



NOVEMBER 2002

Northern News

NORTHERN SECTION, CALIFORNIA CHAPTER, AMERICAN PLANNING ASSOCIATION

New Planning and Environmental Statutes *by Antero Rivasplata, AICP*

The beauty of California planning is that once you feel like you've gotten a pretty good grasp of what State law requires, the law changes. The 2002 legislative session brings us new laws in the areas of statewide planning, general plans, subdivisions, density bonuses, environmental justice, and CEQA. Here's a summary of the statutes that will take effect on January 1, 2003.

APA-sponsored AB 857 returns some of the luster to California's tarnished reputation for planning.

This article is presented to you in two parts.

Discussions of statutes dealing with CEQA and Environmental Justice are featured under

Legislative Committee information on our web site at www.norcalapa.org/pages/chapter/committees.htm

AB 857 (WIGGINS) CHAPTER 1016, STATUTES OF 2002—ENVIRONMENTAL GOALS AND POLICY REPORT

The Governor's Office of Planning and Research (OPR) is required to prepare an Environmental Goals and Policy Report (EGPR) every 4 years. The purpose of the EGPR is to guide state decisions relating to environmental protection and growth. Embarrassingly, Jerry Brown's 1978 Urban Strategy was the first and last EGPR. APA-sponsored AB 857 returns some of the luster to California's tarnished reputation for planning. It requires the funding portion of the State's 5-year infrastructure plan and individual state agencies' functional plans to be consistent with the planning priorities of the EGPR by January 1, 2005. The EGPR goals must be consistent with new state planning priorities after January 1, 2004.

This statute also establishes progressive state planning priorities. These would include promoting infill by rehabilitating, maintaining and improving existing infrastructure;

protecting environmental and agricultural resources; and encouraging efficient development patterns. These priorities were subsequently revised by SB 2055; see that statute for the text of the new policies. (Gov. Code Section 65041.1) It requires a conflict resolution process to solve conflicts between state functional plans and infrastructure projects. (Gov. Code Section 65404)

AB 1808 (MCPHERSON) CHAPTER 424, STATUTES OF 2002—ENVIRONMENTAL GOALS AND POLICY REPORT

While AB 857 revitalizes the EGPR requirement, this bill keeps the pressure on. It requires OPR to report to the Governor and Legislature by January 1 of each year regarding the implementation of the EGPR.

AB 1866 (WRIGHT) CHAPTER 1062, STATUTES OF 2002—DENSITY BONUS

AB 1866 is the first major revision to the State second unit and density bonus statutes in years, and it's a doozy. After July 1, 2003, any second unit application filed on the basis of a local ordinance is to be considered through a ministerial process, without discretionary review or hearing. (Gov. Code Section 65852.2) This mandate preempts local ordinance provisions for review and hearing. The section authorizes jurisdictions to charge fees to recover implementation costs.

This amends density bonus law by providing that a local jurisdiction may only deny a request for a density bonus or other incentive/concession if the jurisdiction finds that the grant is not necessary to provide for affordable housing costs, or that it would have a specific adverse impact, including an adverse impact on any property on the Ca. Register of Historic Resources, that cannot be mitigated without rendering the project unaffordable. AB 1866 requires the grant of

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DIRECTOR'S NOTE

It has been a busy couple of months for me—as Northern Section Director and personally, as well. I had a wonderful visit to China, attended the State Board Meeting, State Conference, APA Student Conference, Web Site Party, and more.

I had the good fortune to visit **China** in September. I was there for two weeks and visited Shanghai, Beijing, Wuhan, Chong Ching, Xian, and the site of the Three Gorges Dam on the Yangtze River. It was an incredible trip! Of course as a planner we have a different way of seeing things and I think I frustrated my guides a bit. For example, I was told that the Chinese sturgeon couldn't use fish ladders at the Three Gorges Dam because they were too steep. The solution (I was told) was to re-train the fish to spawn somewhere else. When I asked how you train fish, however, I got blank looks.

