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Abstract

This resource is helpful for communities to look to see how zoning and public health relate. There is an overlap between public health and zoning. On page 135, the City of Berkeley provides an example of zoning for food access. It discusses how local zoning and land use law influenced the city to cater to the needs of the town and push for a grocery store offering affordable fresh foods. When motivating community residents to speak for the needs of their fellow neighbors and quality of food access, projects get completed. This document also discusses how zoning and land use law plays a critical role in redevelopment, creating open spaces, walkability, transportation and more.

Resource

General Plans and Zoning

A toolkit for building healthy, vibrant communities



public health
law & policy

planning for
healthy places

General Plans and Zoning

A toolkit for building healthy,
vibrant communities



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1 Introduction

Until a few years ago, public health and land use professionals moved in parallel universes. Despite the shared ancestry of the respective professions, in the last half century there has been little interaction between the two fields.

That has changed over the past few years, as public health professionals have begun to understand the powerful impact the built environment has upon health choices and outcomes, and planners have started to comprehend the strong correlations between what makes a well-designed community for design's sake and what makes a well-designed community for health's sake.

This toolkit is designed for nutrition and other public health advocates who have recognized the link between land use and food access, and are seeking a fundamental, introductory understanding of how land use decisions are made and how advocates can effectively participate in those decisions.

Section I provides a basic introduction to land use concepts, including its regulatory framework and its connection to health.

Section II looks at general plans, which are the policy blueprints for land use decisions in California cities and counties. In addition to learning about general plans, you will find information about how to participate in the general plan creation and amendment process, as well as model language that can be incorporated into a community's general plan.

Section III focuses on zoning, which is the regulatory structure local jurisdictions use to manage land use. Like Section II, this section offers informative materials on zoning and the amendment process, as well as model language.

Section IV offers more in-depth information about how you as a public health professional can successfully participate in the land use decision-making process in your jurisdiction. It discusses the types of data you will need to collect to make a case for change, how best to present that data, and how to identify partners and build coalitions for success.

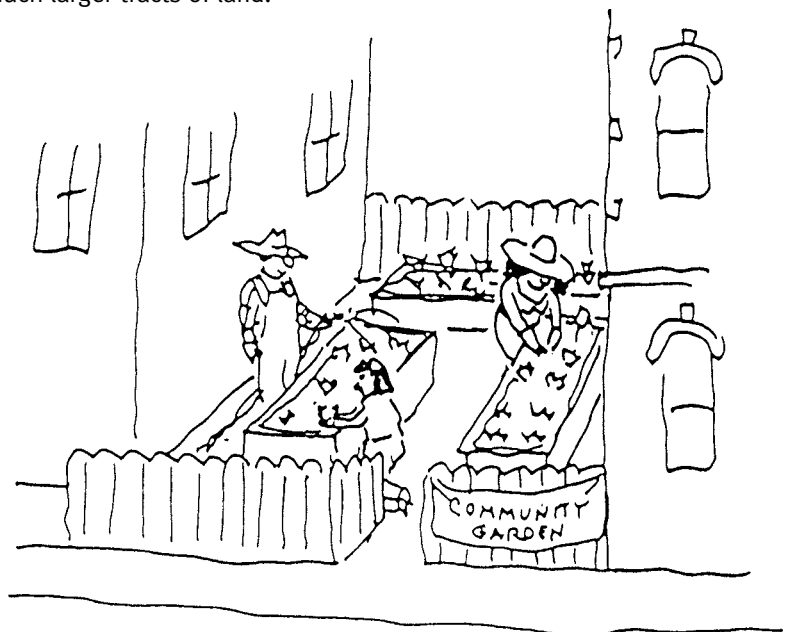
Section V offers a glossary of planning and land use terms, as well as a resource guide and bibliography to help you find more detailed materials on specific topics.

This toolkit is meant to be a living document. As communities adopt new zoning and general plan language – and as advocates like you are successful in utilizing planning to change the food environment in your communities – this toolkit will grow and change. Updates and new materials will be posted on our website: www.healthyplanning.org. Check frequently for new ideas!

2 What Is Land Use?

At a basic, macro level, *land use* is about how people use the Earth's surface: urban, rural, agricultural, range, forest, and so on. Zoom in a bit, and these uses are often subdivided into more specific uses, such as commercial, housing, or industrial. Patterns of land use arise naturally in a culture through its customs and practices. If you've traveled abroad, you've probably noticed this, but it is also true here in the United States: think about how settlement practices vary from the Northeast to the Midwest to the western United States. Some of these differences are tied to topography – but the relatively small towns of New England, surrounded by farms and forest, are very much a result of the settlement customs and practices of the colonists, as opposed to those of the pioneers who moved west and settled much larger tracts of land.

The use of land is also formally regulated, and it is this more formal structure that is normally meant when land use is discussed. Thus, land use is generally described in terms of such things as the size of lots, the size and location of structures on lots, and the activities that take place within those structures. Activities that are not directly associated with land – such as housing construction, population growth, traffic flow, and job development – are influenced by the way land is used, and vice versa.



In the United States, the regulation of land use is primarily the responsibility of local governments, such as cities and counties. There are some rules and legal frameworks that occur at the federal and state levels, but decisions about what uses are permitted where, how big, and so on occur at the local level. These locally based decisions are why places are so different from one another, even if they are in close proximity and have substantially similar terrain, water access, and other constraints.

The context of land use is a big one, and within it are a number of more specific terms and concepts that are sometimes used to mean something that is largely interchangeable with land use but can also hold a separate, more particular meaning. *Planning*, for example, is the term used for the process of determining how land will be used, but it is sometimes used as a shorthand reference for land use (*land use planning* is also common terminology). *Built environment* is another term that is often used interchangeably with the term *land use*; it refers to the humanmade surroundings that provide the setting for human activity, from the largest-scale civic surroundings to the smallest personal place. The difference between *land use* and *built environment* is subtle and not necessarily understood in the same way from one person to another. One way to think of it is that a *built environment* refers to the way we have developed land, while *land use* refers to how that developed land is used. However, this is not a standard differentiation between the two terms; there is no universally understood distinction between them.

It is important to remember that *land use* and *built environment* refer to more than buildings. Everything humans create to alter their surroundings – roads, farms, even parks – are part of the built environment. This toolkit focuses on the legal and procedural mechanisms that are utilized in California for creating and implementing land use and built environment policies.

3 The Connection between Land Use and Health

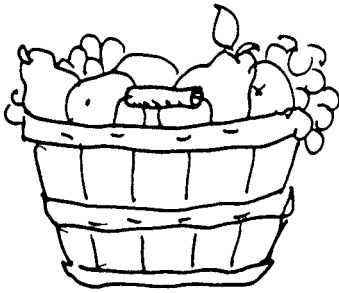
Obesity – caused by poor diet and physical inactivity – is arguably the leading public health challenge facing California today. Left unchecked, the impact of increasing obesity rates will be devastating in both public health and economic terms. In addition to the increased individual risk for heart disease, stroke, type 2 diabetes, and some cancers, the combined annual costs of obesity-related chronic disease risk factors in California reach \$21.68 billion a year, attributed to medical care (\$10.16 billion, of which \$2.28 billion, or 22.44%, is MediCal payments for low-income people)¹, lost employee productivity (\$11.2 billion), and workers' compensation (\$338 million).

There is growing recognition of the importance of the built environment and land use policy in promoting good health, including weight control.² As a result, some cities and counties have increasingly taken steps to implement walking and biking plans and to encourage patterns of development that discourage automobile dependency.

Multiple factors have been associated with the recent obesity epidemic,³ but the marked increase in the prevalence of obesity appears to be in large part attributable to environmental conditions that implicitly discourage physical activity while encouraging the consumption of greater quantities of energy-dense, low-nutrient foods.⁴ Three of the leading risk factors include:

- ▶ **Lack of access to healthy foods:** Public health leaders document the lack of access to healthy foods as a major contributing factor to obesity and poor eating. The Food Marketing Policy Center at the University of Connecticut found that in most cities, low-income consumers – especially those receiving public assistance – tend to live in areas that do not have supermarkets.⁵ California Food Policy Advocates, meanwhile, notes: “While poverty is the main cause of malnutrition in California, lack of access to nutritious, affordable food is also a critical element. The flight of supermarkets to the suburbs, inadequate public transportation, and a paucity of healthy foods at corner stores are all factors that contribute to lack of healthy food access in low-income neighborhoods.”⁶
- ▶ **Lack of access to physical activity:** The link between obesity and the lack of opportunities for physical activity is addressed in a 2005 report by the Institute of Medicine (IOM), *Preventing Childhood Obesity: Health*

*in the Balance.*⁷ More than one-half of U.S. adults (54.6 percent) are not sufficiently active to meet recommendations for physical activity, and only 28.4 percent of high school youth participate in daily physical education classes.⁸



► **Easy access to unhealthy foods:** The corollary to the lack of access to healthy foods is the all-too-easy access to unhealthy foods. While this problem is true in all communities regardless of income, it especially affects low-income communities that have the least opportunities available in their neighborhoods to choose healthy foods.⁹ Research has implicated environmental influences (e.g., number and proximity of fast food restaurants) on body weight as a primary contributor to the development of the obesity epidemic.¹⁰

At first glance, land use policy may not appear to have a significant role in addressing the obesity epidemic. Over the past few years, however, municipal officials and public health professionals have increasingly come to realize that land use policy has the potential to make a unique and powerful contribution toward addressing this problem.¹¹ The IOM calls for the following steps:

Local governments, private developers, and community groups should expand opportunities for physical activity, including recreational facilities, parks, playgrounds, sidewalks, bike paths, routes for walking or bicycling to school, and safe streets and neighborhoods, especially for populations at high risk of childhood obesity.¹²

Some local governments, private developers, and community groups have already begun to take such actions. Indeed, a number of cities and counties already have in place comprehensive bicycle and pedestrian plans, open space policies designed to encourage active use of parks and recreational facilities, programs to encourage local farmers' markets and neighborhood grocery stores, and other similar initiatives.

There are additional links to be made between land use and health. Road design and the location and siting of polluting industries affects air quality and thus rates of asthma and other lung diseases. Many of the basic concepts and strategies in this toolkit can be used to address land use responses to health impacts other than obesity. The focus in this toolkit is, however, obesity and access to food and opportunities for physical activity.

It may be helpful to realize that the modern disciplines of city planning and public health both derive from common roots and share similar objectives, strategies, and standards.¹³ The early planning zoning measures in the United States were enacted to attempt to reduce the spread of disease. In 1901, New York City passed a then-radical law requiring that tenements be constructed in a manner that would allow light and air in all apartment

rooms, as well as improved sanitary facilities. The goal was improved health, not more attractive buildings. Similarly, Frederick Law Olmsted, the great 19th century landscape architect, designed places like Golden Gate Park in San Francisco and Druid Hill Park in Baltimore because he believed that parks were necessary for the morals and health of factory workers. Public health professionals and planners are practitioners in sibling fields!

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- 1 D. Chenowith et al., THE ECONOMIC COSTS OF PHYSICAL INACTIVITY, OBESITY, AND OVERWEIGHT IN CALIFORNIA ADULTS: HEALTH CARE, WORKERS' COMPENSATION, AND LOST PRODUCTIVITY, at 4 (April 2005), available at www.dhs.ca.gov/ps/cdic/cpns/press/downloads/CostofObesityToplineReport.pdf (last visited 9/7/05).
 - 2 J. Schilling et al., *The Public Health Roots of Zoning: In Search of Active Living's Legal Genealogy*, 28(2S2), AMERICAN JOURNAL OF PREVENTIVE MEDICINE, 96 (2005), available at <http://download.journals.elsevierhealth.com/pdfs/journals/0749-3797/PIIS0749379704003083.pdf> (last visited 9/7/05).
 - 3 For a more complete discussion of the factors contributing to obesity see Department of Health and Human Services, Centers for Disease Control and Prevention, OVERWEIGHT AND OBESITY: AN OVERVIEW, available at www.cdc.gov/nccdphp/dnpa/obesity/contributing_factors.htm (last visited 9/7/05).
 - 4 C. L. Hayne, *Regulating Environments to Reduce Obesity*, Vol. 25, No. 3/4, JOURNAL OF PUBLIC HEALTH POLICY, 48 (2004).
 - 5 R. W. Cotterill, THE URBAN GROCERY STORE GAP, FOOD MARKETING POLICY CENTER, UNIVERSITY OF CONNECTICUT, ISSUE PAPER No. 8 (April 1995).
 - 6 E. Bolen & K. Hecht, NEIGHBORHOOD GROCERIES: NEW ACCESS TO HEALTHY FOOD IN LOW-INCOME COMMUNITIES, CALIFORNIA FOOD POLICY ADVOCATES, at 4 (2003), available at www.cfpa.net/Grocery.PDF (last visited 9/7/05).
 - 7 Institute of Medicine, PREVENTING CHILDHOOD OBESITY: HEALTH IN THE BALANCE (The National Academies Press 2005), available at www.nap.edu/books/0309091969/html/ (last visited 9/7/05).
 - 8 Ibid at 37–38.
 - 9 USDA, FOOD AND NUTRITION SERVICES, PROMOTING HEALTHY EATING: AN INVESTMENT IN THE FUTURE, A REPORT TO CONGRESS, at 10 (1999), available at www.fns.usda.gov/oane/MENU/Published/NutritionEducation/Files/PromotingHealthyEating.PDF (last visited 9/7/05).
 - 10 Institute of Medicine at 257.
 - 11 R. Jackson, *The Impact of the Built Environment on Health: An Emerging Field*, Vol. 93, No. 9, AMERICAN JOURNAL OF PUBLIC HEALTH, 1382 (September 2003).
 - 12 Institute of Medicine, PREVENTING CHILDHOOD OBESITY: HEALTH IN THE BALANCE (The National Academies Press 2005), available at www.nap.edu/books/0309091969/html/ (last visited 9/7/05).
 - 13 Marice Ashe et al., *Land Use Planning and the Control of Alcohol, Tobacco, Firearms, and Fast Food Restaurants*, Vol. 93, AMERICAN JOURNAL OF PUBLIC HEALTH, 1404-1405 (2003).

4 Cities and Counties

Cities and counties are both important actors in land use. Cities control the land within their legal boundaries, while counties make land use decisions for the unincorporated land within each county. There are important distinctions between what counties and cities are, as well as their responsibilities. These distinctions and similarities are important in thinking about land use and public health.

What Is a County?

The 58 counties in California are extensions of the state government. Their primary function is the implementation of state policy at a regional level. Counties provide certain services – health¹, welfare, deed recordation and other records, and criminal justice – to everyone within a county, whether the service is being provided in an area of unincorporated county land or incorporated city land. Counties also make land use decisions for unincorporated land within the county.

What Is a City?

There are about 478 incorporated cities in California. Unlike counties, however, cities are not extensions of the state. Local citizens create cities to provide local urban services such as water, sewer, education, and police. Services are provided to those within the boundaries of the jurisdiction. Cities make their own land use decisions.



The Relationship between Cities and Counties

Cities and counties are both legal entities. Both are also political entities. It is useful to keep this in mind, as both of these aspects affect the potential to use local land use successfully to change the built environment for public health purposes.

When working to implement local land use policy to promote better public health, data linking the cause and effect of land use decisions on human health and nutrition is critically important. For example, you might be able to demonstrate that lack of access to healthful groceries is linked to obesity, and therefore land use policies that hinder or encourage grocery stores can have a direct effect on health. In most instances, however, opportunities to influence land use (through general plan revisions, for example) will arise at the local city level, while public health departments are divisions of and operate at the county level. This means that county officials will potentially weigh in on local issues, a situation that must be handled carefully to ensure that the local government does not feel its autonomy is being threatened. At the same time, some county health departments may be reluctant to involve themselves in the often-contentious local land use decision-making process.

General Law vs. Charter Jurisdictions

Within California there are two types of cities: *general law* and *charter* cities. A charter city is one that has been incorporated under its own charter rather than under the general laws of the state. The 108 charter cities in California² are not subject to many of the planning and zoning statutes promulgated by the state, and thus have broader powers to enact land use regulations than do general law cities. This means that charter cities are more clearly separate entities from the state government, while general law cities – many of whose laws are enacted at the state level – are more dependent upon the state for policy direction.

Who's Who in Local and County Government

Depending on the size of your community, the size and complexity of local government may range from quite simple to extraordinarily complex. City planning staffs, for instance, can range in size from 0 to 150 or more.

Because of the diversity of size and structure, it is difficult to provide information that will precisely describe your community. The material in this chapter is necessarily general in nature. Use it as a framework for understanding who's who in your city or county, rather than treating it as a blueprint.

County Government

California is comprised of 58 counties, each of which is a legal subdivision of the state.³ The counties range in population from Alpine (with 1,200 residents) to Los Angeles County (with nearly 10,000,000).

