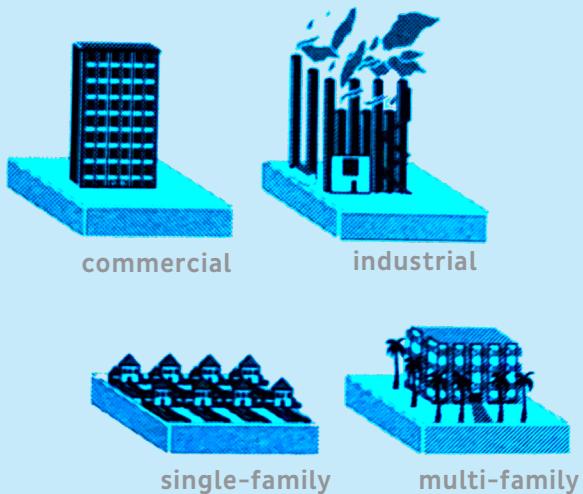
The two most important principles were the division of all of the city's land into zones, and more or less equal treatment of property owners within each district

Together they formed the basis of that became known as "Euclidean zoning"



# HISTORY OF PLANNING AS LAND USE REGULATION

# HISTORY?



## Mid 19th Century

The SSEA and other states called for zoning to be prepared "in accordance with a comprehensive plan" (comprehensive plan = general plan)

Today, all of California's cities and counties must establish a planning agency and adopt a General Plan (required by SEPA)



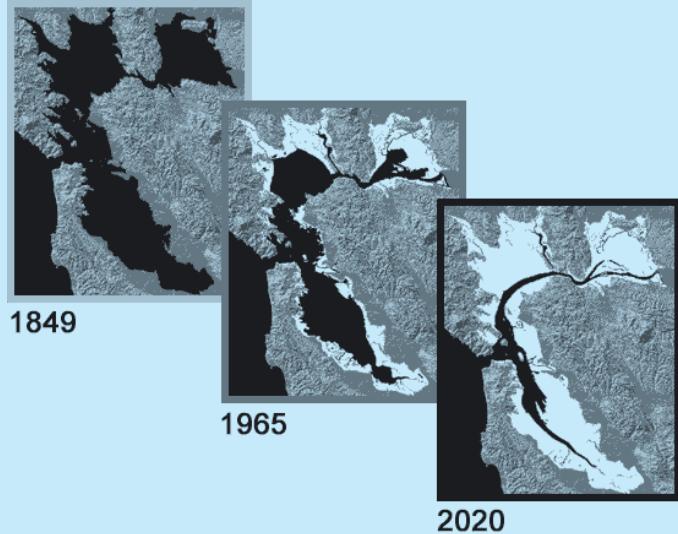
**Exclusive Zoning:** a zoning system that permits one—and only one—use in each zoning district

We will get into what General Plans look like another day.



# HISTORY OF PLANNING AS LAND USE REGULATION

# HISTORY?



1849

1965

2020

This too!

## Mid 19th Century

The State also gets involved in planning land use at local level, most notably the creation of the Bay Conservation and Development Commission in 1965

Social changes in the 1960s and 70s led to a greater sensitivity to protect the environment and foster a much more open and inclusive decisionmaking process

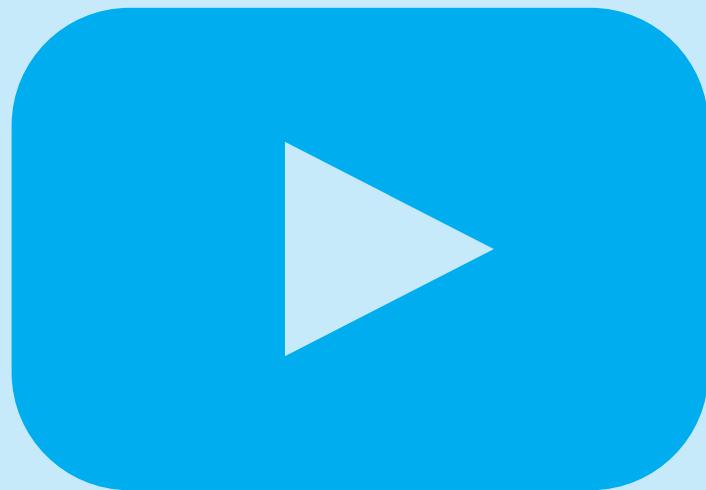
Two landmark environmental laws, the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) passed, and had a major effect on the planning profession

Fiscalization of land use & property rights movement since the 1970s



# HISTORY OF PLANNING AS LAND USE REGULATION

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<https://interactive.wttw.com/ten/towns/watch>

# **NEW PRIORITIES**

---

**1**

**SOCIAL CONSIDERATIONS BASED LARGELY  
ON EQUITY AND JUSTICE CONCERNs**

**2**

**ENVIRONMENTAL CONSIDERATIONS BASED ON A  
DESIRE FOR MORE 'SUSTAINABLE' COMMUNITIES**

**3**

**BIG DATA AND THE USE OF TECHNOLOGY AND  
SPATIAL ANALYSIS TO UNDERSTAND ISSUES**

**4**

**IMPROVING HOUSING AFFORDABILITY  
AND ADDRESSING HOMELESSNESS**

**5**

**ALTERNATIVE AND ACTIVE FORMS OF  
TRANSPORTATION AND MOBILITY**

**6**

**TRANSFORMATION OF UNDERUTILIZED  
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# LAST QUESTION

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WORTH 0.5%  
OF TOTAL GRADE

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

**NAME OF THE URBAN PLANNING MOVEMENT, THAT USED  
BEAUTIFICATION IN THE FORM OF NEOCLASSICAL ARCHITECTURE  
TO PROMOTE SOCIAL ORDER.**



**GARDEN CITY  
MOVEMENT**



**PARKS  
MOVEMENT**



**CITY BEAUTIFUL  
MOVEMENT**



**NEOCLASSICAL  
MOVEMENT**

# **ASSIGNMENTS**

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- 1 READ CHAPTER FOUR AND FIVE**
- 2 BEGIN READING THE DEATH AND LIFE OF GREAT AMERICAN CITIES**
- 3 IDENTIFY A PUBLIC HEARING YOU WOULD LIKE TO ATTEND!**