Or, for example, I visited many parts of Shanghai that were very impressive. As we were driving by one area, I observed tall, new, architecturally beautiful apartment towers. Adjacent to the towers were new parks that spanned blocks and blocks. Then I saw old, small homes that were in different stages of demolition. When I asked about it, I was told that they needed more green space—so they were building parks. As simple as that. Imagine, you decide you need parks, so you take out homes and relocate people. Everyone on the trip was very impressed with planning in China—I couldn't help thinking how easy it must be to plan when there is no public input . . . and you can just move people (or fish).

Visiting China was a great experience and I really enjoyed the visit—I would love to go back someday. The next best thing is that I recently received an e-mail from National APA informing us that the APA Northern Section will be hosting a delegation from China this month. Please see the details in the International Director's note on page 3 in this issue.

At the **State Board Meeting** on October 6th in San Diego we discussed many issues. For the last couple of years, Sande George and the State Board have worked hard on lobbying important bills in Sacramento. Additionally, for the first time, we sponsored our own statewide planning bill AB 857/SB 741 which was signed by the Governor. Amazing! We decided that our work in this area should continue and we voted on budget changes to ensure it does. See a discussion of all the new statutes in our featured article by Terry Rivasplata on page 1.

We also approved Cal APA's Legislative Platform. However, we agreed that the principle relating to Social Equity needed additional work and will be amended in the near future. You can view the Legislative Platform at the Cal APA website, www.calapa.org. This platform will be used to guide Cal APA to support or oppose State legislation.

The State Board discussed different approaches to preparing members for the AICP exam: if they were effective and how they could be improved. There was discussion

(continued next page)

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The deadline for submitting materials for inclusion in the **Northern News** is the 15th day of the month prior to publication.



that the materials need to be updated. I would like to hear from folks in the Northern Section (you!). What do you think of the study materials and workshops that are available? Please email your comments to jeriram@yahoo.com

Paul Farmer, APA's National Executive Director attended the State Board Meeting and the San Diego Conference. He spoke about his goals to strengthen membership services. National has revamped the fee structure so that those making less money per year pay less in membership dues. They are also expanding the services of the website so that you can register online at the website, change your membership information, etc. National APA has a new electronic newsletter available for free to APA members. If you would like to receive it and have not, you can register at the National APA website www.planning.org

Mr. Farmer spoke about how National APA lobbyists are going to start making contacts with legislators in Washington, D.C. earlier to promote APA's national agenda. We also discussed the need to have two APA National Offices, one in Chicago and one in D.C. I questioned Mr. Farmer on the expense of the two offices when our dues are so high.

Don't forget to get in your reservations for our **Holiday Party**. It is our biggest social event of the year. It is always great to reconnect with all of you there. Hopefully, with the location in the East Bay this year, we will have more attendees from the Contra Costa, Alameda, South Bay, and Tri-Valley areas.

—Jeri Ram, AICP



APA Board cutting the virtual ribbon to the new web site.

INTERNATIONAL DIRECTOR'S NOTE

Chinese Delegation

The International Section is pleased to announce that we will be hosting a delegation from China in mid-November as part of a larger tour the delegation is making of the U.S. While, in this instance, our participation was solicited at the last minute, we are hoping to help organize and participate in many more international visits that showcase the Bay Area.

Planning Firms Asked to Participate. For this tour, we scrambled to set up an itinerary that would interest our visitors. The delegation was interested in meeting with planners to discuss construction of the largest deep-water port in Asia. In the future, we would like to call upon firms in the Bay Area that are interested in providing tours of their projects or hosting dinners or other events for foreign visitors. If you are one of those firms, please email me at jandersen@ci.fremont.ca.us. This is an opportunity for your firm to get some great exposure!

Cuba Isn't Dead Yet!

The International Section has rescheduled its trip to Cuba for February 20th–March 1st. Be on the list to go! Just email your interest to jandersen@ci.fremont.ca.us!

For International Section regular meeting date and time, see the Calendar.



Statutes ... *(continued from page 1)*

a density bonus of up to 10 % to any condo project that reserves at least 20 % of its units for moderate income residents. The legislation authorizes cities and counties to charge fees to recover implementation costs. It also authorizes applicants to bring litigation against a jurisdiction for alleged failure to follow this law. (Gov. Code Section 65915)

AB 1997 (THOMPSON) CHAPTER 613, STATUTES OF 2002—SUBDIVISION MAP ACT

This extends the limitations on minimum lot size in agricultural areas (10 acres for prime land, 40 acres for other land) to include land that is subject to either an open-space easement, agricultural conservation easement or conservation easement. (Gov. Code Section 66474.4)

AB 2292 (DUTRA) CHAPTER 706, STATUTES OF 2002—GENERAL PLAN

This addition to Housing Element law forges a stronger link between the housing element and land use decisions. Keeping track of down-zonings is now crucial to ensuring that your housing element remains legal.