Counties are governed by **boards of supervisors**. California's constitution requires that the board of supervisors be composed of five or more members,

who can be elected either (1) by district, (2) at large, or (3) at large with a requirement that they reside in a district. In practice, all but one county boards of supervisors have five members who are elected by district (San Francisco, which is both a city and a county, has 11 district-elected supervisors). The board of supervisors serves as both the legislative and the executive branch of government.

The state constitution also requires that each county have an elected sheriff, an elected district attorney, and an elected assessor. Counties may have additional elected offices but are not required to do so. Many counties elect an auditor/controller and a treasurer.

As stated earlier, the primary function of counties is the implementation of state policy at a regional level. Counties provide certain services – health,⁴ welfare, deed recordation and other records, and criminal justice – to everyone within a county, whether they are in an incorporated city or not. In other words, if a county is responsible for something, it is responsible for it in the cities within the county as well as the county itself. There are, however, some **key exceptions** to this, which have to do with land use:

- ▶ Counties make land use decisions for unincorporated land within the county but have no jurisdiction over land within incorporated cities in the county.
- ▶ Counties have jurisdiction over and manage county-owned parks and recreation centers, but do not have jurisdiction over such facilities when owned by the federal government or by local governments within the county.

Generally, counties create departments to manage these various functions. Counties are required by statute to establish planning agencies⁵ that are responsible for, among other things, the preparation, review, revision, and implementation of the general plan.⁶ In many jurisdictions planning departments are established as stand-alone departments, but in other communities planning functions might be included in a planning and community development, or planning and public works, department. Departmental functions that may be involved in topics that relate to access to food and physical activity opportunities include **planning, economic development, human services, children/youth/families, public works, redevelopment, recreation and parks, and public health.**

The structure used for delegation of duties and governance varies from county to county, but it falls into two broad models. Under the first, which can be called the “strong board model,” departments report directly to the board. Under the second, which can be called the “county administrator model,” the board hires/appoints a county administrator or manager, to

whom departments report and who reports to the board. See the end of this chapter (diagrams A and B) for graphic depictions of these two models.

In addition to departments, county boards of supervisors have the authority to appoint commissions. A commission is a permanent citizens' committee.⁷ Commissions can be appointed to advise and oversee virtually any function; counties may have only a handful of commissions, or they may have scores of them. A **planning commission** is a permanent committee of five or more citizens who have been appointed by the board of supervisors to review matters related to planning and development.⁸ A commission holds public hearings on a regular schedule (in some jurisdictions, as often as once a week) to consider land use matters.⁹ These include such things as the local general plan, specific plans, rezonings, use permits, and subdivisions.¹⁰ Commissioners serve at the pleasure of the supervisors¹¹ (unless local law requires removal only for cause, as in San Francisco), so commission membership often changes in response to changes in those bodies.

Although California law does not require each city and county to have a planning commission, almost all do. In those jurisdictions that don't – Kern County, for example – the county supervisors consider planning matters directly.¹² Sacramento County, at the other extreme, has two planning commissions – one for projects and one for policy.

Depending on the county, other commissions you may find are important to creating change with regard to access such as healthy food access and improved physical activity opportunities include the **recreation and parks commission**. Your county may also have appointed bodies such as a **bicycle/pedestrian advisory committee**, **food security task force**, or other entities that advise the board of supervisors on issues of interest to you. In addition, many jurisdictions appoint **general plan advisory committees** when undertaking comprehensive general plan revisions. It is worth spending some time researching what your county has in place, since budget constraints or the perception of limited interest on the part of the public often mean these important bodies are not well publicized.

City Government

Within California's 58 counties are more than 450 incorporated cities. These are cities that are legally distinct from the county in which they are located. The cities range in population from Vernon (Los Angeles County), with fewer than 100 residents, to the city of Los Angeles, with nearly 3.7 million residents.

Cities are not political subdivisions of the state. Rather, they are created as instruments of local self-government for and by the city residents.¹³

There are two classes of cities in California: **general law cities** and **charter cities**. General law cities derive their corporate powers from general laws enacted by the state legislature, while charter cities derive their corporate powers directly from the constitution,¹⁴ which empowers these cities to be governed by their own adopted charters. This means that charter cities have more autonomy than do general law cities.

Unlike counties, cities do not combine their executive and legislative branches of government. The legislative responsibility rests with an elected **city council**, while executive authority is placed with the **mayor**. In general, the mayor of a general law city is a member of the city council who is elected mayor by the other council members, though general law cities can establish a system for direct election of the mayor by voters.¹⁵ The latter system is more commonly used by charter cities, especially larger ones. California law requires that the city council of a general law city be composed of five or more members.¹⁶

Statute further requires that each general law city have a city clerk, a city treasurer, a chief of police, and a fire chief.¹⁷ The positions of clerk and treasurer are elected unless the voters decide to make those positions appointive. Cities may have additional elected offices but are not required to do so.

The primary function of cities is the delivery of services and regulation of land and conduct within the city's boundaries. Cities are commonly responsible for the provision of water, sewer, street maintenance, and other infrastructure services, as well as fire and public safety services. With a few exceptions, cities do not provide public health services to their residents; this is done at the county level.¹⁸ Cities have jurisdiction over and manage city-owned parks and recreation centers, but do not have jurisdiction over these facilities if they are owned by the federal government or by the county.

Many of a city's responsibilities are related to the use of land within the city. Cities make land use decisions for the land within their boundaries.

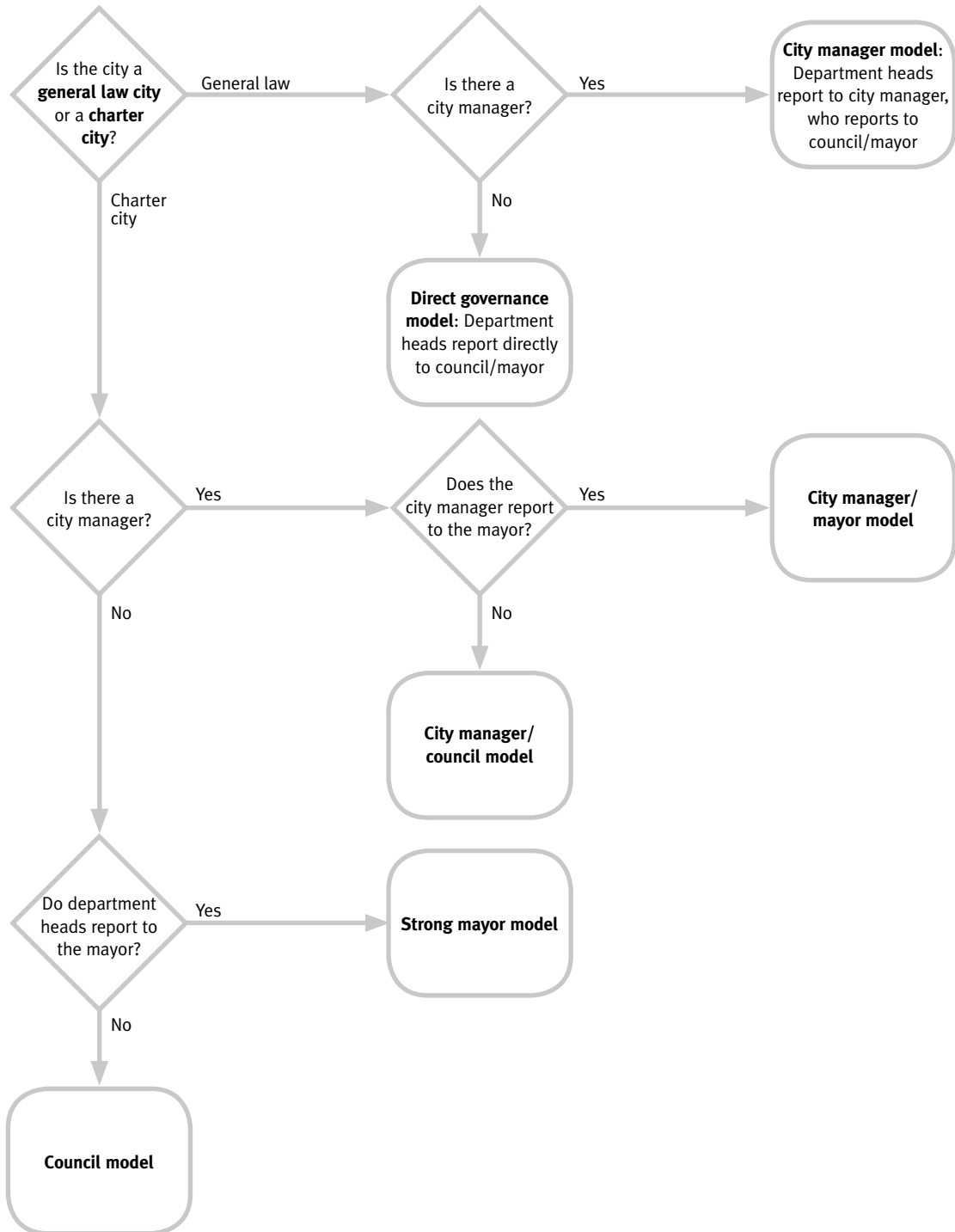
Generally, cities create departments to manage the various functions for which they are responsible. Cities are required by statute to establish planning agencies¹⁹ that are responsible for, among other things, the preparation, review, revision, and implementation of the general plan.²⁰ In many jurisdictions planning departments are established as stand-alone departments, but in other communities planning functions might be included in a planning and community development, or planning and public works, department. Depart-



Photo by Karen Parry | Black Graphics

mental functions that may be involved in issues that relate to access to food and physical activity opportunities include **planning, economic development, human services, children/youth/families, public works, redevelopment, and recreation and parks.**

The structure used for delegation of duties and governance varies from city to city and depends on several factors. Broadly speaking, there are some common models; graphic depictions of each of these models are presented at the end of this chapter (diagrams C–H). To determine which one best describes your city, answer the following questions:



In addition to departments, city officials (mayors and/or city councils) have the authority to appoint commissions. A commission is a permanent citizens' committee.²¹ Commissions can be appointed to advise and oversee virtually any function; cities may have only a handful of commissions, or they may have scores of them. A **planning commission** is a permanent committee of five or more citizens who have been appointed by the city council to review matters related to planning and development.²² A commission holds public hearings on a regular schedule (in some jurisdictions, as often as once a week) to consider land use matters.²³ These include such things as the local general plan, specific plans, rezonings, use permits, and subdivisions.²⁴ Commissioners serve at the pleasure of the council members²⁵ (unless local law requires removal only for cause, as in San Francisco), so commission membership often changes in response to changes in those bodies.

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Local Agency Formation Commission (LAFCO)

Under state law, every county must establish a Local Agency Formation Commission (LAFCO).²⁷ LAFCOs deal with a broad range of boundary actions, including incorporations, annexations, dissolution (the opposite of incorporation), detachment (the opposite of annexation), and the creation of "spheres of influence" for cities. LAFCOs also adjust the boundaries of special districts.²⁸ According to the California Association of Local Agency Formation Commissions, the objectives of the LAFCOs are:

- ▶ **To encourage the orderly formation of local governmental agencies**
LAFCOs review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. There are 58 LAFCOs [one in and for each county] working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ special districts). Agency

boundaries are often unrelated to one another and sometimes overlap at random, often leading to... general confusion regarding service area boundaries. LAFCO decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources.

► **To preserve agricultural land resources**

LAFCO must consider the effect that any proposal will produce on existing agricultural lands. By guiding development toward vacant urban land and away from agricultural preserves, LAFCO assists with the preservation of our valuable agricultural resources.

► **To discourage urban sprawl**

Urban sprawl can best be described as irregular and disorganized growth occurring without apparent design or plan. This pattern of development is characterized by the inefficient delivery of urban services (police, fire, water, and sanitation) and the unnecessary loss of agricultural resources and open space lands. By discouraging sprawl, LAFCO limits the misuse of land resources and promotes a more efficient system of local governmental agencies.²⁹

One of the most important issues addressed by LAFCOs are the “spheres of influence” of individual jurisdictions. A sphere of influence is a planning boundary outside of an agency’s legal boundary (such as the city limit line) that designates the agency’s probable future boundary and service area.³⁰ For example, a rapidly growing city might anticipate annexation of unincorporated county land outside of the current legal boundary of the city, because growth is occurring at that boundary. That unincorporated land might be within the sphere of influence of the city. Factors considered in a sphere of influence review focus on the current and future land use, the current and future need and capacity for service, and any relevant communities of interest. Spheres are reviewed every five years.³¹ Spheres of influence define the ultimate probable boundaries of a city and indicate what property the LAFCO will permit the city to annex. Because of this, a city’s general plan will include the sphere of influence area.³²

Spheres of influence are used to ensure the provision of efficient services while discouraging urban sprawl and the premature conversion of agricultural and open space lands by preventing overlapping jurisdictions and duplication of services. Commissions cannot tell agencies what their planning goals should be. Rather, on a regional level, LAFCOs coordinate the orderly development of a community through reconciling differences between agency plans so that the most efficient urban service arrangements are created for the benefit of area residents and property owners.³³

The composition of a LAFCO varies from county to county. Nearly all LAFCOS are composed of two members from the board of supervisors and two members from the city councils in that county. Many LAFCOS also have two members from the independent special districts in that county – water districts, for example. In turn, these members select a representative of the general public – an individual who is not seated on any elected body.³⁴ Since a majority of LAFCO members are elected local officials, they can be very political bodies, even though the intent of creating LAFCOS was to depoliticize and rationalize land use decisions.

LAFCOS often take differing approaches to managing growth. In some counties, LAFCOS pursue a policy of directing growth inside city boundaries, while in other counties the growth takes place primarily within the jurisdiction of the county, without the creation of new cities or directed growth toward existing cities. These differing policies can affect where and what types of opportunities are available.

How is this so? If you are seeking change in a relatively stable, built-out city, the LAFCO may not be an important factor in your advocacy work. If, however, you are seeking change in a rapidly growing community or within the jurisdiction of a county, the LAFCO may be important. In areas that have not yet been built up, you may have opportunities to influence how new neighborhoods develop: public input is encouraged, and you might, for example, be able to advocate for the planning of uses such as neighborhood commercial districts that would provide opportunities for food merchants or park space allocation.

