

UCLA Extension Public Policy Program

The 23rd Annual Land Use Law and Planning Conference: Updates, Trends, and Assessments

[TRANSCRIBED EXCERPTS]

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[cover image: text We the People and photo-realistic image of eagle]

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100 Years of the Planning Movement: What Has It Gotten Us?

23rd Annual Land Use Law and Planning Conference

UCLA Public Policy Extension Program

Following The Four Threads

Peter M. Detwiler

One way to trace the history of the planning movement in California is to follow four topical threads:

- Land use regulation.
- Statewide planning.
- Local comprehensive planning.
- Regional planning.

These threads, of course, aren't really independent of each other, but they are useful ways of sorting out what's happened. The Appendix offers a selection of mile-stones in California land use planning law.

Learning to regulate.

From the 1860s to the 1920s, the first 60 years of California's land use planning history really weren't about planning at all. Local officials experimented with ways to regulate the use of private property by adopting ordinances that eventually led to modern zoning. As on the East Coast, California communities used their newly recognized powers to protect single-family residential neighborhoods by excluding unpopular uses (e.g., slaughterhouses and brickyards) and by banning land uses that effectively excluded racial minorities (e.g., Chinese steam laundries).

Struggling to find the state's role.

Despite many tries, governors and legislators have failed to define a politically feasible land use planning role for the state government. The 1927 Planning Act led to the appointment of a State Planning Commission, which became the 1934 State Planning Board, which became the 1943 State Reconstruction and Re-Employment Commission, which became the 1947 Governor's Director of Planning and Research, which became the 1959 State Office of Planning within the Department of Finance, which had help from the Planning Advisory Committee and the 1963 Coordinating Council on Urban Policy, which became the 1965 Intergovernmental Council on Urban Growth, which became the 1969 Council on Intergovernmental Relations, which the Legislature abolished in 1975. Hardly anyone embraced the 1968 State Development Plan effort. This series of organizational failures left the 1970 Governor's Office of Planning and Research responsible for preparing the State Environmental Goals

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and Policy Report every four years. Governor Reagan issued a 1972 Report, Governor Brown issued the 1978 Urban Strategy. and OPR released a 2003 Report.

Local planning, state mandates.

In 1927, the Legislature authorized cities and counties to adopt "master plans" and suggested their contents. Master plans became mandatory for cities and counties with planning commissions in 1929. In 1937, the Legislature mandated master plans for all cities and counties. Legislators started mandating "elements" in 1955, adding to the list in 1967, 1970, and 1971.

Because of a new requirement to pay for state-mandated local programs, legislators avoided expanding the list of mandatory contents until 2002 when cities and counties gained the statutory authority to recover their planning costs when charging processing fees. Since then, legislators have added military facilities (2002), air quality in the San Joaquin Valley (2003), California Native American places (2004), and flood plain hazards (2007).

Regional planning, local resistance.

Although the 1927 Planning Act allowed for regional planning, cities and counties resisted loosening their grip on regulating land use. The only successful regional land use planning and regulatory bodies have been imposed by the state government or the voters: the San Francisco Bay Conservation and Development Commission (1965), the Tahoe Regional Planning Compact (1967), the California Coastal Commission (1972, 1976), and the Delta Protection Commission (1992). All four state-created regional planning agencies focus on land use around water bodies that have regional and statewide significance.

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Appendix

[number in parentheses refer to endnotes]

Selected Milestones in California Land Use Planning Law (1)

Larry Minter (2), FAICP & Peter Detwiler (3)