AB 2292 prohibits a city or county from reducing the residential density of any parcel to a density that is below the density used by HCD to determine that the jurisdiction's housing element complied with Housing Element law. Exceptions can be made when the city or county finds that the reduction is consistent with the general plan and housing element and the remaining sites identified in the housing element will accommodate the jurisdiction's regional housing need share. The legislation allows a city or county to reduce residential densities in one area if it identifies additional available sites that would avoid a net loss of residential unit capacity. (Gov. Code Section 65853) This statute expires on January 1, 2007.

AB 2936 (ARONER) CHAPTER 963, STATUTES OF 2002—FEES

AB 2936 authorizes a city or county to charge fees to recover the costs of preparing and revising general and specific plans. Your legal counsel can advise you on how to proceed. (Gov. Code Section 66014)

SB 1468 (KNIGHT) CHAPTER 971, STATUTES OF 2002—GENERAL PLAN

This statute requires OPR to include compatibility in its next revision of the General Plan Guidelines to advise on collaborative planning between local governments and the military regarding land use. (Gov. Code Section 65040.2) It requires OPR to also prepare an advisory handbook on how to reduce land use conflicts between civilian activities and military preparedness. (Gov. Code Section 65040.9) SB 1468 requires county airport land use commissions to include military airports within their airport land use plans. (Public Utilities Code Section 21675) It prospectively establishes new requirements related to military bases, growth, and military readiness for inclusion in the land use, circulation, conservation, open space, and safety elements of local general plans (Gov. Code Sections 65302, 65302.3, and 65560). These provisions will not be enforced unless the feds enter into an agreement with the state to fully reimburse local governments for the costs to update their general plans.

SB 2055 (SHER) CHAPTER 1109, STATUTES OF 2002—SUBDIVISION MAP ACT

This legislation tinkers with subdivision law. It provides that "design" includes consistency with the general plan and any specific plan when determining whether a proposed tentative map meets all requirements. (Gov. Code Section 66418) It extends the Map Act provision for "environmental subdivisions" to January 1, 2005. (Gov. Code Section 66418.2) In addition, the statute revises the requirements for approving or denying a tentative or final map subdivision adjoining a public waterway, river, lake, or coastline on the basis of public accessibility. (Gov. Code Section 66478.5, 66478.6, 66478.8, 66478.11, and 66478.12)

More Information

Copies of these new statutes can be found online at the Legislative Counsel's website. Go to www.leginfo.ca.gov/bilinfo.html and search by bill number. For a discussion of CEQA and Environmental Justice, visit our website.

Antero (Terry) Rivasplata, AICP, is a senior environmental planner with Jones & Stokes in Sacramento. Previously, he was Chief of the State Clearinghouse. He can be reached at (916) 737-3000.

City of Riverside

Director of Planning

Known as the "best kept secret in Southern California," Riverside is a rapidly growing city of 265,684 that currently ranks as the 11th largest city in California. This Charter City is located in the Santa Ana River Valley approximately 60 miles east of Los Angeles and 100 miles north of San Diego. The City seeks an accessible, visionary and progressive leader who will work collaboratively in a results-oriented organization to serve as the next Planning Director. The department consists of 50 employees encompassing planning and building functions. The new Director will have a broad working knowledge of California planning principles and practices. He/she will be well versed in both current and advanced planning and be capable of implementing a process that allows customers to obtain planning/zoning entitlements in a clear and timely manner. The Director should be committed to staff development and create an atmosphere that encourages a positive, supportive, proactive, and customer-oriented work environment. The salary for the new Planning Director is dependant upon qualifications. Please submit your resume to Bob Murray, Bob Murray and Associates, 735 Sunrise Avenue, Suite 145, Roseville, CA 95661, (916) 784-9080, fax (916) 784-1985 or e-mail apply@bobmurrayassoc.com. Filing deadline is November 8, 2002.