Diagram A
County Organizational Chart
County Administrator Model

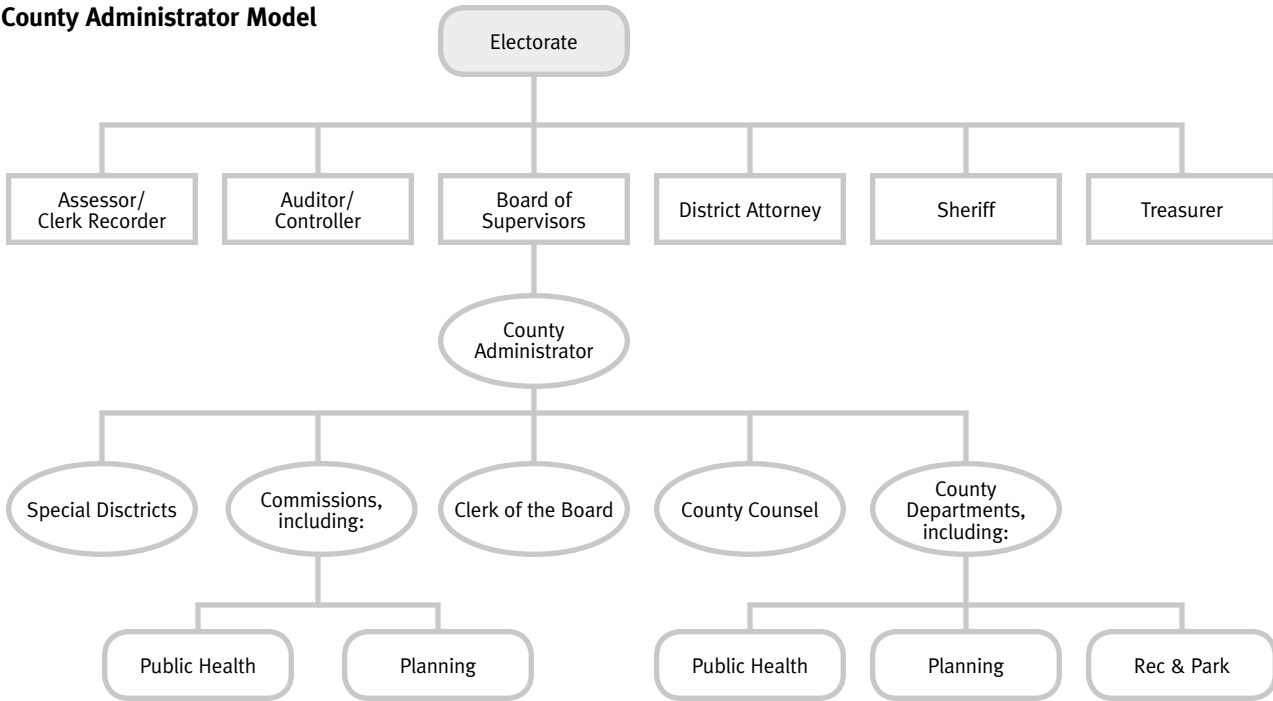


Diagram B
County Organizational Chart
Strong Board Model

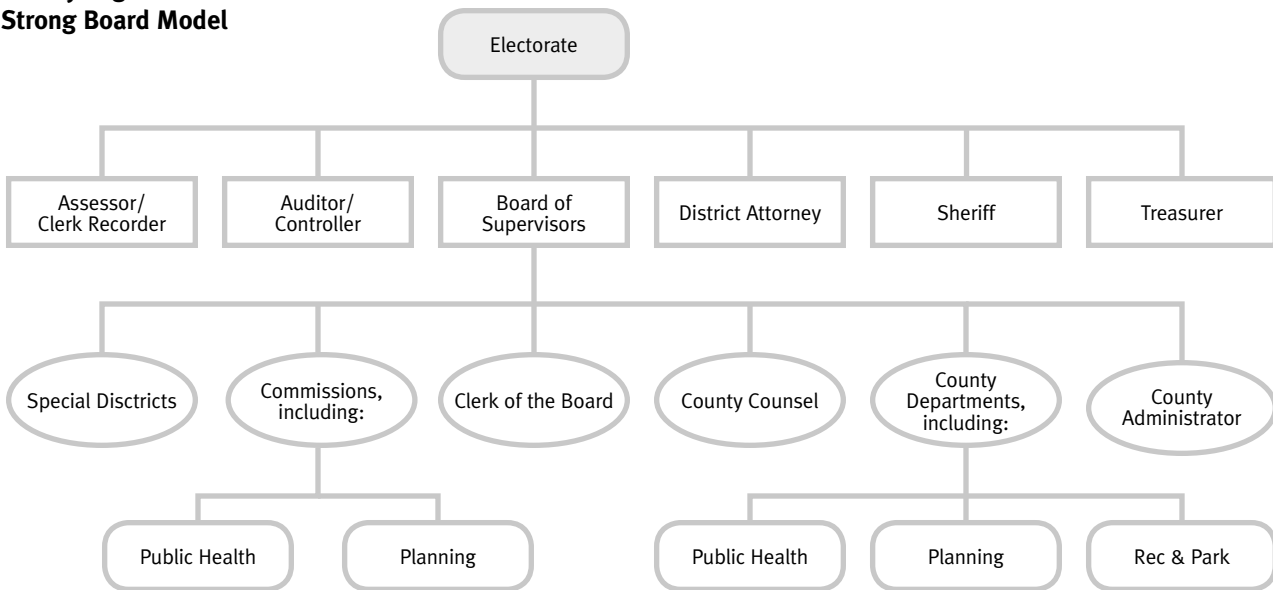


Diagram C
City Organizational Chart
City Manager Model
General Law City

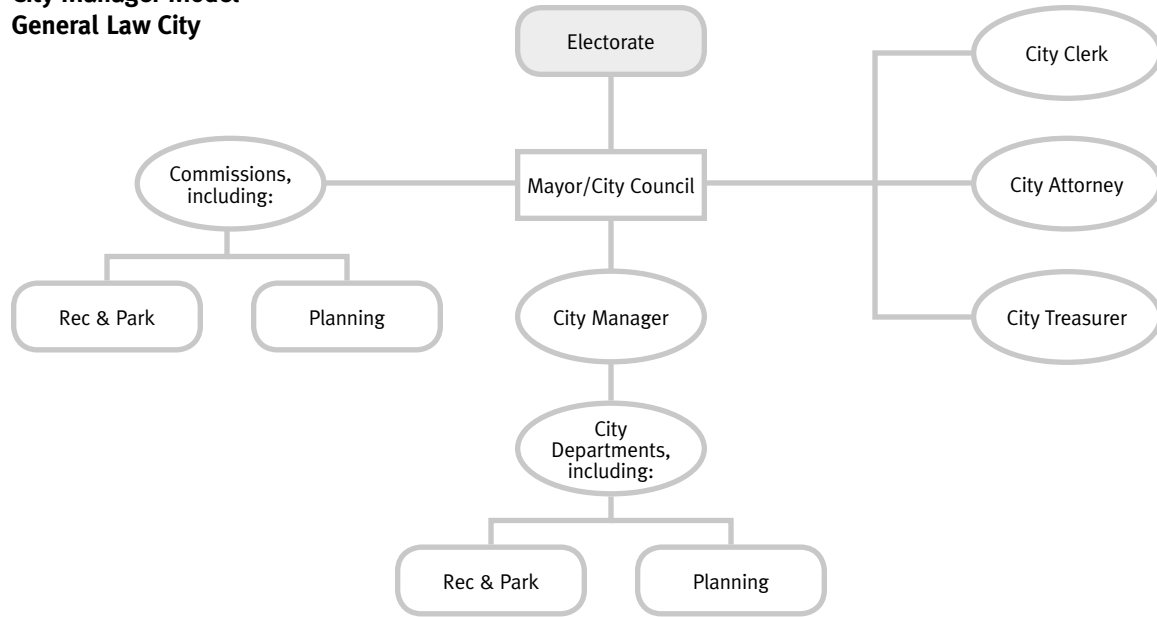


Diagram D
City Organizational Chart
Direct Governance Model
General Law City

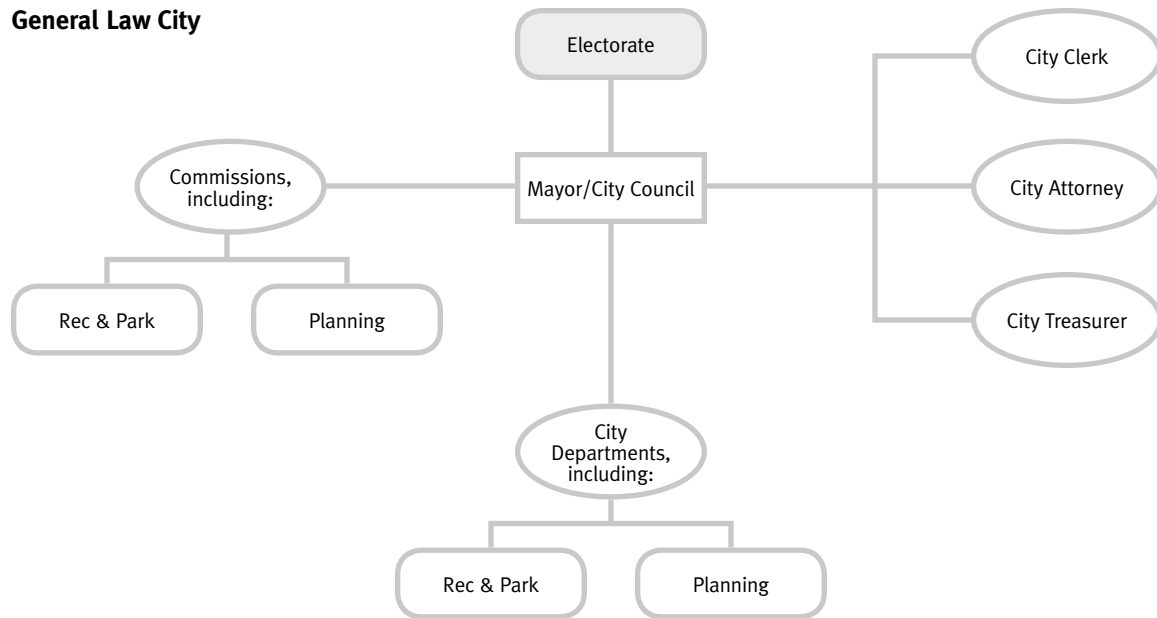


Diagram E
City Organizational Chart
Strong Mayor Model
Charter City

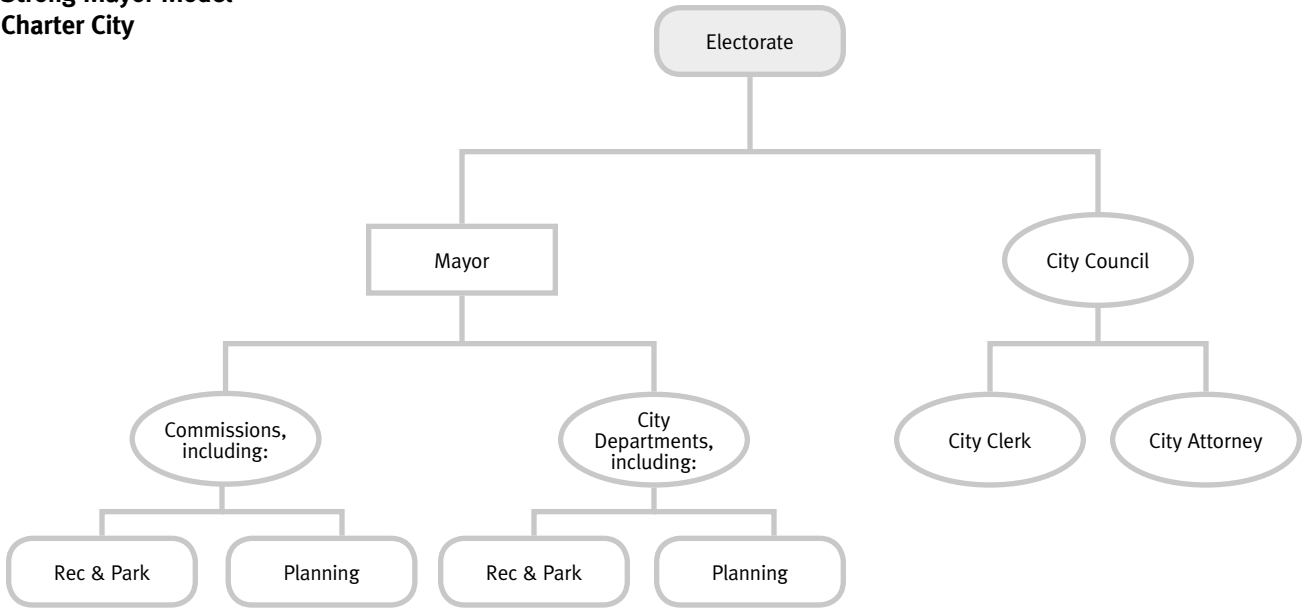


Diagram F
City Organizational Chart
Strong Council Model
Charter City

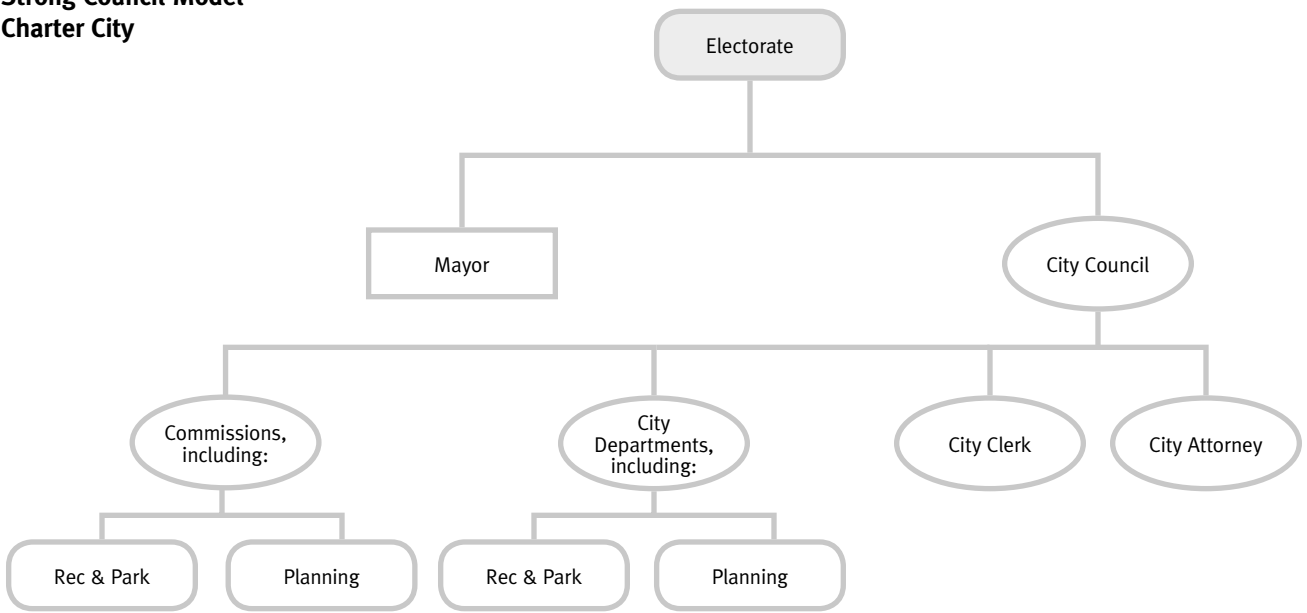
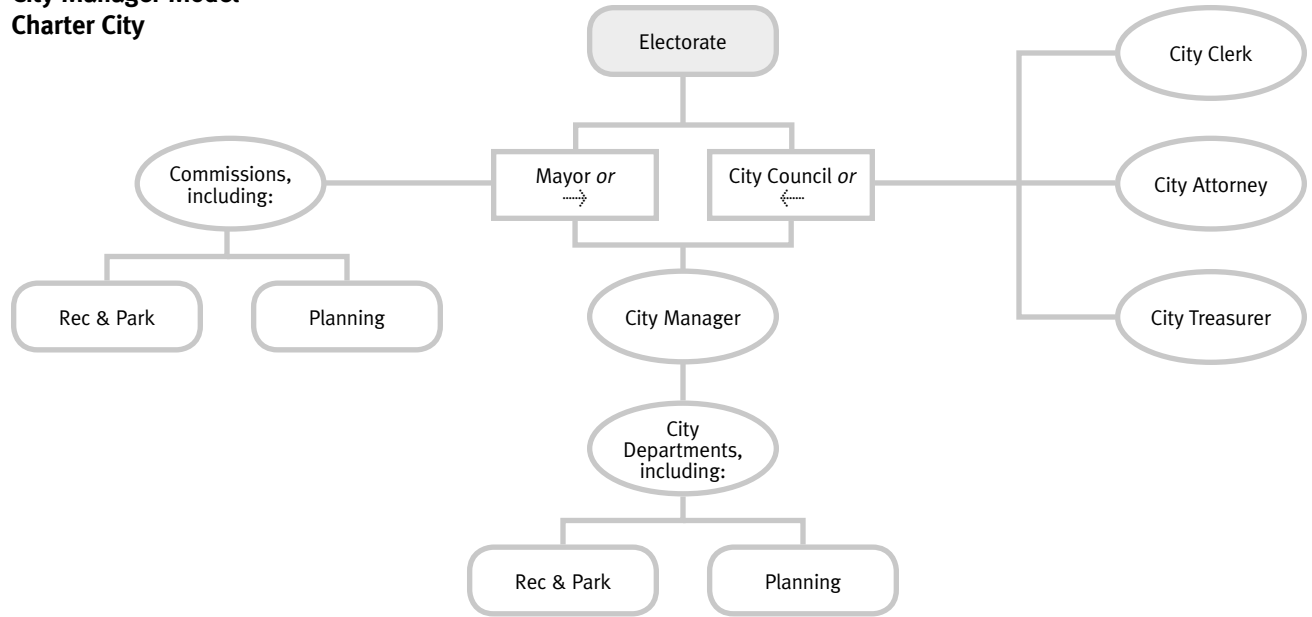


Diagram G
City Organizational Chart
City Manager Model
Charter City



1 It should be noted that there are three cities in California that have their own health departments: Berkeley, Long Beach, and Pasadena. In addition, San Francisco is both a city and a county, and so performs the functions normally associated with each.

2 See League of California Cities, Charter Cities, at www.ilsg.org/index.jsp?zone=locc&previewStory=571 (last visited 9/7/05) for a complete list.

3 CAL. CONST. art. XI, §1.

4 See *supra* note 1.

5 CAL. GOVERNMENT CODE § 65100 (2005).

6 CAL. GOVERNMENT CODE § 65103 (2005).

7 Governor's Office of Planning and Research, THE PLANNING COMMISSIONERS' BOOK, at Part One (1998), available at http://ceres.ca.gov/planning/plan_comm/part1.html#part1_anchor (last visited 9/7/05).

8 *Id.*

9 *Id.*

10 *Id.*

11 *Id.*

12 *Id.*

13 See League of California Cities, CALIFORNIA MUNICIPAL LAW HANDBOOK, at § 1.1.05(B)(1) (2004).

14 *Id.*

15 *Id.* at §1.3.10(A).

