


Sustainability: Planning is Power
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What is Planning?



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The Obligation to Plan

- Each city and county must adopt general plan “for the physical development of the county or city” (Gov. Code §65300)
- Courts have called the general plan the “**constitution for future development**” Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 570
- General Plan expresses the community’s land use, circulation, environmental, economic, and social policies and objectives

General Plan Not Entitlement

- Development must be consistent with General Plan
 - Friends of Lagoon Valley, 154 Cal.App.4th 807, 815 (2007); Citizens of Goleta Valley, 52 Cal.3d 553, 570 (1990)
- No Vested Right created by General Plan
 - Avco Community Developers, Inc., 17 Cal.3d 785, 791 (1976)

Parts of a General Plan

Mandatory elements

- | | |
|----------------|--------------|
| ■ Land use | ■ Open space |
| ■ Circulation | ■ Noise |
| ■ Housing | ■ Safety |
| ■ Conservation | |

Optional elements?

Maps and diagrams

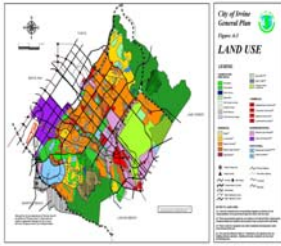
Parts of a General Plan

- Goals
- Objectives
- Policies
- Implementation programs



Library of Congress, Prints and Photographs Division, Historic American Buildings Survey or Historic American Engineering Record, HABS CAL,12-EUR,4

General Plans and CEQA



General plans and amendments are “projects” under CEQA.
(CEQA Guidelines, § 15378(a)(1))

Basic Requirements of CEQA

- Requires environmental impact report (EIR) where project may cause significant impacts on the environment, including cumulative impacts (CEQA Guidelines § 15126(a))
- Establishes a duty to adopt feasible mitigation measures or feasible superior alternatives (CEQA Guidelines, § 15021(a))

[CEQA and Climate Change]

- Senate Bill 97: Climate change is environmental impact to be evaluated and mitigated under CEQA
- OPR draft amendments to CEQA Guidelines for impacts and mitigation of GHG emissions (April 2009)

[CEQA and Climate Change]

Attorney General's Actions

- 40 CEQA comment letters
- San Bernardino County settlement
- City of Stockton settlement
- FAQs sent to local governments
- List of Mitigation Measures
- AG Website
<http://ag.ca.gov/globalwarming/ceqa.php>

[Climate Change and CEQA: Impacts]

Under CEQA, must evaluate significant impacts of project

- GHG Emissions Inventories - estimate of current and future GHG emissions
- Mobil and Non-Mobil Sources (Sierra Club v. Tulare)
- Tools for Estimating GHG emissions and Climate Change Impacts

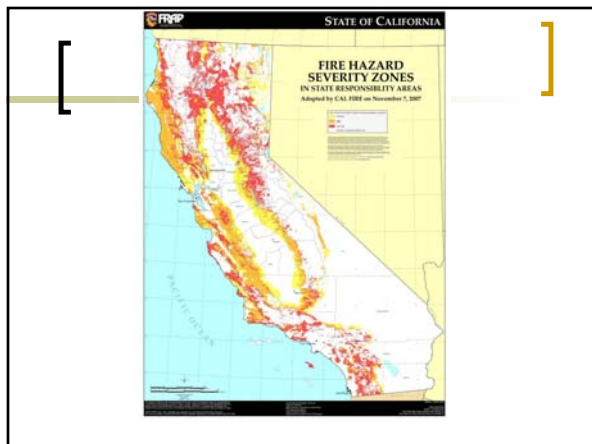
**CEQA and Climate Change:
Impacts cont.**

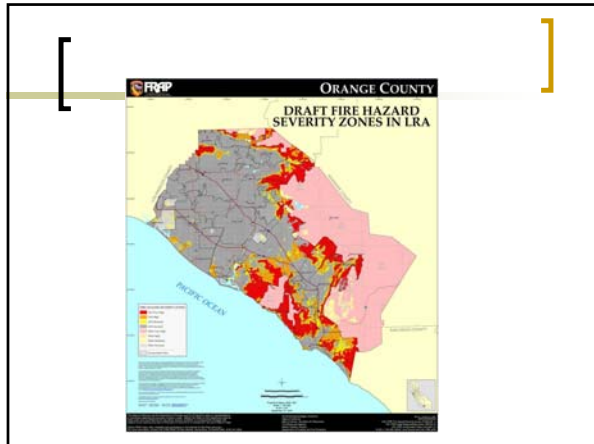
EIR must analyze significant environmental effects by bringing people + development into hazards

Climate change impacts, e.g.:

- Wildfire increases
- Water shortages
- Sea level rise + coastal erosion

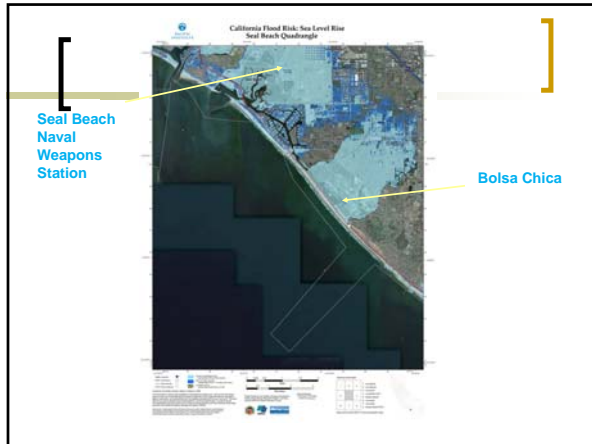


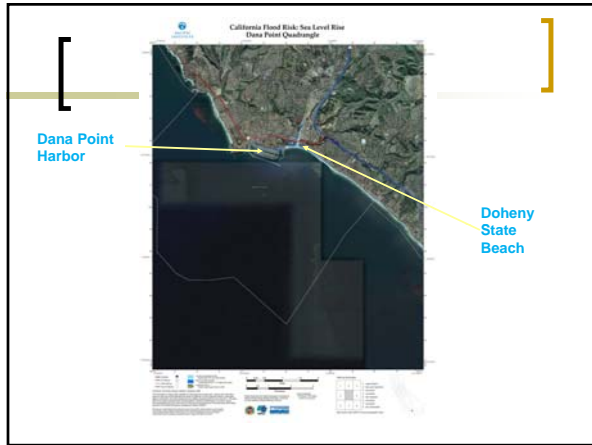
















CEQA: Climate Change Mitigation

Climate Action Plan (CAP)
 AG FAQs' suggested CAP elements:

- Emissions inventories
- Emission reduction targets
- Enforceable GHG control measures
- Monitoring and reporting
- Mechanisms to allow for plan revisions

Examples of CAPs

Early examples of CAPs that address climate change community-wide include:

- Berkeley Climate Action Plan
- City and County of San Francisco Climate
- Sonoma County Community CAP

More general trend of CAPs that are community-wide and integrated into general plans (e.g., Irvine, Stockton, San Bernardino County)

Examples of CAP Mitigation components

- Innovative financing for energy efficiency and renewable energy (AB 811)
- Retrofitting requirements and ordinances
- Green building requirements and ordinances
- Land use designations to support non-motorized transportation
- Requirements for land uses at densities that support transit
- Strategies for “complete neighborhoods”

Benefits of CAP in GP

- Substantial streamlining under CEQA, e.g., program EIRs, tiering
- Opportunity to look at “big picture”
- Additional, flexible mitigation opportunities, e.g., mitigation funds
- Ability to include reductions related to existing development
- Enforcement

New Funding Sources for CAPs

- DOE’s Energy Efficiency and Conservation Block Grants
 - Over \$350 million available to local governments in California
 - Cities and counties eligible for funding must submit applications by June 25, 2009
- AG’s website has links to funding information
- <http://www.coolcalifornia.org/article/financial-resources>

Benefits of cooperation



Chicago Daily News negatives collection, DN-0077580. Courtesy of the Chicago Historical Society.

Planning is power!



Chicago Daily News negatives collection, DN-0076462. Courtesy of the Chicago Historical Society.

Resources

- Governor's Office of Planning and Research, "California Planning Guide: An Introduction to Planning in California (2005)"
http://opr.ca.gov/planning/publications/California_Planning_Guide_2005.pdf
- Governor's Office of Planning and Research, "Planning Resources" (webpage)
<http://opr.ca.gov/index.php?a=planning/planningpubs.html#genplan>
[contains links to many useful publications, including OPR's General Plan Guidelines (2003)]
- Pacific Institute (for the Cal. Climate Change Center), The Impacts of Sea-Level Rise on the California Coast (2009)
http://www.pacinst.org/reports/sea_level_rise/
- Headwaters Economics, Homes in the Wildland Interface (interactive map) <http://www.headwaterseconomics.org/wildfire/ca.php>

Resources

California Department of Forestry and Fire Protection, California Fire Hazard Severity Zone Map Update Project
http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.php

Governor's Office of Planning and Research, CEQA Guidelines and Greenhouse Gases (webpage with links)
<http://opr.ca.gov/index.php?a=ceqa/index.html>

California Attorney General's Office, California Environmental Quality Act (webpage with links to comment letters, settlements, and other CEQA/climate change resources)
<http://aq.ca.gov/globalwarming/ceqa.php>

California Attorney General's Office, Local Government Green Building Ordinances in California
<http://aq.ca.gov/globalwarming/greenbuilding.php>

Resources

California Attorney General's Office, CEQA, Global Warming and General Plans (webpage, including link to FAQs)
<http://aq.ca.gov/globalwarming/ceqa/generalplans.php>

California Attorney General's Office, mitigation fact sheet
http://aq.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

CoolCalifornia.org (interactive web resource sponsored by state government agencies, universities, and Next10, a nonprofit organization) <http://www.coolcalifornia.org>

CoolCalifornia's Local Government Toolkit
<http://www.coolcalifornia.org/local-government>

CoolCalifornia's Financial Resources webpage:
<http://www.coolcalifornia.org/article/financial-resources>

Resources

Governor's Office of Planning and Research, Cities and Counties Addressing Climate Change
http://opr.ca.gov/ceqa/pdfs/City_and_Counties_Plans_Addressing_Climate_Change.pdf

Local Government Commission, Cities and Counties Addressing Climate Change http://lgc.org/freepub/climatechange/case_studies.html

Sonoma County Community Climate Action Plan (website)
<http://www.climateprotectioncampaign.org/>

Yolo County, General Plan Update (website)
<http://www.volocounty.org/index.aspx?page=1514>