City of San Rafael

Assistant/Associate Planner

\$4,239-\$5,687/month plus benefits
City of San Rafael seeks qualified applicants to perform a variety of professional planning duties in the Current Planning Section of the Community Development Department. Requires BA with major coursework in planning, urban studies, geography or related field and a minimum of one year of full-time work experience in municipal or regional planning. Application deadline: Monday, December 2, 2002. Call for application materials: City of San Rafael, 1400 Fifth Ave, Room 210, San Rafael (415) 485-3433 or file application on line: www.cityofsanrafael.org/hr. EOE.

Landpeople

Assistant Planner

Landpeople is a small landscape architecture and planning firm specializing in parks, open space and trails. We have many interesting projects located throughout the Bay Area. Position would start at approximately half-time in our Benicia office. Could grow to full-time/career. Qualifications: Grad student or graduate in landscape architecture, geography, recreation, environmental studies or related field. Prior office or agency experience is highly desirable. Duties & Responsibilities: Excellent written, verbal and graphic communication skills are essential (including word processing and spreadsheets). Computer graphics, GIS (Arcview), and/or CAD experience highly desirable.

Contact Information: Email or fax resume and cover letter to Randy Anderson at randy@landpeople.net or 707-746-7269.

City of Dublin

Code Enforcement Officer

\$3,906-\$4,883/mo.

(City paid PERS 2% @ 55-7% of Salary and excellent benefit package)

Apply By: November 22, 2002 Dublin (pop. 33,250), a dynamic and growing community, is seeking a Code Enforcement Officer. The ideal candidate will be an enthusiastic, self-motivated individual with a positive, customer service attitude! Various duties include investigating zoning and building code violations, collecting evidence and preparing investigative reports and coordinating various license and permit enforcement activities. May require evening and weekend work. Excellent career opportunity to be part of a growing California city!

Graduation from high school or GED supplemented by college course work in business or public administration, code enforcement, police science or related area plus two years responsible experience in public contact work involving code enforcement or related activities are required. Valid CDL required. For required application, call City of Dublin at (925) 833-6605 or download from website: www.ci.dublin.ca.us (click Services & Employment Opportunities). EOE.

City of Oakland

Planner II

Salary \$3956 - \$4857 month

The City of Oakland is currently recruiting qualified individuals for the position of Planner II. Planner II positions in Oakland offer the opportunity to work on a tremendous variety of interesting planning issues such as high density downtown development; waterfront projects; industrial re-use; live-work; multifamily housing; and hillside homes. Under general supervision, the Planner II is responsible for working on major development projects, strategic and development planning assignments, reviewing zoning applications, working at the Zoning Counter, preparing and reviewing Environmental Review documents and handling Residential Design Review cases. Planner IIs may be assigned to one or more program areas within Planning and Zoning. Currently, there are three vacancies in the planning and zoning division. Future openings are anticipated in the Strategic Planning Section, working on the General Plan Zoning Update and neighborhood planning.

Qualifications: B.A. in planning, architecture, landscape architecture, geography or a related field; and three years of work experience in urban planning.

For job announcement and application, call (510) 238-3112 or visit our website at www.oaklandnet.com. Applications and supplemental questionnaires must be received no later than 5pm on December 2, 2002. AA/EEO Employer.

DC&E

Associate: Environmental Planner and Project Manager

Responsible for environmental review documents and comprehensive plans, including client interface, subconsultant management and proposal writing. Minimum 2 yrs project management experience in CEQA. Experience in comprehensive planning and/or business development helpful.

Salary commensurate with experience. Full benefits in salary package. Email resume, cover letter to nancy@dceplanning.com or fax 510/848-4315. Visit www.dceplanning.com for more information

Planner III

Salary \$4,581- \$5,624 month

The City of Oakland is recruiting to for two experienced planning professionals. Currently, there is one opening is in the Major Projects unit that reviews large development projects with complex environmental review documents, and another opening is in the Strategic Planning unit working on the Zoning Update Project. The department anticipates future openings in both current planning and long range planning. These positions offer an exciting opportunity to participate in shaping the future of Oakland. Oakland is currently experiencing a great deal of development interest in downtown, the waterfront, West Oakland, and the 880 corridor, and the Planning Division is actively involved in developing plans and zoning for these areas, as well as reviewing proposed development projects.