16 CAL. GOVERNMENT CODE § 36501 (2005).

17 *Id.*

18 See *supra* note 1.

19 CAL. GOVERNMENT CODE § 65100 (2005).

20 CAL. GOVERNMENT CODE § 65103 (2005).

21 GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, THE PLANNING COMMISSIONERS' BOOK, at Part One (1998), available at http://ceres.ca.gov/planning/plan_comm/part1.html#part1_anchor (last visited 9/7/05).

22 *Id.*

23 *Id.*

24 *Id.*

25 *Id.*

26 *Id.*

27 LAFCO is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CAL. GOVERNMENT CODE §§ 56000 et seq. (2005)).

28 William B. Fulton, GUIDE TO CALIFORNIA PLANNING, at 78 (1999).

29 California Association of Local Agency Formation Commissions, www.calafco.org/about.htm (last visited 9/7/05).

30 *Id.*

31 *Id.*

32 FULTON, at 77-78.

33 *Id.*

34 *Id.*

5 Why Can Land Use Be Regulated? An Introduction to the Police Power

The broad powers enjoyed by both public health and planning officials are grounded in a legal principle called the “police power.” The police power is the inherent authority of a government to impose restrictions on private rights in the interest of the general security, health, safety, morals, and welfare.¹ To achieve these communal benefits, the state retains the power to restrict (within federal and state constitutional limits) private and economic interests, including freedom in uses of property.²

The police power is the natural prerogative of sovereign governments to enact laws, promulgate regulations, and take action to protect, preserve and promote public health, safety and welfare. In the words of the California Supreme Court: “The preservation of the public health is universally conceded to be one of the duties devolving upon the state as a sovereignty, and whatever reasonably tends to preserve the public health is a subject upon which the legislature, within its police power, may take action.”³

The concept of the police power comes from common law, a body of judicially created law that spans from medieval England to the present day. In political theory, the police power describes the conditions under which a sovereign government can legitimately intrude upon a person’s autonomy, privacy, liberty, or property. The police power is an inherent authority of the states; the federal government does not have inherent police power. The states can delegate their police power to local governments. Some states have delegated the police power to local government in their state constitution, while others do so by statute. In California, the constitutional source of local government’s power to adopt and implement general plans is in Article XI, Section 7, which authorizes any city to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”⁴

The most common exercise of the police power over **real property** is a local or regional government’s adoption and enforcement of **zoning regulations**, building codes, and environmental protection regulations. One way to think about this is to consider that local governments use police powers to restrict a private property right so as to protect the common good.⁵



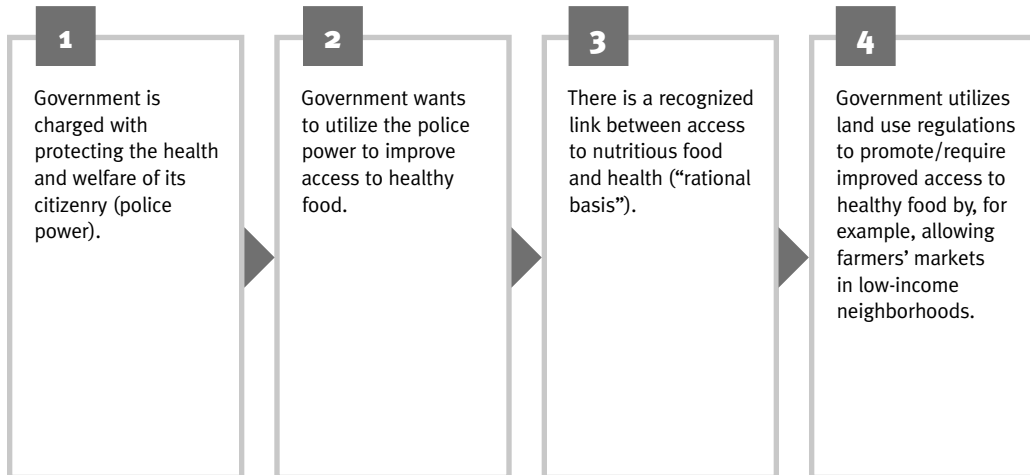
California’s use of the police power to legislate land use goes back to 1863, when a state law was passed that authorized San Francisco “to make all regulations which may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases.”⁶ In 1866, San Francisco used this authority to ban slaughterhouses in a large section of the city. A slaughterhouse owner, Mr. Shrader, continued to operate his now-illegal slaughterhouse and was arrested and convicted. Mr. Shrader appealed his conviction to the California Supreme Court, arguing that his property rights had been violated. The Supreme Court disagreed, explaining that Mr. Shrader was complaining about having gone to jail for committing a misdemeanor, not because the use of his property had been made illegal.⁷ The court recognized that San Francisco’s exercise of the police power to restrict land use was appropriate, stating that “[property ownership] does not deprive the Legislature of the power of... regulating the conduct and relations of the members of society in respect to property rights.”⁸

The police power is broad in scope and quite elastic, expanding to meet the changing needs of modern life.⁹ Legislative action undertaken by government is legitimate so long as the exercise of the police power has a rational relationship to a legitimate governmental purpose such as protection of the public’s health, safety, or general welfare, and the rules/restrictions enacted will be upheld in court unless they are arbitrary, capricious, or entirely lacking in evidentiary support.¹⁰ In exercising its police power, a city has broad discretion in determining what is reasonable in endeavoring to protect the public health, safety, morals, and general welfare of the community.¹¹

City planning and zoning regulations were developed in response to public health needs; the history of land use applications of the police power to protect community health is long and well developed. Examples of how land use tools have been used to further public health goals include the development of industrial or manufacturing zones to separate noxious uses (such as slaughterhouses, petrochemical facilities, and the like) from residential and commercial areas; requiring sanitary sewers to be connected to all homes and public places; and the routing of freeways away from homes and schools to protect the air quality in these settings. While these are just a handful of examples to illustrate the interplay between land use controls and public health, they serve as a reminder of how much the physical and built environment affects human health.

This history of providing land use tools to further public health also provides a useful context for linking land use to issues like increasing access to healthy food or limiting access to unhealthy food. Government is empowered via its police power to address access to food just as it is empowered to control noxious uses, gain access to sanitation, and regulate air quality.

The following diagram describes the police power authority schematically:



The authority to regulate land use, then, is well established. However, governments must develop specific legal tools to implement this authority. Chapter 6 (“How Is Land Use Regulated?”) discusses the tools California governments – state, county, and city – use to plan for and regulate the use of land.

1 See “Police Power” at Answers.com, at www.answers.com/topic/police-power (accessed July 19, 2005) (citing THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 2004) and MERRIAM-WEBSTER’S DICTIONARY OF LAW (1996)).

2 See e.g., Marice Ashe et al., *Land Use Planning and the Control of Alcohol, Tobacco, Firearms, and Fast Food Restaurants*, Vol. 93, AMERICAN JOURNAL OF PUBLIC HEALTH, 1404-05 (2003); Birkenfeld v. City of Berkeley, 17 Cal.3d 129, 159 (1976); Crown Motors v. City of Redding, 232 Cal. App. 3d 173 (1991).

3 Patrick v. Riley, 209 Cal. 350 (1930) (upholding bovine tuberculosis control law).

4 CAL. CONST. art. XI, § 7.

5 Ashe at 1404.

6 1863 Cal. Stat. p. 540.

7 Ex Parte Shrader, 33 Cal. 279, 282 (1867).

8 *Id.* at 281–282.

9 Ashe at 1404. See also *Euclid v. Amber Realty Co.*, 272 U.S. 365 (1926).

10 *Id.*

11 Carlin v. City of Palm Springs, 14 Cal. App. 3d 706, 711 (1971).

6 How Is Land Use Regulated?

As explained in chapter 5, the police power is the inherent authority of a government to impose restrictions on the private rights of individuals and corporations in the interest of the general security, health, safety, morals, and welfare of the community and/or the public at large.¹

There are a number of instruments through which land use is regulated. Most of these are exercised at the local level, though some are either guided by or exercised at the state level. This chapter describes some of the major tools.

The state of California regulates land use at the local level both directly and indirectly. Aspects of land use that are subject to state regulation include the use and disposition of state-owned land, redevelopment law, the California Environmental Quality Act (CEQA), general plan requirements, the Subdivision Map Act, the Coastal Commission, and zoning consistency requirements (which require that zoning be consistent with the jurisdiction's general plan).

Whether regulation is direct or indirect depends on several factors. State law directs counties – which are extensions of the state – and general law cities in the application of most land use, though the actual *implementation* occurs locally. For example, Cal. Govt. Code §65800 et seq. is the state zoning law, which is the zoning law for all counties and general law cities. However, the implementation of this law does not happen at the state level; rather, the individual jurisdiction (county or general law city) in which development is proposed implements the law within that jurisdiction. An analogy would be that the state defines the role and responsibilities of a county health officer,² but the implementation of that role – the actual carrying out of duties – is implemented locally.

Charter cities, on the other hand, may, by charter or statute, adopt the state zoning law as the applicable zoning code, but are not required to do so. Similarly, the

Differences between General Law Jurisdictions and Charter Cities

Many of the state's requirements for general plans and zoning apply to every city and county in California. However, there are important differences between charter cities and general law cities. You will find these points mentioned throughout this toolkit, and it is helpful to understand the difference between the two. A charter city is one that has been incorporated under its own charter rather than under the general laws of the state. A general law city (and all counties) are bound by any land use laws enacted by the state. By contrast, the 108 charter cities in California (see www.ilsg.org/index.jsp?zone=locc&previewStory=571 for the list) have broader powers to enact land use regulations than do general law cities; in fact, most of the state land use laws only apply to charter cities if the city specifically puts a particular law in its charter, either by including it or referencing the state law as applicable. The important differences include:

1. Charter cities with populations of fewer than 2,000,000 (i.e., every charter city except Los Angeles) are exempt from the requirement that their zoning be consistent with the general plan unless the charter city, through its charter, imposes a consistency requirement upon itself. (§65860; *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal. App 4th 868).
2. Charter cities may amend their general plans as often as they wish, unlike general law jurisdictions, which are limited to four amendments per year.

For more about charter cities, see www.ilsg.org/index.jsp?diplaytype=11&zone=ilsg§ion=projects&sub_sec=projects_charter&story=5446

requirement that zoning conform to a community's general plan applies to counties and general law cities but not to charter cities (unless they have populations of more than 2,000,000; e.g. Los Angeles). Charter cities may choose to adopt, by charter or statute, a consistency requirement, and most do so; however, such a requirement is not imposed by the state.

Other than special localities like coastal areas, which are subject to the California Coastal Commission, the primary direct means of state regulation over land is CEQA (see chapter 8). Except for special districts,³ all land use controls are implemented locally. Thus, even when the law that is implemented is written in the state code, the application of that law is managed and enforced at the local level. Thus, it is simplest – and not inaccurate – to think about all land use decisions as occurring locally.

Understanding that “it” all “happens” locally doesn’t explain what “it” is, however. General plans? Zoning? CEQA? Subdivision Map Act? Redevelopment? What do these terms mean? How are they used to regulate land use?

There are dozens of instruments that are used for the regulation of land use. For advocates, a few are most relevant. Many of the others are defined in the glossary included in this toolkit (appendix 1), or explained in the resources listed in appendix 2. Here are brief explanations of the instruments you are most likely to encounter and which are most likely to be useful (or impede) opportunities to change the built environment in your community. They are grouped into four sets: the general plan and related tools; zoning and related tools; redevelopment; and CEQA.

General Plan

As described in detail in chapter 7, a general plan is the visioning framework or pattern that guides development in a community. It offers a broad policy vision of the community. There are seven mandatory “elements” of a general plan: land use, circulation (i.e. traffic), noise, housing, open space, conservation, and safety. None of the elements are superior to any others; all must be internally consistent with one another. Elements can be combined, so long as all seven areas are addressed.

While general plans don’t often include language about health, they offer excellent opportunities for communities to put forth policy guidance with regard to the health values the community supports and its expectations about how these values should be reflected in future development. General plans are one of two tools this toolkit focuses on as a tool for achieving these goals. (The other is zoning, discussed later.)

In thinking about the hierarchy of land use instruments, the general plan is at the top. In most California jurisdictions, zoning must be consistent with the general plan.⁴ For more about consistency, see chapter 8.

Area Plan

An area plan is a plan that focuses on one geographic area within the greater geographic area covered by the general plan. Area plans are amendments to general plans. Because they are more geographically limited, they can offer a more fine-grained, detailed set of policies for their area of focus.

Zoning

Zoning is the division of a community into districts and the application of different requirements in each of those districts. Zoning determines what is permissible to build on a given parcel of land – its height, bulk, location on the parcel, design, and use. Zoning can allow for great or limited flexibility in the type of use allowed in a particular area. For example, zoning can allow for multiple uses on one parcel (mixed-use zoning, for example, frequently permits commercial usage at ground level and housing above) or provide a menu of choices (a zoning category might allow stores, office buildings, and light industrial use such as a furniture repair business). Zoning can also be very restrictive (only single-family houses are permitted with no more than one per three acres of land, for example, or agricultural use only).



As stated earlier, zoning is often required to be consistent with the general plan. Thus, changes to a general plan may require changes to zoning. For example, if the general plan is amended to state that community gardens should be encouraged on underutilized land, the zoning code may need to be amended to include community gardens as a permitted use in vacant lots.

Zoning codes can be written in such a way as to expressly include or exclude given uses. For example, a zoning code can include an activity by stating: “Stores that sell fresh produce are permitted as of right in all commercially zoned districts,” or it can exclude an activity – such as chain fast food restaurants – by stating: “Formula retail establishments (defined as a type of retail sales activity or retail sales establishment which has standardized features from store to store) are prohibited.”

Zoning can be a powerful tool for helping improve public access to a community benefit. For example, a zoning code that limits store size in neighborhood commercial districts to 5,000 square feet could be amended to make an exception for grocery stores, which require larger spaces to provide a nutritious array of goods. Zoning can also be used to restrict an undesirable use. Section III of this toolkit focuses on zoning as a tool for achieving these goals.

Zoning, subdivision, and public works decisions must be consistent with any applicable specific plan.

Specific Plan

Specific plans are a sort of hybrid between zoning and general plans in that they can combine policy and development regulations. Like area plans, they focus on a geographically limited area – sometimes just one development. Unlike area plans, however, specific plans are not part of the general plan; rather, they are implementation tools for the general plan.⁵ However, zoning and subdivisions (see below) must be consistent with a specific plan.⁶ Specific plans describe allowable land uses, identify open space, and detail the availability of facilities and financing for a portion of the community. In some jurisdictions, specific plans take the place of zoning.

Subdivision Map Act

The Subdivision Map Act is a state law that gives cities the power to create subdivisions. In many communities, much of what comes before the planning commission concerns subdivisions. This is especially true in communities that are growing rapidly and are developing land that was previously open space. Subdivisions can be and are used by local jurisdictions to exact concessions from developers. (A concession is something that a developer gives up or contributes in exchange for permission to move forward with a development.) Examples include land dedicated for sidewalks, parks, and schools in new developments. Nutrition advocates can ensure that public health goals (such as access to pedestrian/bike paths) are requirements of new subdivisions.

Conditional Use

Closely related to zoning, conditional use (CU) is a use that is permitted at a specific location, subject to a public hearing and the granting of permission by the planning commission. CUs may address size or function of a proposed use. For example, stores greater than 5,000 square feet in a neighborhood commercial district might be subject to CU, or a daycare center in a residential neighborhood might require a permit typically called a conditional use permit (CUP).

CUs are often controversial uses (like homeless shelters or massage establishments) that the community feels should be subjected to additional scrutiny. CUs allow the planning commission to attach conditions to the approval of a project, the violation of which can cause the permission to operate to be revoked. Conditions can apply to the physical building (such as height) as well as to the use (such as the massage business).

Conditional use can be utilized to limit the availability of unhealthy foods by requiring CUPs for businesses that offer only less healthy food options, while allowing “as-of-right” those projects that increase access to healthy foods. For example, legislation like the formula retail legislation described earlier would capture fast food chains in its definition. Such legislation can require a CUP for businesses like fast food restaurants that meet the definition of formula retail. Requiring a CUP can reduce the number of such establishments because in order to be granted a CUP, a use must be found to be “necessary” or “desirable.” Uses that do not meet this test cannot be granted a CUP.

To encourage new businesses to accept food stamps, a CUP could be required for establishments that sell food but do not meet the USDA requirements for accepting Electronic Benefits Transfer (EBT), such as the requirement that the store stock and sell an ample variety of staple foods in all four categories of staple foods, including fruits and vegetables.

Discretionary Review

Similar to conditional use, discretionary review gives the planning commission the authority to review a proposal and either attach conditions to it or deny it. What distinguishes discretionary review is that the planning commission can exercise this discretion to alter, condition, or deny a project even though the proposed project is consistent with the applicable zoning. Discretionary review allows the planning commission to determine, in essence, that even though a project complies with the applicable zoning, there are sound public policy reasons for not allowing it to go forward or to attach conditions to and/or alter it.