1863	<ul style="list-style-type: none"> Legislature authorizes San Francisco to regulate land use for public health & safety. (4)
1866	<ul style="list-style-type: none"> San Francisco bans slaughterhouses west of San Bruno Turnpike & north of Baker Avenue; California's first local zoning ordinance. (5)
1867	<ul style="list-style-type: none"> California Supreme Court upholds San Francisco's slaughterhouse zoning ordinance (6)
1886	<ul style="list-style-type: none"> California Supreme Court upholds Modesto's steam laundry zoning ordinance. (7)
1893	<ul style="list-style-type: none"> Legislature enacts the first subdivision law. (8)
1906	<ul style="list-style-type: none"> California Supreme Court upholds Los Angeles initiative banning slaughterhouses; first case to uphold zoning by initiative. (9)
1907	<ul style="list-style-type: none"> Legislature enacts another subdivision law. (10)
1909	<ul style="list-style-type: none"> Los Angeles adopts land use zoning ordinance. (11)
1913	<ul style="list-style-type: none"> California Supreme Court upholds Los Angeles industrial zoning ordinance. (12)
1915	<ul style="list-style-type: none"> U.S. Supreme Court upholds Los Angeles industrial zoning ordinance. (13) Legislature allows local ordinances to establish setback lines. (14)
1917	<ul style="list-style-type: none"> Legislature authorizes local land use zoning ordinances. (15) Legislature allows local ordinances to establish setback lines. (16)
1920	<ul style="list-style-type: none"> Los Angeles City Planning Commission formed. (17)
1922	<ul style="list-style-type: none"> Los Angeles County Regional Planning Commission formed. (18)
1925	<ul style="list-style-type: none"> Regional Plan Association of San Francisco Bay Counties formed. (19)
1927	<ul style="list-style-type: none"> Legislature enacts the Planning Act, authorizes cities & counties to adopt master plans (20)
1929	<ul style="list-style-type: none"> Legislature re-enacts the Planning Act, requires master plans for cities & counties with planning commissions. (21) Legislature enacts another subdivision law. (22) California Supreme Court bans zoning by initiative. (23)
1934	<ul style="list-style-type: none"> First State Planning Commission appointed.

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1935	<ul style="list-style-type: none"> Legislature creates State Planning Board within Department of Finance. (24)
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1937	<ul style="list-style-type: none"> • Legislature enacts another subdivision law. (25) • Legislature requires all cities & counties to adopt master plans, authorizes, precise plans. (26) • State Planning Board authorized to establish Regional Planning Districts. (27)
1943	<ul style="list-style-type: none"> • Legislature transfers the State Planning Commission & the State Planning Board to the new State Reconstruction and Re-Employment Commission. (28) • Legislature codifies the Subdivision Map Act in Business & Professions Code. (29)
1945	<ul style="list-style-type: none"> • Legislature enacts Community Redevelopment Act. (30)
1947	<ul style="list-style-type: none"> • Legislature abolishes the State Reconstruction and Re-Employment Commission and instead creates a Director of Planning & Research within the Governor's Office. (31)
1951	<ul style="list-style-type: none"> • Legislature rewrites the Conservation and Planning Law. (32) • Legislature re-enacts Community Redevelopment Law. (33) • Legislature creates county boundary commissions to review city annexations.
1954	<ul style="list-style-type: none"> • Appeals Court upholds redevelopment law. (34)
1955	<ul style="list-style-type: none"> • Legislature requires master plans to contain land use & circulation elements. (35) • Legislature bans city annexations of agriculturally zoned land unless owner consents. (36)
1957	<ul style="list-style-type: none"> • Legislature enacts District Planning Law. (37)
1959	<ul style="list-style-type: none"> • Legislature creates the State Office of Planning within the Department of Finance, creates Planning Advisory Committee, requires State Development Plan. (38)
1962	<ul style="list-style-type: none"> • California Tomorrow publishes <i>California Going. Going...</i>(39)
1963	<ul style="list-style-type: none"> • State Development Plan Program begins. (40) • Legislature creates Coordinating Council on Urban Policy. (41) • Legislature creates State Scenic Highway System. (42) • Legislature enacts the Regional Planning Districts Law. (43) • Legislature enacts Knox-Nisbet Act, creating LAFCOs to discourage "urban sprawl." (44) • Legislature re-enacts Community Redevelopment Law. (45)
1964	<ul style="list-style-type: none"> • T.J. Kent, Jr. publishes <i>The Urban General Plan</i>. (46)