Qualifications: BA in urban planning, architecture, landscape architecture, geography or a related field and four years of progressively responsible work experience in urban planning.

Apply by: December 2, 2002. For more information, call (510) 238-3112 or visit our web site at www.oaklandnet.com AA/EEO Employer.

Associate: Landscape Architect/Urban Designer

Responsibilities include management of design-oriented planning projects. Minimum 2 yrs project management experience in restoration, park planning, streetscape design, site design or infill developments. Landscape architecture license desirable, not required.

New Curriculum — Opportunities for APA Members

By Adena Messinger

Project Learning Tree (PLT), a national environmental education program of the American Forest Foundation, is addressing the challenge of connecting students to the places they live. PLT is developing a curriculum for high school students entitled "Exploring Environmental Issues in the Places We Live", with the guidance of the American Planning Association (APA), the Urban Land Institute, the National Building Museum, the National Park Service, the USDA Forest Service, and others.

As the curriculum module progresses, PLT is hoping to engage more APA members to help in its development and, eventually, its distribution to educators nationwide. Opportunities for involvement in the development stage include reviewing the materials, providing comments, suggesting resources, and identifying accessible case studies. Opportunities in the distribution stage include serving as a resource professional at educator workshops, becoming a trained PLT educator, and helping to identify new audiences. For more information about how PLT distributes its materials, please visit www.plt.org/materials/index.cfm

If you are interested in any of the above opportunities, please contact David Carrier, APA Outreach Associate, at dcarrier@planning.org.

APA Cosponsors Smart Growth Conference

APA National is a benefactor and several APA chapters are cosponsors of the **2nd Annual New Partners for Smart Growth** conference, which will be held in New Orleans January 30–February 1, 2003. The Local Government Commission and Penn State University are coordinating the conference, and its primary sponsors are the U.S. EPA, Smart Growth Network, and the Centers for Disease Control and Prevention.

This conference will build on the success of the first New Partners for Smart Growth conference, held January 2002 in San Diego—a national, multidisciplinary event with nearly 1,000 attendees, including representatives of federal, state, and local governments, community-based organizations, and many others. The second conference will focus on eliminating single-sector "silo thinking" and break down the language barriers that make it difficult to communicate. Opportunities for collaboration are growing out of the challenges emerging in the 21st century. The conference will seek to create solutions that not only cross professional disciplines and sectors, but also integrate policies from the federal and state levels to the region, city, and neighborhood. For additional conference information, visit <http://www.outreach.psu.edu/C&I/SmartGrowth>



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Mark your calendars!

APA national conference sites and dates:

2003 Denver
(March 29–April 2)

2004 Washington DC
(April 24–28)

2005 San Francisco
(March 19–23)

2006 San Antonio
(April 22–26)

2007 Philadelphia
(April 14–18)

2008 Las Vegas
(April 26–30)

2009 Minneapolis
(April 25–29)

Paving the Way to Water Shortages: How Sprawl Aggravates Drought

Sprawl development is making the nation's drought even more painful by impairing the landscape's ability to recharge aquifers and surface waters, according to a new report released by American Rivers, the Natural Resources Defense Council, and Smart Growth America. Nationwide, paved-over land sends billions of gallons of water into streams and rivers as polluted runoff, rather than into the soil to replenish groundwater. This report, "Paving the Way to Water Shortages: How Sprawl Aggravates Drought", estimates the extent of this phenomenon in 18 rapidly-growing cities. The authors urge communities to adopt smart growth policies to reign in sprawl and protect water supplies. The entire report is available in PDF format at <http://www.smartgrowthamerica.org/waterandsprawl.html>

Online Guide to Historic Preservation Funding

The Advisory Council on Historic Preservation (ACHP) has created a new online guide that outlines the range of historic preservation funding options. Geared toward the preservation community and the general public, "Sources of Financial Assistance for Historic Preservation Projects" emphasizes Federal funding while also touching upon State, tribal, local, and non-profit funding opportunities. Visit the online guide at <http://www.achp.gov/funding.html>