Discretionary review is utilized very differently in different jurisdictions. In San Francisco, for example, a request for discretionary review can be filed by anyone (neighbors, concerned citizens, etc.) with regard to any project that seeks planning permits. In other jurisdictions, discretionary review is used infrequently, and its use often points to a need to address a new policy issue that has arisen.

An example of how discretionary review is used comes from San Francisco, where the planning commission disallowed a chain café that was proposed for a small neighborhood commercial district, finding that it would have an

exceptional and extraordinary impact because its presence would change the neighborhood character.⁷ As this example attests, the power of discretionary review is enormous, and it is meant to be wielded cautiously. However, it can be a useful tool for advocates seeking environmental change. Discretionary review of a proposed fast food restaurant could be requested, for example, with the goal of disallowing a project that would have an exceptional and extraordinary impact on the community.

Redevelopment

California's urban jurisdictions can use the tools provided under state community redevelopment law to identify and address blight. The definition of blight in the statute tracks the common understanding of the term: dilapidated buildings, vacancies and abandoned buildings, economic inactivity. It is worth noting that the state statute identifies lack of a grocery store as one of the indicators of a blighted area.⁸ Cities set up redevelopment agencies, which utilize a process that is described in the state law to designate blighted areas as redevelopment areas. This is a powerful tool, because it creates a designated funding stream with which to address the blighted conditions in the designated redevelopment area.

The California Environmental Quality Act (CEQA)

CEQA plays a role in virtually every land use decision made in California. CEQA mandates that the potential environmental impact of all proposed projects and land use policies be considered, including changes to general plans. CEQA does not look at health impacts to individuals, but rather at environmental impacts in the ecological and historic senses.

CEQA, which is state law, has a tremendous impact on what is built and where it is built. The CEQA process offers opportunities for the public to comment on the anticipated environmental impacts of a proposed project or policy, which can be an effective mechanism for requesting that impacts of concern to the community are addressed as the project moves forward. For example, the environmental impact of a new supermarket may include a reduction in traffic citywide, since those who live near the new market will not have to travel as far to obtain groceries.

These are a few of the major tools used to apply the police power to the regulation of land in California. What is most important to understand is that the state has the power to regulate land and has delegated most of that authority to local governments. At the local level, a variety of regulatory

schemes and tools are utilized to regulate land with the goal of striking a balance between the public good, the rights of the individual, and the safe and ecological use of the land and its built improvements now and in the future.

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- 1 See "Police Power" at Answers.com, at www.answers.com/topic/police-power (accessed July 19, 2005) (citing THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 2004) and MERRIAM-WEBSTER'S DICTIONARY OF LAW (1996)).
 - 2 CAL. HEALTH & SAFETY CODE § 101030 et seq. (2005).
 - 3 Under state law, a special district is any agency of the state designated for the local performance of governmental or proprietary functions within limited boundaries. CAL. GOVERNMENT CODE § 53835 (2005). An example would be the Bay Area Air Quality Management District.
 - 4 This is true for all counties and general law cities, as well as the many charter cities that have self-imposed the requirement through their charters or statutes.
 - 5 CAL. GOVERNMENT CODE § 65450 (2005).
 - 6 CAL. GOVERNMENT CODE § 65455 (2005).
 - 7 San Francisco Planning Commission Case No. 2003.0913D for 3906 JUDAH STREET, Request for Discretionary Review of Building Permit Application 2003.05.02.3719 (seeks authorization to establish a coffee store (Starbucks) in a vacant commercial space). Hearing held January 8, 2004, minutes *available at* http://sfgov.org/site/planning_page.asp?id=22889 (last visited 9/7/05).
 - 8 CAL. HEALTH & SAFETY CODE § 33031(b)(3) (2005).

7 What Is a General Plan?

What Is a General Plan?

A general plan lays out the future of a city or county's development in broad terms through a series of general policy statements. It is supposed to depict a vision of the community's future. It is most easily thought of as a local land use "constitution," from which all local land use decisions must derive. It typically covers a 20- to 30-year time period, and contains both broad general goals for the community (e.g., to promote a pedestrian-friendly downtown shopping area) as well as specific policies and programs designed to implement those goals (e.g., widen sidewalks in the downtown, provide a public shuttle, direct the community development department to study the feasibility of establishing a weekly farmers' market in the downtown, direct the planning department to study the possibility of imposing a fee on downtown businesses to pay for benches and other street furniture).

How Did We Get Here?

A Brief History of General Plans in California

California law has required cities and counties to adopt general (or "master") plans since the 1920s. Until the 1970s, however, the general plan was frequently described as merely an "interesting study," because no law required that it actually be followed or implemented.¹ That changed in 1971, when the California legislature enacted a series of changes to the state planning and zoning law that transformed the general plan into "the constitution for [all] future development" within a jurisdiction, to which virtually all land use regulations and approvals must conform.² In other words, with a few limited exceptions, a city may not approve a specific land use regulation or development project unless it is consistent with the city's adopted general plan. The same is true for counties with respect to unincorporated areas (i.e., areas within the county that are not within the boundaries of any city).

What Are the Legal Requirements for a General Plan?

California law requires each city and county within the state to adopt "a comprehensive, long-term general plan for the physical development" of

Differences between General Law Jurisdictions and Charter Cities

Many of the general plan requirements imposed by the state apply to every city and county in California. However, as discussed in chapter 6, there are important differences between charter cities and general law cities and how general plan requirements affect them. A charter city is one that has been incorporated under its own charter rather than under the general laws of the state. For purposes of general plan law, there are two important differences:

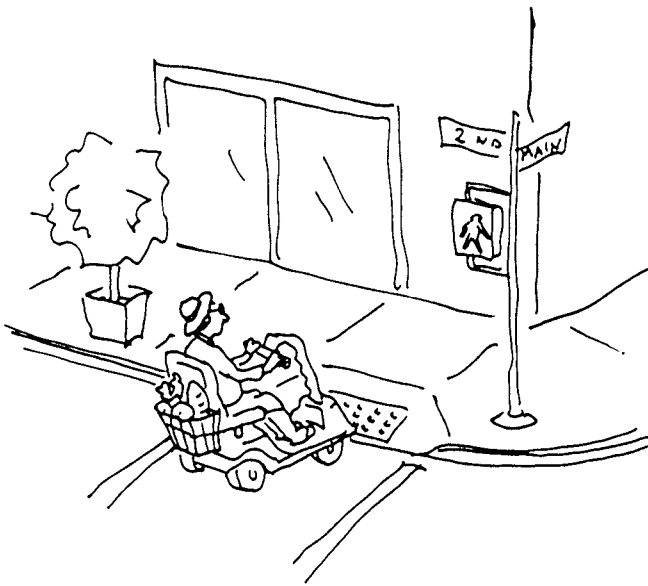
1. Charter cities with populations of fewer than 2,000,000 (i.e., every charter city except Los Angeles) are exempt from the requirement that their zoning be consistent with the general plan unless the charter city, through its charter, imposes a consistency requirement upon itself. (§65860; *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal. App 4th 868).
2. Charter cities may amend their general plans as often as they wish, unlike general law jurisdictions, which are limited to four amendments per year.

the land within its present and likely future boundaries.³ All other land use regulations and decisions within the jurisdiction must conform to the general plan. For example, if the general plan identifies community gardens as a priority use for vacant lots in residential neighborhoods, zoning cannot prohibit this use. If the zoning code does not allow community gardens, then it must be amended to be consistent with the general plan.

The general plan consists of a “statement of development policies...setting forth objectives, principles, standards, and plan proposals.”⁴ Typically, the general plan will include broad-based, aspirational statements (in the form of a series of goals), as well as more specific policies and implementation

programs designed to achieve these goals. The general plan also must include a diagram showing the general location and intensity of different land uses (e.g., housing, industry, commercial, open space) permitted in the different areas of that jurisdiction.

The state of California has a set of laws that govern general plans. These laws include content requirements (chiefly that the different elements of the general plan be consistent with one another) as well as procedural (there must be at least one public hearing before the planning commission and one public hearing before the city council/board of supervisors before the general plan is adopted).



What Are the Required Elements of a General Plan?

The components of a general plan are called *elements*. There are seven elements required by the state. (State law does permit the combining of elements.) A jurisdiction may have as many elements as it chooses – so long as it has the mandatory seven, which are:⁵

- ▶ **Land Use:** Designates the general location and intensity of housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other land uses.
- ▶ **Circulation:** Identifies the general location and extent of existing and proposed major roads, transportation routes, bicycle routes, walking trails, terminals, and public utilities and facilities. Like all other elements, it must be consistent with the land use element.
- ▶ **Housing:** Involves a comprehensive assessment of current and projected housing needs for all economic segments of the community and region. It sets forth local housing policies and programs to implement those policies.

- ▶ **Conservation:** Addresses the conservation, development, and use of natural resources including water, forests, soils, rivers, and mineral deposits.
- ▶ **Open Space:** Details plans and measures for preserving open space for natural resources, the managed production of resources, outdoor recreation, public health and safety, and the identification of agricultural land.
- ▶ **Noise:** Identifies and appraises noise problems within the community and forms the basis for distributing new noise-sensitive land uses.
- ▶ **Safety:** Establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

The Governor’s Office of Planning and Research provides guidance regarding process, form, and content of general plans. With the exception of housing elements, however, which are treated very differently, local governments are granted a large degree of flexibility to tailor their general plan to meet local conditions. In fact, state law says that “the diversity of the state’s communities...requires...[local governments] to implement [the adoption of general plans] in ways that accommodate local conditions and circumstances.”⁶

What Are the Rules for Additional Elements?

Local governments can include any “voluntary” or additional elements they deem appropriate, and many communities include additional elements that address issues that are important to that community. The same rules that apply to mandatory elements apply to optional elements, including consistency and public process. According to the Governor’s Office of Planning and Research, popular optional general plan elements include:

- ▶ Air Quality
- ▶ Bicycle
- ▶ Design
- ▶ Economic
- ▶ Growth Management
- ▶ Parks and Recreation
- ▶ Public Facilities
- ▶ Scenic Highways

What follows are some examples of communities that have incorporated a health focus into their general plans through optional elements.

Union City has voluntarily adopted a youth, family, seniors, and health element as part of its general plan. The element lays out nine goals, including one “[t]o provide parks and facilities that serve the diverse needs of the city’s growing population.” It then identifies 15 polices to implement this goal,

including requirements to build a skateboard park, indoor gym, new trails, and bike paths, and includes a series of specific implementation programs, in many cases with specific time frames for implementing the programs.⁷

Benicia has voluntarily adopted a community health and safety element, with a detailed definition of community health. The “dimensions of optimal health” in Benicia’s general plan include the physical environment (specifically including fitness, nutrition, safety, parks and open space, and streets); social environment; emotional health; intellectual environment; and spiritual health.⁸

In **King County, WA**, the comprehensive plan addresses “growth in cities and urban centers and the promotion of public health.” It discusses obesity, linking it to land use and built environment patterns:

The percentage of King County residents who are overweight or obese has risen rapidly since the late 1980s. With obesity comes increased risk for diabetes, hypertension, and heart disease. Evidence suggests one major reason for rising obesity is the lack of physical activity. Growth patterns in suburban areas, which discourage walking and promote a reliance on private auto use, have contributed to this public health problem. Communities that feature many land uses, higher housing density, sidewalks and street connections, and nearby services encourage physical activity such as walking and bicycling.⁹

King County goes on to address specific policy responses to obesity through the built environment: “King County supports land use and zoning actions that promote public health by increasing opportunities for every resident to be more physically active.”¹⁰

As well as:

Mixed-use developments can promote public health by providing opportunities for people to walk or bicycle to retail and public services. People are more likely to walk to their destination if the distance is less than one-half mile or to bike if the distance is less than two miles.¹¹

And:

Urban areas that are interesting and safe for pedestrians and bicyclists, and that provide many necessary services close to residential developments, can promote public health by increasing opportunities for physical activity during a normal day’s activities.¹²

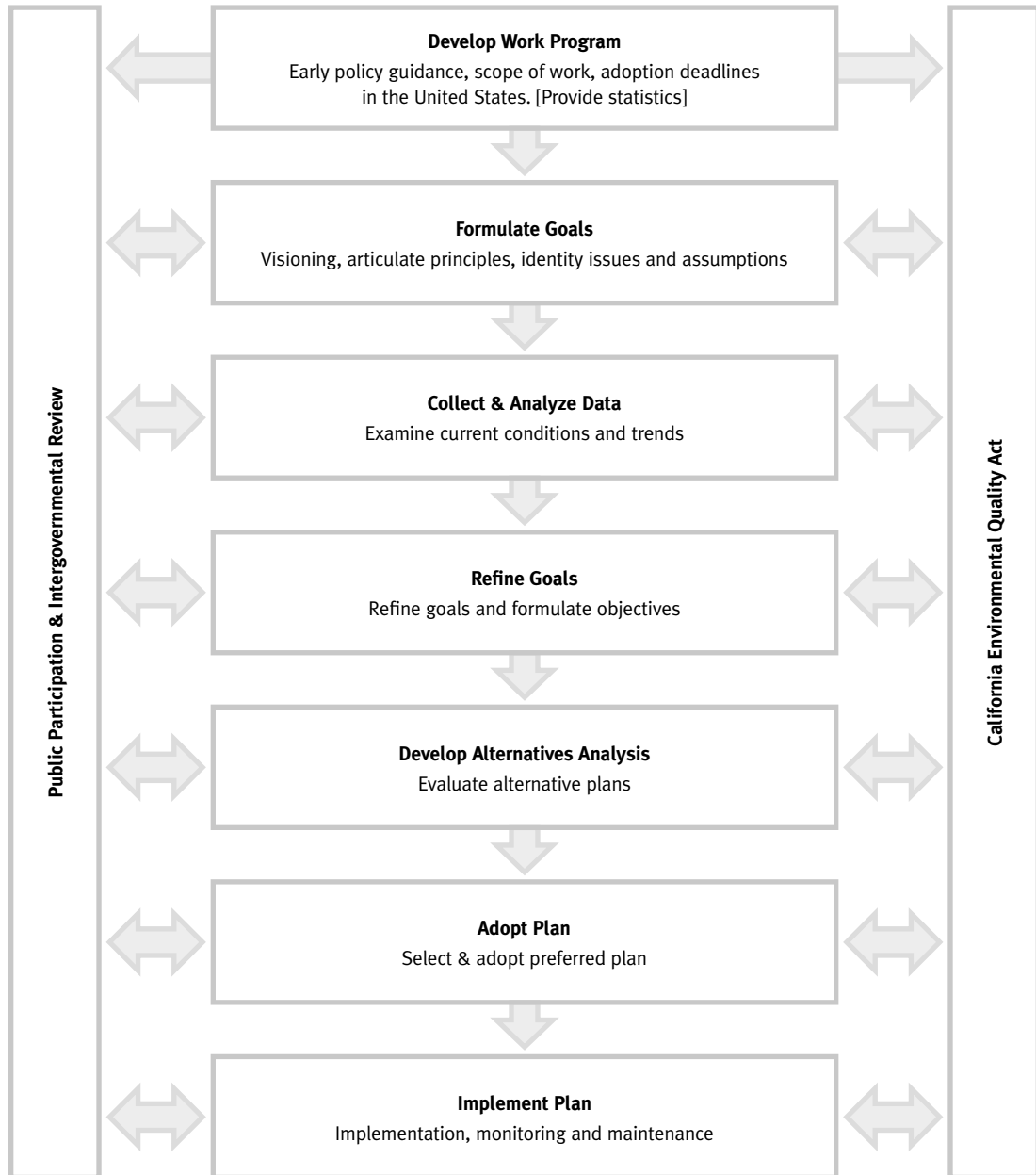
How Are General Plans Developed and Changed?

California state law requires newly incorporated cities to adopt general plans within 30 months of their incorporation.¹³ There is no time-based requirement for amending existing general plans (except for housing elements of general plans), but most communities experience enough change over a period of two to three decades that a general plan amendment will be necessary to keep the document relevant.

The legally prescribed process of creating and adopting general plans is relatively simple. Procedurally, at least one public hearing must be held before a recommendation for adoption or amendment of a general plan can be approved. In practice, most jurisdictions appoint citizens' committees to make recommendations to the planning commission and the city council (or board of supervisors, if the jurisdiction is a county). These committees meet for months or years. There are usually multiple hearings before the planning commission, and often several hearings before the city council as well.

In its *General Plan Guidelines*, the Governor's Office of Planning and Research outlines a multi-step process for general plan amendments. These steps include developing a work program, identifying the current community context, identifying the long-term direction of the community, and adoption, implementation, and maintenance.¹⁴ In the same publication, this process is diagrammed as shown on the next page.¹⁵

Suggested Local General Plan Process in California



There are two primary types of general plan amendments: comprehensive overhauls, and specific, periodic revisions. See chapter 9 for further information.