1965	<ul style="list-style-type: none"> • Legislature re-enacts the Planning & Zoning Law, setting its current format. (47) • Legislature enacts District Reorganization Act, for special districts' boundaries. (48) • Legislature enacts Quimby Act, allowing cities and counties to require park dedications. (49) • Legislature enacts Williamson Act, allowing open space contracts. (50) • Legislature creates SF Bay Conservation & Development Commission (BCDC). (51) • Legislature creates Intergovernmental Council on Urban Growth. (52) • Appeals Court calls the general plan the "constitution for all future development." (53)
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1967	<ul style="list-style-type: none"> • Legislature requires general plans to contain housing elements. (54) • Legislature ratifies Tahoe Regional Planning Compact. (55)
1968	<ul style="list-style-type: none"> • State Development Plan Program concludes. (56)
1969	<ul style="list-style-type: none"> • Legislature creates the California Council on Intergovernmental Relations. (57)
1970	<ul style="list-style-type: none"> • Legislature requires general plans to contain conservation elements. (58) • Legislature requires general plans to contain open space elements. (59) • Legislature revises housing element requirements. (60) • Legislature creates QPR, requires Environmental Goals & Policy Report. (61) • Legislature creates Airport Land Use Commissions, requires Airport Land Use Plans. (62) • Legislature enacts California Environmental Quality Act (CEQA). (63)
1971	<ul style="list-style-type: none"> • Legislature requires general plans to contain seismic safety elements. (64) • Legislature requires general plans to contain noise elements. (65) • Legislature requires general plans to contain scenic highway elements. (66) • Legislature requires zoning & subdivision decisions to be consistent with general plans. (67) • Legislature requires LAFCOs to adopt spheres of influence. (68)
1972	<ul style="list-style-type: none"> • California Tomorrow publishes <i>The California Tomorrow Plan</i>. (69) • Governor Reagan issues first Environmental Goals & Policy Report. Legislature enacts Alquist-Priolo Earthquake Fault Zoning Act. (70) • Legislature promises to pay for new state-mandated local programs. (71) • Voters pass Proposition 20, Coastal Zone Conservation & Development Commission. • California Supreme Court applies CEQA to private projects. (72)

1973	<ul style="list-style-type: none"> • Legislature limits general plan amendments to three times a year. (73) • QPR issues first <i>General Plan Guidelines</i>.
1974	<ul style="list-style-type: none"> • Legislature recodifies Subdivision Map Act into Planning & Zoning Law. (74) • Legislature enacts Open-Space Easement Act. (75) • California Supreme Court requires findings for quasi-judicial decisions. (76) • Appeals Court sets the "fair argument" test for CEQA. (77) • California Supreme Court allows charter city zoning initiatives. (78)
1975	<ul style="list-style-type: none"> • Planning & Conservation League publishes <i>Land and the Environment</i>. • Legislature enacts Surface Mining and Reclamation Act. (79) • Legislature clarifies statute on general plans' internal consistency. (80) • California Supreme Court applies CEQA to LAFCO decisions. (81) • Legislature abolishes the Council on Intergovernmental Relations. (82) • Ninth Circuit Court upholds Petaluma's growth limitation plan. (83)

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1976	<ul style="list-style-type: none"> • Legislature enacts California Coastal Act, makes Coastal Commission permanent. (84) • Legislature enacts Forest Taxation Reform Act. (85) • California Supreme Court spells out vested rights rule. (86) • California Supreme Court allows initiative zoning, requires reg'l welfare consideration. (87)
1977	<ul style="list-style-type: none"> • Legislature enacts Municipal Organization Act (MORGA), governing city boundaries. (88) • Legislature enacts Permit Streamlining Act. (89) • Appeals Court says general plan must contain all nine elements. (90)
1978	<ul style="list-style-type: none"> • Voters pass Proposition 13, roll back property tax assessments and limit tax rate to 1%. (91) • Governor Brown issues <i>An Urban Strategy</i> as Environmental Goals & Policy Report.
1979	<ul style="list-style-type: none"> • Voters pass Proposition 4, state must pay for state-mandated local programs. (92)
1979	<ul style="list-style-type: none"> • Legislature authorizes development agreements. (93) • Legislature authorizes conservation easements. (94)
1980	<ul style="list-style-type: none"> • QPR issues revised <i>General Plan Guidelines</i>. • Legislature requires details in general plan housing elements. (95) • California Supreme Court upholds ban on billboards. (96) • Appeals Court says public works must be consistent with general plans. (97) • U.S. Supreme Court sets takings test. (98)