Lessons Learned from University-Community Partnerships

In 1994, the U.S. Department of Housing and Urban Development (HUD) launched the Community Outreach Partnership Center (COPC) program to foster and support collaborations between institutions of higher education and their communities. HUD commissioned "Lessons Learned From the Community Outreach Partnership Centers Program" to review the experience of a sample of early COPC grantees. The report discusses the challenges faced by many of these partnerships and highlights the contributions that university-community partnerships are making to community development efforts across the country. The full report is available in PDF format at http://www.huduser.org/publications/pdf/lessons_complete.pdf

Downtown Institute

Long Beach: Friday, January 31 through Monday, February 3

The Downtown Institute is unlike any International Downtown Association event you've attended. You'll be able to take up to four in-depth workshop sessions with plenty of time for interaction. In addition, two roundtable plenary sessions will allow you to talk over tough issues with colleagues who may have found useful approaches and solutions. Check the IDA website (www.ida-downtown.org) for more information and a registration form.

Crime Prevention

The National Institute of Crime Prevention is happy to announce its upcoming "Crime Prevention Through Environmental Design" training class to be held at the Tropicana Hotel in Las Vegas, NV from December 4 through December 6. Download our training flyer at http://www.nicp.net/flyers/12_02c.pdf

Continuing Education Units are now available!



Anthony Drummond, Zack Dahl, and Karli Eschwey kick-off the APA's first student conference

APA's First Student Conference

by *Irvin Dawid*

On Saturday, September 28, the first-ever APA Student Conference was held on the grounds of San Jose State University. The result of a year's worth of planning by the Urban Planning Coalition (UPC) of SJSU and APA, the event was a stunning success. Sixty student registrants from throughout California spent the day attending seminars and doing walking tours.

The conference theme was "Evolving Towards a Sustainable Future". The keynote speaker was Janet Stone, the Director of the Livable Communities Program of Greenbelt Alliance. She involved all students in a discussion of sustainability, and how environmental organizations now recognize that it is not enough to "preserve land from development." Six seminars included fantastic presentations from SJSU's Dr. Earl Bossard, Hing Wong and Patrick Duffy, Darren Bouton, Martin Flores, Terrence Grindall, and Kip Harkness. Exhibitions of employers and groups included RBF Consulting, APA Northern Section, SJ Planning/Urban Planning Coalition, ABAG, Peninsula Open Space, Preservation Action Council of San Jose, Walk San Jose, Santana Row, SJ Redevelopment Agency, All America City Awards Program, and the Filipino American National Historical Society. Walking tours took place in a nearby historic neighborhood and the adjacent downtown, rapidly undergoing redevelopment.

Being a student conference, it was essential to include students. Rachel Hiatt, U.C. Berkeley, presented her past summer's work with the Urban Land Institute's smart growth program. A second student/new professional presentation was a panel composed of Tim Bell and Zack Dahl moderated by UPC's Karli Eschwey.

The conference was the brainchild of APA Student Representative and the new UPC president, Anthony Drummond. Karli Eschwey, UPC Vice President, was the chief coordinator in charge of a team of her colleagues in the Urban & Regional Planning Program that also included David Roemer, Anna Ruiz, Irvin Dawid, and Joy Neas. Zach Dahl contributed countless hours of absolutely essential public outreach to schools throughout California.

Irvin Dawid is a Candidate for a Master of Urban Planning degree at San Jose State University. He can be reached at irvindawid@hotmail.com. For more information regarding UPC, contact www.sjsu.edu/depts/urbplan/SJSU/UPC/index-upc.htm For more information about Greenbelt Alliance, contact www.greenbelt.org



Attendees look at regional growth

Student Conference Plenary Session



NORTHERN SECTION CALENDAR

November

- 7 APA Northern Section Board Meeting
- 15 Northern Section Election Ballot deadline (See October issue for ballot.)

December

- 4-6 Crime Prevention Through Environmental Design Training, Las Vegas (See insert page this issue.)
- 12 NSCCAPA Holiday Party!
- 16 International Section Potluck Party. RSVP jandersen@ci.fremont.ca.us

January-February

- IDA Institute (See insert page this issue.)
- New Partners for Smart Growth Conference, New Orleans (See page 6.)

NOVEMBER						
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DECEMBER						
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