In practice, the process of undertaking a comprehensive general plan amendment takes two to three years and usually involves multiple public meetings, the hiring of consultants, environmental review, and the establishment of a citizens advisory task force. Multiple interest groups are involved, and the process is quite expensive, costing hundreds of thousands of dollars. More

commonly, jurisdictions undertake more focused, periodic updates, making specific amendments to one or more elements to ensure currency. See chapter 9 for further discussion.

What Is an Area Plan?

Area plans, also called community plans, are more specific, refined versions of the general plan that deal with smaller geographic areas. Area plans are part of the general plan and have the same force of law, including consistency requirements, of the general plan. It's easiest to think of area plans as general plans for a smaller geographic area. See also chapter 6.

How Do I Find My Community's General Plan?

Many jurisdictions have links to their general plans on their websites. See chapter 10 for more information.

1 DeVita v. County of Napa, 9 Cal.4th 763, 772 (1995).

2 *Id.*

3 CAL. GOVERNMENT CODE § 65300 (2005).

4 *Id.*, see also CAL. GOVERNMENT CODE § 65302 (2005).

5 CAL. GOVERNMENT CODE § 65302 (2005).

6 CAL. GOVERNMENT CODE § 65300.7 (2005).

7 These goals, policies, and implementation programs are set forth in the “Youth, Family, Seniors, and Health Element” of Union City’s general plan: Goal YFSH-E.1; Policies YFSH-E.1.1 to E.1.15, available at www.ci.union-city.ca.us/pdf_large/general_plano2/YFSH.pdf (last visited 9/7/05).

8 Benicia General Plan, “Community Health and Safety,” at 141-144, available at www.ci.benicia.ca.us/pdf/generalplan/BeniciaGP-part2-Novo3.pdf (last visited 9/7/05).

9 King County Comprehensive Plan, Urban Communities, at 2-3-2-4, § U-105(2) (2004), available at www.metrokc.gov/ddes/compplan/2004/PDFs/Chap2-Adopted.pdf (last visited 9/7/05).

10 *Id.* at 2-4, § U-107.

11 *Id.* at 2-10.

12 *Id.* at 2-10 – 2-11.

13 CAL. GOVERNMENT CODE § 65360 (2005).

14 GOVERNOR’S OFFICE OF PLANNING AND RESEARCH, STATE OF CALIFORNIA GENERAL PLAN GUIDELINES 2003, at 21 (1998), available at www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf (last visited 9/7/05).

15 *Id.* at 34.

8 Consistency Requirements

California law requires that all of a jurisdiction's general plan elements be consistent with one another, and that the jurisdiction's implementation tools, such as zoning and specific plans, be consistent with the general plan overall. Within the general plan, not only must the text of the elements be consistent, but maps and diagrams must also be consistent with the text. The reason for this is simple: The general plan must provide guidance for development, and conflicting provisions undermine that requirement. California's general plan guidelines state:

Without consistency in all... areas, the general plan cannot effectively serve as a clear guide to future development. Decision makers will face conflicting directives; citizens will be confused about the policies and standards the community has selected; findings of consistency of subordinate land use decisions such as rezonings and subdivisions will be difficult to make; and land owners, business, and industry will be unable to rely on the general plan's stated priorities and standards for their own individual decision making. Beyond this, inconsistencies in the general plan can expose the jurisdiction to expensive and lengthy litigation.¹



An example of inconsistency might be a policy that promotes access to healthful food in all neighborhoods by directing the planning department to ensure that zoning allows for such uses on major streets, while having another policy that requires that all commercial development occur in the downtown or on undeveloped land away from residential neighborhoods. Another example would be a housing element that identifies land outside of the center of town as available for the development of low-density housing, in an area that is zoned for agricultural use, while the land use element states that preservation of existing agricultural land is a priority.

Because of these consistency requirements, amendments to one element may necessitate amendments to another element. A jurisdiction must monitor its general plan to ensure that consistency is maintained, particu-

larly when periodic, specific amendments are made to the general plan in response to specific issues or development proposals.

TIP: The consistency requirement can play an important role in creating healthier environments in your community. If you've been successful in identifying a champion on the city council who has carried a healthy community resolution (see chapter 22), that councilperson may be willing to advocate for language reflecting similar values in the general plan. Once the city has an adopted policy in its general plan, zoning must support the new general plan language. For example, successful passage of the resolution could create the momentum necessary to incorporate policies about food access, walkability, and bikeability into the general plan. Once new general plan language addressing these issues has been incorporated, zoning might be amended to allow a farmers' market in a low-income food desert, or bike and pedestrian paths.

Just as the elements must be consistent with one another, so must all zoning be consistent with the general plan. Historically, the zoning ordinance had more teeth than the general plan, but since the 1970s a hierarchy has existed in which zoning is a tool to implement the general plan. Structurally, the general plan provides the policies and objectives, while zoning is the implementation tool for those policies and objectives. If, for example, a general plan identified as an objective the creation of a mixed-use town center (allowing for a mix of uses, perhaps stores at the ground floor and residential units above), the zoning for the town center might need to be amended to allow housing in addition to commercial development.

¹ Governor's Office of Planning and Research, STATE OF CALIFORNIA GENERAL PLAN GUIDELINES 2003, at 14 (1998), available at www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf (last visited 9/7/05).

9 General Plan Amendments

In order to maintain relevancy as a community changes over time, a general plan must be kept up to date. This requires periodic amendments. Generally speaking, there are two ways in which general plans are amended: through comprehensive overhauls, and through incremental change.

Comprehensive Updates

Comprehensive updates are a large, expensive undertaking for any jurisdiction. They can take three years or longer, and cost hundreds of thousands of dollars. When a community has changed substantially and its general plan no longer reflects the present and future realities of the community, a comprehensive update is likely in order. Many jurisdictions undertake such a revision process every ten to 15 years.¹

Except for the housing element, none of the general plan elements have specific time-based requirements for amendments; instead, the jurisdiction must determine when its general plan is out of date and undertake an amendment process. A jurisdiction may embark upon a comprehensive revision when the data upon which the plan is based becomes dated, when the community's growth patterns have changed, or when it appears likely that some aspect of the plan is likely to expose the jurisdiction to a lawsuit. Jurisdictions have been known to defer comprehensive updates until the prospect of litigation makes it imprudent to delay further. Often, the catalyst for a litigation threat is a development proposal that opponents view as inconsistent with the general plan.

There are two approaches to general plan updates that should be considered "comprehensive." The more obvious is when a jurisdiction revises its entire general plan. In this instance, every element is updated simultaneously. Under the second approach, a jurisdiction may undertake the comprehensive revision of several, but not all, of the elements. For example, the Orange County city of Aliso Viejo updated all of the elements of its general plan in 2004.² In the city of American Canyon in Napa County, all of the elements were last updated in 1994, except for the housing element, which was last updated in 2004.³ Camarillo, in Ventura County, last updated its open space and conservation elements in 1989, but updated the land use element in

1993, the circulation element in 1995, the noise element in 1996, the safety element in 1999, and the housing element in 2003.⁴ In jurisdictions where individual elements are updated one at a time, it can be more challenging to maintain internal consistency between elements. However, it affords the opportunity to spread the cost over a longer period than an update of all elements simultaneously, and allows the jurisdiction to decline to update elements that are still current (often noise elements) or are on a state-mandated update schedule (housing elements).

Interim Amendments

Jurisdictions are not limited to revising their general plans every decade, however. Amendments of mandatory elements are permitted up to four times a year under state law.⁵ An amendment, moreover, can include any number of individual changes grouped together into a formal amendment. Most often these interim amendments are made to accommodate the needs of a specific development proposal, or to fine-tune the plan in a specific way.

Procedural Steps

The amendment of a general plan is a legislative process. There are some basic procedural requirements that must be met. The series of steps outlined here will be substantially the same in all jurisdictions, though there may be some variations.

1. The proposed amendment is drafted. This can be done by concerned citizens, a member of the city council, the planning commission, city or county staff, a developer who seeks a general plan change for project approval purposes, and so on. The city attorney or county counsel will generally review the language to ensure it is complete and consistent with existing general plan language.
2. Once the language is ready, it is introduced as a resolution. If the proposed amendment would impact other public agencies or jurisdictions, it may be referred to other interested entities for a 45-day comment period⁶ (this is not mandatory but directory, which means that while it should be done, failure to refer for comment does not invalidate the amendment). The statute identifies these as potentially “interested” entities:
 - ▶ A city or county within or abutting the area covered by the proposal, as determined by the planning agency
 - ▶ A special district that may be significantly affected by the proposed action (e.g., a water district)
 - ▶ Any school district within the area covered by the proposal

Note: Unlike counties and general law cities, charter cities are not limited to four amendments per year, but may amend their general plans as often as they wish.

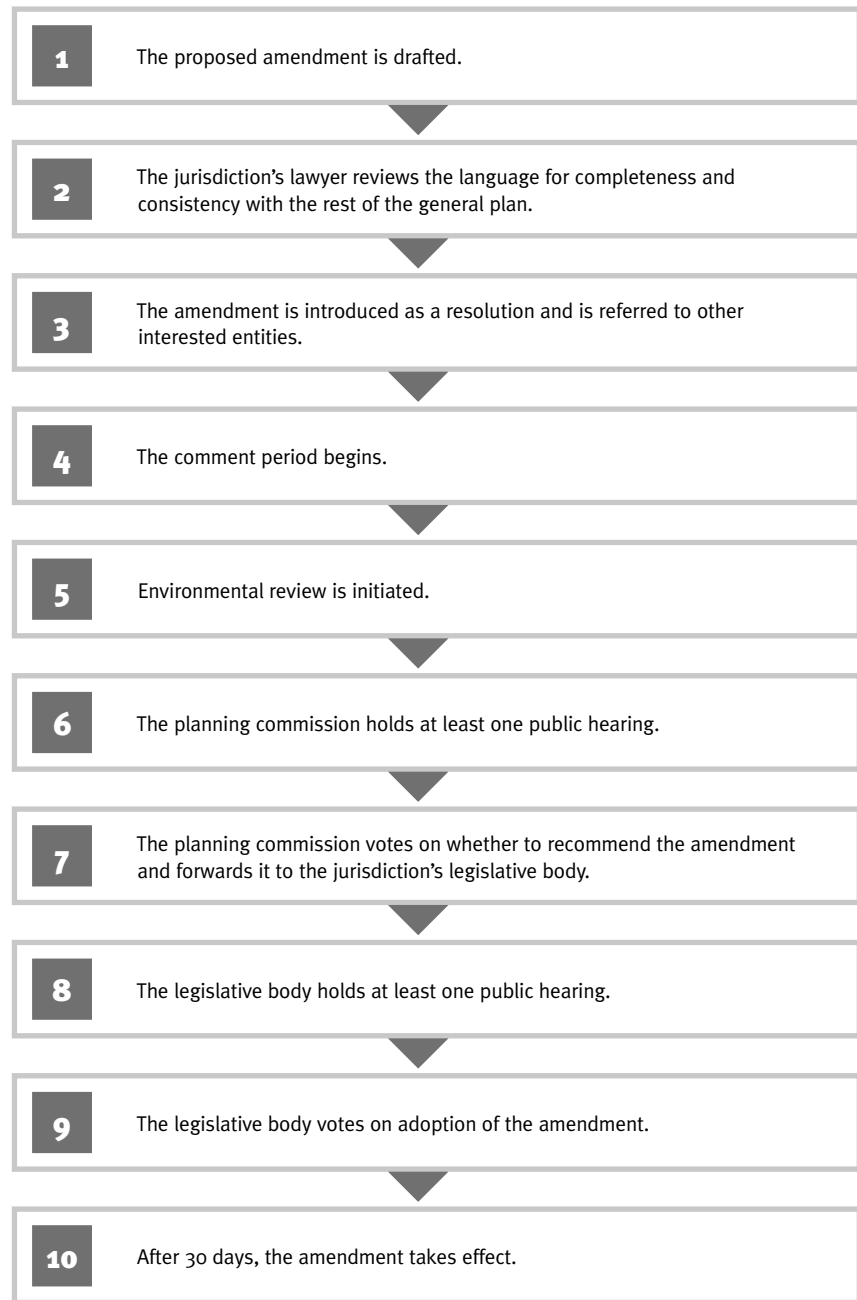
Tip: Even in a charter city that has not limited the number of times its general plan can be amended per year, it may still be easier to “package” an amendment with others. Further, you should not assume that your window of opportunity has closed to make changes just because a comprehensive amendment process has been completed. General plans are living documents, and you can and should promote changes that enhance their relevancy to the community—such as improving community nutrition through a commitment to enhanced food access in food deserts.

- ▶ The Local Agency Formation Commission (LAFCO) (see chapter 4)
 - ▶ An areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency
 - ▶ A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency
 - ▶ Branches of the U.S. military when the proposed action is within certain proximity to military installations, airspace, of flight paths
 - ▶ A public water system with 3,000 or more service connections that serves water to customers within the area covered by the proposal
 - ▶ The Bay Area Air Quality Management District (for actions within district boundaries)
 - ▶ Native American tribes with traditional land located within the city or county⁷
3. The city or county must initiate California Environmental Quality Act (CEQA) review for the proposed amendment. (See tip on page 48.)
 4. The planning commission must hold at least one public hearing on the amendment.⁸ In practice, the number of hearings depends on the standard practice of the public body and the importance of and controversial nature of the proposed amendment.
 5. The planning commission must vote on whether to recommend the amendment. The amendment, with the planning commission's recommendation, is forwarded to the city council or board of supervisors.⁹
 6. The legislative body (city council or board of supervisors) must also hold at least one public hearing on the proposed amendment. As with the planning commission hearing requirement, the number of hearings depends on the standard practice of the public body and the importance and controversial nature of the proposed amendment.
 7. The legislative body votes on whether or not to adopt the proposed amendment. It can take one of three actions: (1) vote to approve the amendment; (2) vote to disapprove the amendment; or (3) vote to modify the amendment. If the third action is taken, the modified amendment must be returned to the planning commission for a new recommendation. The planning commission has 45 days to hold a hearing and make a new recommendation. (If the commission fails to do so within 45 days, its silence is deemed a recommendation.)

Note: In general, an affirmative vote of a decision making body requires a majority of the total number of members of that body, whether or not all members are present. Therefore, if the county planning commission has seven members, four votes are required to pass an item, even if only five members are present for the vote.

8. Once the legislative body has approved the proposed amendment, it cannot take effect for 30 days, to allow the 30-day period for referendum passage to elapse.¹⁰

These steps can also be depicted graphically:



Tip: There are ways for advocates to involve themselves in this process at every step:

- ▶ Develop language
- ▶ Participate in all public hearings: planning commission, city council, board of supervisors, and any held by other interested agencies
- ▶ Participate in the CEQA process (though details about how to do so are beyond the scope of this toolkit)
- ▶ Get to know appointed and elected officials – educate them about these issues, and solicit their support

This sequence is the most common method for amending a general plan. However, general plans can also be amended by initiative – that is, by putting the amendment on the local ballot.¹¹

How Do I Find Out When My Jurisdiction’s General Plan Is Being Updated?

Comprehensive updates are generally well publicized, with notices posted in public buildings, in the public notice section of the newspaper, and on websites. Jurisdictions also mail notices – ask the clerk to add you to the mailing list. For incremental updates, the notices will generally be published in the public notice section of the newspaper, identified as agenda items on planning commission and legislative body agendas. You can find these agendas on your jurisdiction’s website, or ask to be added to the mailing list.