1981	<ul style="list-style-type: none"> • Appeals Court sets "substantial compliance" test for general plans. (99) • Appeals Court says zoning, even spot zoning, is legislative act. (100)
1982	<ul style="list-style-type: none"> • OPR issues update to <i>General Plan Guidelines</i>. • Legislature enacts Timberland Productivity Act. (101) • Appeals Court says land use and circulation elements must correlate. (102)
1984	<ul style="list-style-type: none"> • Legislature reformats general plans, drops scenic highway & seismic safety elements. (103) • Legislature authorizes vesting tentative maps. (104) • Appeals court says use permit must be consistent with general plan. (105)
1985	<ul style="list-style-type: none"> • Legislature enacts Cortese-Knox Act, reformatting LAFCO & boundary laws. (106)
1987	<ul style="list-style-type: none"> • Legislature enacts Mitigation Fee Act. (107) • QPR issues revised <i>General Plan Guidelines</i>. • U.S. Supreme Court says temporary regulatory taking possible. (108) • U.S. Supreme Court says nexus required for Coastal Commission dedication. (109)
1989	<ul style="list-style-type: none"> • Legislature enacts California Integrated Waste Management Act. (110)
1990	<ul style="list-style-type: none"> • California Supreme Court says zoning in conflict with general plan invalid. (111) • QPR issues revised <u><i>General Plan Guidelines</i></u>.

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1992	<ul style="list-style-type: none"> • Legislature creates Delta Protection Commission. (112)
1993	<ul style="list-style-type: none"> • Legislature amends Community Redevelopment Law, defines blight, sets deadlines. (113)
1995	<ul style="list-style-type: none"> • Legislature authorizes agricultural conservation easements. (114)
1996	<ul style="list-style-type: none"> • Voters pass Proposition 218, limiting local taxes, benefit assessments, fees. (115) • U.S. Supreme Court says ad hoc fees get heightened scrutiny, but not others. (116)
1998	<ul style="list-style-type: none"> • OPR issues revised <i>General Plan Guidelines</i>.
2000	<ul style="list-style-type: none"> • Legislature enacts Cortese-Knox-Hertzberg Act, reforming LAFCOs. (117)
2001	<ul style="list-style-type: none"> • Legislature requires OPR's <i>General Plan Guidelines</i> to include environmental justice. (118) • Legislature requires larger subdivisions to demonstrate sufficient water supplies. (119) • Legislature requires water supply assessments for larger developments. (120)

2002	<ul style="list-style-type: none"> • Legislature requires general plans to include military facilities and training areas. (121) • Legislature adds planning priorities to Environmental Goals & Policy report. (122) • Legislature allows cities & counties to include plan costs in permit processing fees. (123)
2003	<ul style="list-style-type: none"> • Legislature requires air quality concerns in San Joaquin Valley general plans. (124) • OPR issues revised <i>General Plan Guidelines</i>. • OPR issues <i>Environmental Goals & Policy Report</i>, but Governor doesn't act. • OPR issues <i>Environmental Justice in California State Government</i>.
2004	<ul style="list-style-type: none"> • Legislature requires general plans to include California Native American places. (125)
2006	<ul style="list-style-type: none"> • Voters pass Proposition 84, providing \$90 million for local and regional planning. (126)
2007	<ul style="list-style-type: none"> • Legislature requires more planning for flood protection, including in general plans. (127)
2008	<ul style="list-style-type: none"> • Legislature requires sustainable community strategies for metropolitan regions. (128)

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