Required Assessment

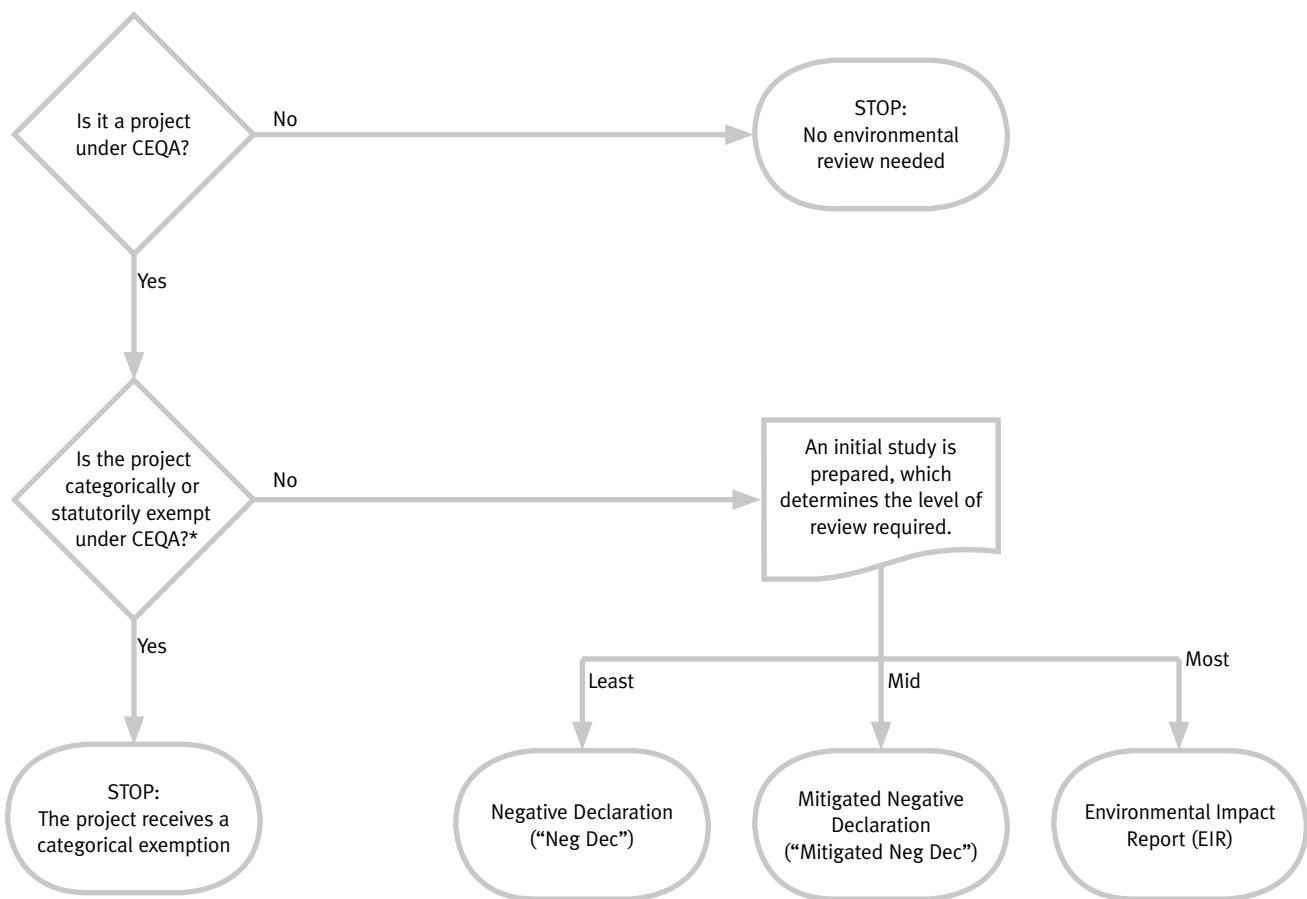
The California Environmental Quality Act (CEQA)

In considering whether to adopt any proposed general plan amendments, the city or county will also need to comply with the California Environmental Quality Act (CEQA) (pronounced “SEE-kwuh”).¹² CEQA is a complex state law that requires public agencies to conduct a detailed public review of virtually all government action that may cause potentially significant impacts on the environment. A detailed explanation of CEQA is beyond the scope of this toolkit, but there are excellent resources available; see appendix 2.

CEQA’s role is informational in nature. It does not require denying approval for projects that might harm the environment, for example. Rather, it has four functions:

- ▶ **To inform** decision makers about significant environmental effects
- ▶ **To identify** ways environmental damage can be avoided
- ▶ **To prevent** avoidable environmental damage
- ▶ **To disclose** to the public why a project is approved even if it leads to environmental damage

CEQA review must be performed for any action or proposal that meets the definition of a project under CEQA. (Under CEQA, a *project* is defined as “an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”¹³) There are four steps for determining whether, and at what level, environmental review is required:



* *Categorical and statutory exemptions are projects for which it can be determined with certainty that there will not be an environmental impact, or those that state law exempts from CEQA compliance.*

Most general plan amendments require the preparation of either a relatively short “initial study” (which is simply an assessment of the potential adverse physical impacts of the proposal) and “negative declaration” (which describes why the project will not have a significant impact, an explanation that may also include required “mitigation measures” ensuring that there will be no environmental impact), or a far more detailed and lengthy environmental impact report (EIR).

Note: You may hear the term *environmental impact statement* (EIS). This is a document, similar to an EIR, that is prepared under the National Environmental Protection Act (NEPA). NEPA does not have the broad applicability of CEQA, and is not addressed in this toolkit.

Prior to approval, negative declarations and EIRs must be distributed to other public agencies and interested members of the public, who may submit written comments. The agency that has prepared the plan (usually the planning department) must respond to the comments submitted and, in some cases, revise the EIR. The final EIR or negative declaration must be approved (adopted) by the planning commission.

The approval of an EIR can be appealed to the jurisdiction's legislative body (board of supervisors or city council). The approval of an EIR can also be challenged in court, and CEQA determinations are heavily litigated.

The potential *environmental* impacts of the proposed general plan amendment are the focus of the EIR or negative declaration. However, CEQA also expressly provides that the social and economic effects of a proposal may be taken into account in determining whether that proposal would have a significant effect on the environment, and it is also appropriate for public agencies to consider such social and economic impacts in determining whether to approve a project.¹⁴

CEQA thus provides a useful opportunity to help rally support for a proposal. Coalition members can be encouraged to submit supportive comments on the negative declaration or EIR, outlining the benefits of the proposal and the reasons why the city council or board of supervisors should approve it. Opponents of the proposal would also be able to avail themselves of this process to argue against the proposal and, potentially, slow down the approval process. Sometimes, comments by those opposing an initial proposal can alert decision makers to changes in the proposal that could be made to address the concerns of those individuals or groups. Strong opposition to a proposal during the CEQA process, however, often foreshadows the likelihood of litigation if the proposal is ultimately approved.

CEQA review is a lengthy process, one that can take a year or more.

CEQA constitutes a large, heavily litigated body of law in California, one that affects virtually every land use decision made within the state. There are entire industries that have grown up around CEQA. This toolkit provides only a very brief overview of the California Environmental Quality Act. As mentioned earlier, there are many excellent resources available for learning more about CEQA; see appendix 2 for a partial list.

Useful Optional Assessment: Health Impact Assessments

CEQA's definition of environmental impact does not include impact on human health. Advocates who are concerned with this scope have begun to look at implementing the use of **health impact assessments (HIAs)**. A commonly used definition for HIA, called the Gothenburg Consensus Statement, defines HIA as "a combination of procedures, methods and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population."

HIA is routinely used in many parts of the world, including England, Thailand, Canada, and various European countries. The World Health Organization and the Centers for Disease Control and Prevention acknowledge the usefulness of HIAs and advocate more widespread utilization of this tool.

There are pilot HIAs being conducted by entities in the United States, including UCLA and the San Francisco Department of Public Health. See chapter 15 for links to HIA resources.

HIAs are not part of CEQA, nor can they be conducted in lieu of a CEQA evaluation. However, HIAs can be a useful tool in concert with CEQA.

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- 1 The state requires that the housing element of the general plan be amended every five years. As noted in chapter 7, the state has a number of specific requirements for housing elements, of which this is one.
- 2 Governor’s Office of Planning and Research, CALIFORNIA PLANNERS’ BOOK OF LISTS 2005, at 51, *available at* www.calpin.ca.gov/Archives/pdf/2005bol.pdf (last visited 9/8/05).
- 3 *Id.*
- 4 *Id.* at 52.
- 5 CAL. GOVERNMENT CODE § 65358(b) (2005).
- 6 CAL. GOVERNMENT CODE § 65352(b) (2005).
- 7 CAL. GOVERNMENT CODE § 65352 (2005).
- 8 CAL. GOVERNMENT CODE § 65353(a) (2005).

- 9 CAL. GOVERNMENT CODE § 65354 (2005).
- 10 *Midway Orchards v. County of Butte*, 220 Cal. App. 3d 765 (1990).
- 11 *DeVita v. County of Napa*, 9 Cal. 4th 763 (1995).
- 12 CAL. PUB. RES. CODE § 21000 et seq. (2005).
- 13 CAL. PUB. RES. CODE § 21065 (2005).
- 14 CAL. CODE REGS. tit. 14, § 15131 (2005). For instance, one court held that a county was required to prepare an EIR before it could consider whether to approve a proposed shopping center located far away from the established downtown shopping area; the possibility that the new shopping center would take business away from the downtown, pedestrian-friendly shopping area and thereby lead to blighting of this area was a potentially significant environmental impact that had to be analyzed, and mitigated if feasible, before the county could approve the new shopping center. *Citizens Association for Sensible Development of Bishop Area v. County of Inyo*, 172 Cal.App.3d 151 (1985).

What Is in Your General Plan?

How to Find Your Community's General Plan

The first step in getting involved in a general plan revision is to become familiar with your community's existing general plan. Often you will find this online. Go directly to your community's website (a link to the general plan is often found on the planning department's page), or try going to www.ceres.ca.gov/planning/plans for links to cities and counties with electronic general plan access. Note that some communities may only post a portion of their general plan (often maps) rather than the whole document.

If your community's general plan is not available online, you can obtain it from the city or county offices. You will probably have to pay a fee for a hard copy.

If your community is undertaking a comprehensive updating of its general plan (or one or more of the plan's elements), you may also find this information on the city or county website. If not, a call to your community's planning department should let you know whether an update is planned or in process.

How to Read Your Community's General Plan

Most general plans are very lengthy documents, running to hundreds of pages or more. You won't want to – or have the time to – read every word. Some elements will be more relevant to your interests; you'll want to focus on those. Of the mandatory elements, you will probably want to pay particular attention to the land use, circulation, and open space elements.

The other four mandatory elements (housing, conservation, noise, and safety) will be subject to consistency requirements with any changes you champion, but it is unlikely that you will recommend specific changes to those elements. (However, the housing element may be useful to you in its discussion of housing for lower-income people, as it is low-income neighborhoods that most often lack access to healthy food and activity-inviting open space.)

Tip: Many safety elements are called “health and safety.” The health content, however, is the same as what you would find in an element called “safety” – that is, it refers to geologic and other natural hazards.

Your community may have optional elements as part of its general plan. If so, you will want to explore them to see if they might be relevant to your goals. Some common optional elements that may be worth reviewing include:

- ▶ Air Quality
- ▶ Bicycle
- ▶ Child Care
- ▶ Community
- ▶ Design
- ▶ Environment
- ▶ Parks & Recreation
- ▶ Public Facilities
- ▶ Redevelopment
- ▶ Regionalism
- ▶ Transportation

Remember that every community's general plan is different. You'll need to figure out what is relevant.

Remember, also, that all elements of the general plan have equal legal status. The land use element policies are not superior to, and do not carry greater weight than, the policies in the open space element.

State law requires that a general plan consist of “a statement of development policies” and “shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals.”¹ Each of these components is slightly different:

Development Policy

A development policy is a general plan statement that guides action. Broadly speaking, it includes objectives, principles, policies, plan proposals, and standards.²

Diagram

This is a graphic expression of the development policies and plan proposals laid out in the general plan.

Implementation Measure

This is an action, procedure, program, or technique that carries out general plan policy. Each policy must have at least one corresponding implementation measure.³ An example of an implementation measure might be: “The city shall adopt a specific plan for the creation of a mixed use district in the Rocky Hill area.”



Photo by Karen Parry | Black Graphics

Tips: These concepts can seem abstract. The excerpt from the city of Benicia's general plan in chapter 11 may help put them in context.

Within the general plan you may encounter a great deal of unfamiliar terminology. The glossary in this toolkit may help. General plans may also define terms. If you have trouble following something, it is perfectly appropriate to call the planning department and ask them to help you understand what you're reading.

Objective

An objective sets a general direction; it is a future goal or end. More important, it is an expression of community values. Because of this, it may be abstract in nature. It may or may not be quantifiable or time-dependent. An example of an objective would be: “Healthful, easily accessible food in all neighborhoods.” Objectives are not expressed as actions, but rather as ends. Because of this, the example given would *not* be expressed as: “Establishing easy access to healthful food in all neighborhoods.”

Plan Proposal

A plan proposal describes intended development for an area. For example: “A new park will be located on the block bounded by Walnut and Water Streets and Apple and Market Avenues.”

Policy

A policy is a specific statement that guides decision making. A policy is based on, and helps implement, the objectives of a general plan.

For a policy to be useful as an action guide, it must be clear. Ambiguity or vagueness impedes policy implementation. This is especially true when it comes to determining whether zoning and other land use decisions are consistent with the general plan.

As you read policies, be aware of the difference between *shall* and *should*. *Shall* is an explicit directive. *Should* offers less rigid direction and more discretion, indicating that a policy should be honored unless there are compelling or contravening considerations. When you’re trying to influence policy, it is important to keep these differences in mind.

Principle

A principle is an assumption, fundamental rule, or doctrine that guides general plan policies, proposals, standards, and implementation measures. Principles underlie objectives but seldom need to be stated explicitly; for example: “Parks provide opportunities for physical activities.”

Standards

Standards provide definitions for the abstract terms of objectives and policies through concrete specifications. They are rules or measures that establish a level of quality or quantity that must be met. A standard might be stated this way: “A minimally acceptable level of public transit is frequency of at least one bus each half hour, with bus stops no further than $\frac{1}{4}$ mile from 80% of residences.”

1 CAL. GOVERNMENT CODE § 65302 (2005).

2 Governor's Office of Planning and Research, STATE OF CALIFORNIA GENERAL PLAN GUIDELINES 2003, at 14 (1998), *available at* www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf (last visited 9/7/05).

3 Governor's Office of Planning and Research, STATE OF CALIFORNIA GENERAL PLAN GUIDELINES 2003, at 16 (1998), *available at* www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf (last visited 9/7/05).

11 Model General Plan Language

Except as it relates to seismic safety, siting hospitals, and similar situations, general plans have rarely addressed health issues, including access to food (although they do address such health-related topics as parks, recreation, and bicycle and pedestrian access). It follows, then, that there are few examples of language that address this issue and which have been adopted by jurisdictions as part of their general plans.

What follows in this chapter are samples of model language that focus on food access and other health-related issues, which could be incorporated into a community's general plan. These may be helpful in discussing the issue with decision makers and with county counsel or city attorneys. You may also find that these samples aren't exactly right for your needs but that they are helpful instead as a starting point for crafting language. There is nothing special or precise about the language offered here. What is most important is that you find language that works for your community.

Model Resolution

General plan amendments are legally binding policy changes. You may find that your jurisdiction isn't ready to take that step initially. (See chapter 22 for more information about effective strategies.) If that is the case, you may want to concentrate on identifying a city councilperson or county supervisor who will carry a non-binding resolution for you. This can be effective for getting a foot in the door for more binding language passed later. The first model document provided here is a resolution that can be used in this way.

CITY/COUNTY MODEL RESOLUTION

[CITY/COUNTY] OF _____

RESOLUTION NO. _____

ADOPTING A POLICY TO REDUCE OBESITY AND PROMOTE COMMUNITY HEALTH

WHEREAS, obesity is a leading public health challenge facing California today and is approaching epidemic proportions; and

WHEREAS, medical experts agree that obesity increases the risk for a number of health hazards, including heart disease, stroke, type 2 diabetes, and some cancers; and

WHEREAS, the economic impact of obesity in terms of chronic disease risk factors reaches \$21.68 billion a year in California, including \$10.2 billion in medical care, \$11.2 billion in lost employee productivity, and \$338 million in workers compensation costs, and will be devastating if left unchecked; and

WHEREAS, the problem of obesity is particularly acute among population groups in low-income, underserved communities that generally have less access to nutritious and healthful foods and fewer opportunities for physical activity; and

WHEREAS, the [City of _____ (“City”)/County of _____ (“County”)] is responsible for protecting the public health, safety, and welfare of its citizens; and

WHEREAS, the [City/County] has direct authority to implement land use plans, policies, and programs to meet the needs of its communities; and

WHEREAS, the built environment and land use decisions play an important role in shaping the pattern of community development and in either promoting or discouraging physical activity and nutritious food choices; and

WHEREAS, cities and counties throughout California are increasingly taking steps to encourage farmers’ markets; promote opportunities for physical activity, such as walking and biking paths; and encourage patterns of development that promote physical activity and discourage automobile dependency;

NOW THEREFORE, BE IT RESOLVED, that, to the maximum extent feasible, the [City/County] should strive through its land use decisions to promote community health, prevent and reduce obesity, and provide access to healthy food and physical activity for all neighborhoods in the [City/County];

NOW THEREFORE, BE IT FURTHER RESOLVED, that there may be previously overlooked opportunities for the [City/County] to integrate public health concerns into its land use planning and decision making; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the [City/County] directs staff to conduct meetings, workshops or public hearings in order to solicit input from interested individuals and organizations on opportunities and recommendations for integrating public health concerns into local land use planning; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the [City/County] directs staff to report back to the [city council/board of supervisors] in [insert time frame] with recommendations on ways that the [City/County] may amend the [include these as appropriate: general plan, zoning ordinance, municipal code, and/or county code] to address the above-stated public health concerns.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

--

Model General Plan Language

Model Document

General Health

The [city/county] is responsible for protecting the public health, safety, and welfare of its citizens, and has the ability to do so through implementation of land use plans, policies, and programs to meet the needs of its communities. The built environment and land use decisions play an important role in shaping the pattern of community development and in either promoting or discouraging good health for its citizens.

GOAL

To improve the infrastructure of our community in order to maximize opportunities for all residents of [city/county] to make healthful choices.

Policy

To the maximum extent feasible, the [city/county] shall strive through its land use decisions to promote community health for all neighborhoods in the [city/county], with particular attention to those that have been identified as lacking in amenities such as transit, clean air, grocery stores, bike lanes, parks, and other components of a healthy community.

Policy

Encourage patterns of development, such as sidewalks and walking and biking paths, that promote physical activity and discourage automobile dependency.

Policy

Identify previously overlooked opportunities for the [city/county] to integrate public health concerns into its land use planning and decision making.

Implementation Measure

Planning [and public health] staff shall conduct meetings, workshops, or public hearings in order to solicit input from interested individuals and organizations on opportunities and recommendations for integrating public health concerns into local land use planning; and

Implementation Measure

City staff shall report back to the [city council/board of supervisors] every two years with recommendations on ways that the [city/county] may amend the [include these as appropriate: general plan, zoning ordinance, municipal code, and/or county code] to address the above-stated public health concerns.

(Excerpted from the community health and safety element of the city of Benicia's general plan)

A. HEALTHY COMMUNITY

1. DIMENSIONS OF OPTIMAL HEALTH

A comprehensive definition of a healthy community is described by the following categories:

Physical environment. This category focuses on a clean environment, fitness, nutrition, safety, and medical care. Specific issues include affordable and safe housing, parks and open space, streets, and sanitation.

Social environment. Friends, families, and communities fall under this category. Specific issues include hunger, food bank utilization, school lunches, homelessness, substance abuse, cost of living, earned wages, percent of the population in poverty, and broader issues of social justice.

Emotional health. Stress management and care during individual emotional crises affect the community's overall emotional health, as do community balance (racial, economic, age), resource distribution, and participation in decision making.

Intellectual environment. Education, career development, and personal achievement fall under this category. Education issues include dropout rates, graduation rates, continuing education programs, and other educational opportunities. Career development deals with issues such as unemployment rates, job types and availability, commute distance, and economic development.

Spiritual. This category deals with sense of purpose, love, hope, and charity.

The comprehensiveness of the above factors requires that broad segments of the community participate in addressing health issues and finding and implementing solutions to improve local health care.

2. HEALTHY COMMUNITY GOALS, POLICIES, AND PROGRAMS

GOAL 4.1: Make community health and safety a high priority for Benicia.

POLICY 4.1.1: Strive to protect and enhance the safety and health of Benicians when making planning and policy decisions.

POLICY 4.1.2: Promote a wide range of health-related services. Such services will address the physical environment and social climate.

Program 4.1.A: Develop a citizen input planning process with the Human Services Fund Board to address locally identified community health and health-related concerns.

POLICY 4.1.3: All city departments should attempt to address the underlying causes of health, social, and safety issues.

Program 4.1.B: Promote measurable health goals and work with health-related agencies to monitor their implementation.

For example, work with California Healthy Cities on a project to reduce measurably the sale of cigarettes to children.

POLICY 4.1.4: Compile available information pertinent to the health and safety of Benicians.

Program 4.1.C: Require the Human Services Fund Board to report annually to the city council and public on the health, well-being, and safety of the community, along with recommendations for improvements.

POLICY 4.1.5: Clarify city role in providing health services.

Program 4.1.D: Inventory health needs, identify holes in the network, and focus on those issues not being addressed.

Program 4.1.E: Delegate a formal group (e.g., Human Services Fund Board) to be responsible for community health promotion, and require the group to coordinate with a broad range of community representatives.

Program 4.1.F: Expand the role of the city staff person liaison to the Human Services Fund Board, as needed to support additional tasks assigned to the board.

GOAL 4.2: Improve access to medical, mental health, and social services for all Benicians, including the elderly and low-income.

POLICY 4.2.1: Fully utilize and coordinate available resources and efforts through the city's Human Services Fund Board and other governmental and non-governmental agencies.

Program 4.2.A: Work with existing health care providers, neighboring cities, and the county, state and federal governments.

Program 4.2.B: Provide and maintain affordable transportation services to and from health facilities (in and out of town), especially for the elderly and disabled.

GOAL 4.3: Attract additional health services to Benicia.

POLICY 4.3.1: Promote preventive health care in line with the Child and Adult Preventive Care Guidelines published by the U.S. Public Health Service (1994). The guidelines recommend tests, examinations, immunizations, and other preventive measures for all ages.

Program 4.3.A: Support the development of a Center for Human Services.

POLICY 4.3.2: Evaluate the need for and feasibility of new medical facilities in Benicia including a branch of the county health and social services department.

Program 4.3.B: Promote prenatal care, health care for children, teen activities, education and counseling, and intergenerational activities.

Program 4.3.C: Investigate the feasibility of utilizing existing city buildings to deliver health-related services, and expand the scope of the buildings' uses in conjunction with established neighborhood groups.

POLICY 4.3.3: Promote establishment of demonstration gardens at schools, churches, fire stations, and other sites.

Program 4.3.D: Consider utilizing vacant city property for gardening of fruits and vegetables.

GOAL 4.4: Reduce the incidence of substance abuse and strive for a drug-free community.

POLICY 4.4.1: Support the development of the education of all age groups in the prevention of substance abuse.

Program 4.4.A: Include law enforcement; the school district; and proprietors of nicotine, alcohol, and prescription drugs in planning and operating substance abuse prevention programs.

Program 4.4.B: Identify at-risk populations and work to develop programs and services to address their needs.

POLICY 4.4.2: Promote safe driving by youth.

GOAL 4.5: Establish after-school programs and other constructive activities for youth.

Program 4.5.A: Work with the school district on appropriate after-school youth activities.

GOAL 4.6: Prevent and reduce crime in the community.

POLICY 4.6.1: Encourage building designs that help to reduce crime.

Program 4.6.A: Review the design of new and rehabilitated buildings for ways to increase resident safety.

POLICY 4.6.2: Develop a corrective action plan to deal with high crime areas.

Program 4.6.B: Strengthen and expand neighborhood watch programs. Include businesses.

Program 4.6.C: Promote the education of citizens on how not to be a victim.

POLICY 4.6.3: Maintain an adequate officer-to-population ratio in all areas, as approved by the city council.

Draft Language from Chula Vista (this language has been provided to the Chula Vista General Plan Update Steering Committee but has not yet been adopted as part of Chula Vista's general plan)

DRAFT (Excerpt from document provided to City of Chula Vista General Plan Update Steering Committee 7-14-05)

(New) LUT 7.16 Planning for Healthy Communities (Page LUT-111)

Land use and transportation have a strong influence on people's lifestyles and in promoting healthy communities. Land use arrangements and mixes that provide access to daily needs, conveniences, and employment in a safe, inviting, and walkable environment create the underpinnings for increased physical activity. Easy and convenient access to transit and other non-auto modes of travel, especially between residential and employment centers, reduces auto usage, congestion and the attendant impacts to air quality. Auto emissions are the single largest source of air pollution, and air quality is a major environmental health factor. In addition, the availability of safe, convenient, and connected walking paths, trails and bikeways, and neighborhood-based park and recreational options also promote physical activity and exercise.

Other parts of the general plan also relate to the notion of healthy and safe communities, and address topics such as police, fire and emergency medical facilities and services, park and recreation facilities and services, sustainable development, protection of the environment and people from air and water pollution and hazardous materials, and the close relationship between land use and transportation. For instance, Section 3.2 of the Public Facilities and Services Element (Chapter 8) addresses Police, Fire Protection and Emergency Services; Section 3.5 of the Public Facilities and Services Element deals with Parks and Recreation, and includes an objective and policies on Joint Use of Park and School Facilities; the Environmental Element (Chapter 9) contains sections on Sustainable Development, Promoting Clean Air, Protecting Water Quality, and Hazardous Materials and Waste; and other sections of this Land Use and Transportation Element address Land Use and Transportation Integration, Improving Vehicular and Transit Mobility and Increasing Mobility Through Use of Bicycles and Walking.

Rather than repeat all relevant discussions and policies here, this section augments and supports these related topics in order to emphasize the growing importance of promoting healthy lifestyles in a coordinated and integrated manner. It also helps respond to regional, state, and federal initiatives on this topic.

***(New)* OBJECTIVE – LUT 7.32:**

Support healthy lifestyles among residents through increasing opportunities for regular physical activity.

***(New)* Policy LUT 32.1:**

Encourage the development of parks and open space, as well as a network of pedestrian walkways for physical activity in all neighborhoods.

***(New)* Policy LUT 32.2:**

Provide adequate lighting for streets, parks, recreation facilities, sidewalks, and bike paths to promote their use.

***(New)* Policy LUT 32.3:**

Promote access to healthy foods through opportunities such as farmers' markets.



Improving Healthy Food Access

Obesity, a leading public health challenge facing California today, is approaching epidemic proportions. Medical experts agree that obesity increases the risk for a number of health hazards, including heart disease, stroke, type 2 diabetes, and some cancers. The economic impact of obesity in terms of chronic disease risk factors reaches \$21.68 billion a year in California, including \$10.2 billion in medical care, \$11.2 billion in lost employee productivity, and \$338 million in workers' compensation costs, and will be devastating if left unchecked.

The problem of obesity is particularly acute among population groups in low-income, underserved communities that generally have less access to nutritious and healthful foods and fewer opportunities for physical activity. In [our community], the [names of neighborhoods] have only {[#] acres of parks serving [#] people, compared with the communitywide average of [x] acres of parks per [#] people, and far fewer than the goal stated in the open space element of this general plan of [#] acres for every [#] residents.} {[#] full-service grocery stores per square mile, compared to the communitywide average of [x] full-service grocery stores per square mile.} This lack of [open space]/[access to nutritious and healthful foods] poses a significant barrier to the achievement and maintenance of good health for residents of these neighborhoods.

The [city/county] is responsible for protecting the public health, safety, and welfare of its citizens, and has the ability to do so through implementation of land use plans, policies, and programs to meet the needs of its communities. The built environment and land use decisions play an important role in shaping the pattern of community development and in either promoting or discouraging physical activity and nutritious food choices.

GOAL

To improve the infrastructure of our community in order to maximize access to nutritious and healthful foods and opportunities for physical activity for all residents of [city/county].

Policy

To the maximum extent feasible, the [city/county] shall strive through its land use decisions to promote community health, prevent and reduce obesity, and provide access to healthy food and physical activity for all neighborhoods in the [city/county], with particular attention to those that have been identified as lacking in these features.

Policy

Encourage farmers' markets, promote opportunities for physical activity such as walking and biking paths, and encourage patterns of development that promote physical activity and discourage automobile dependency.

Policy

Encourage farmers' markets and patterns of development that provide ready access to healthful and nutritious foods.

Policy

Identify previously overlooked opportunities for the [city/county] to integrate public health concerns into its land use planning and decision making.

Implementation Measure

Planning staff shall review the [city/county] zoning code and shall, within 18 months, provide proposed zoning amendments that will remove barriers to the siting of markets selling healthful food, farmers' markets, and other opportunities for access to nutritious foods.

Implementation Measure

A task force shall be established to determine the feasibility and potential benefits of making vacant [city/county] land available for the establishment of community gardens.

Implementation Measure

The [city council/county board of supervisors] shall begin discussions with the [public transit agency] to determine the feasibility of offering bus service from neighborhoods without access to grocery stores to neighborhoods where they can purchase nutritious foods.

Implementation Measure

Planning [and public health] staff shall conduct meetings, workshops, or public hearings in order to solicit input from interested individuals and organizations on opportunities and recommendations for integrating public health concerns into local land use planning; and

Implementation Measure

City staff shall report back to the [city council/board of supervisors] every two years with recommendations on ways that the [city/county] may amend the [include these as appropriate: general plan, zoning ordinance, municipal code, and/or county code] to address the above-stated public health concerns.

Limiting the Availability of Unhealthy Food

Obesity, a leading public health challenge facing California today, is approaching epidemic proportions. Medical experts agree that obesity increases the risk for a number of health hazards, including heart disease, stroke, type 2 diabetes, and some cancers. The economic impact of obesity in terms of chronic disease risk factors reaches \$21.68 billion a year in California, including \$10.2 billion in medical care, \$11.2 billion in lost employee productivity, and \$338 million in workers' compensation costs, and will be devastating if left unchecked.

The problem of obesity is particularly acute among population groups in low-income, underserved communities that generally have less access to nutritious and healthful foods and may have greater access to foods with high caloric density but less nutritive density, especially “fast foods,” which are defined in our zoning code as {insert your zoning definition here, such as: [“Any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers”]}.

In [our community], the [names of neighborhoods] have [#] fast food restaurants per square mile, compared to the communitywide average of [x] fast food restaurants per square mile. {At the same time, those same neighborhoods have less access to nutritious and healthful foods because there are fewer full-service grocery stores, with [#] full-service grocery stores per square mile, compared to the communitywide average of [x] full-service grocery stores per square mile.}

This lack of access to nutritious and healthful foods and ready access to less nutritious foods poses a significant barrier to the achievement and maintenance of good health for residents of these neighborhoods.

The [city/county] is responsible for protecting the public health, safety, and welfare of its citizens, and has the ability to do so through implementation of land use plans, policies, and programs to meet the needs of its communities. The built environment and land use decisions play an important role in shaping the pattern of community development and in either promoting or discouraging nutritious food choices.

GOAL

To improve the infrastructure of our community in order to maximize access to nutritious and healthful foods for all residents of [city/county].

Policy

To the maximum extent feasible, the [city/county] shall strive through its land use decisions to promote community health, prevent and reduce obesity, and provide access to healthy food for all neighborhoods in the [city/county], with particular

attention to those that have been identified as lacking access to healthy foods or as having high densities of fast foods.

Policy

Encourage farmers' markets and patterns of development that provide ready access to healthful and nutritious foods.

Policy

Identify previously overlooked opportunities for the [city/county] to integrate public health concerns into its land use planning and decision making.

Implementation Measure

Planning staff shall review the [city/county] zoning code and shall, within 18 months, provide proposed zoning amendments that will remove barriers to the siting of markets selling healthful food, farmers' markets, and other opportunities for access to nutritious foods.

Implementation Measure

A task force shall be established to determine the feasibility and potential benefits of making vacant [city/county] land available for the establishment of community gardens.

Implementation Measure

The [city council/county board of supervisors] shall begin discussions with the [public transit agency] to determine the feasibility of offering bus service from neighborhoods without access to grocery stores to neighborhoods where they can purchase nutritious foods.

Implementation Measure

Planning [and public health] staff shall conduct meetings, workshops, or public hearings in order to solicit input from interested individuals and organizations on opportunities and recommendations for integrating public health concerns into local land use planning; and

Implementation Measure

City staff shall report back to the [city council/ board of supervisors] every two years with recommendations on ways that the [city/county] may amend the [include these as appropriate: general plan, zoning ordinance, municipal code, and/or county code] to address the above-stated public health concerns.

Walkability/Bikeability

Many communities have well-developed pedestrian master plans, or pedestrian/bicycle master plans, that have been adopted as part of their general plans. As of this writing, 57 communities have bicycle elements in their general plans.¹ Further, transportation and/or circulation elements are supposed to address these issues, and usually do so (whether cursorily or not depends on the jurisdiction). This toolkit provides links to some good examples; there are many more. Identify a community with a built environment similar to yours (agricultural, suburban, mountainous, oceanside, etc.) and see how adaptable its bicycle or pedestrian master plan or general plan element might be to your community. The connection between health and biking or walking may not, for instance, be clearly stated in these examples, and you may wish to add such language.

Pedestrian Master Plans

City of Oakland

www.oaklandnet.com/government/Pedestrian/index.html

City of Santa Barbara

www.santabarbaraca.gov/NR/rdonlyres/C6DFD91E-3F8F-4876-8D6A-736A9A26923B/0/Chapter_4_Goals_Policies_rev.pdf

Bicycle Master Plans

City of Oakland

www.oaklandpw.com/bicycling/bikeplan.htm

City of Davis

www.ci.davis.ca.us/pw/pdfs/01bikeplan-images.pdf

City of Calabasas

www.cityofcalabasas.com/pdf/agendas/council/2005/04-20-05/item7-bicycle-master-plan.pdf

City of Petaluma

www.cityofpetaluma.net/cdd/pdf/bikeplan.pdf

Pedestrian Level of Service (LOS) Definition

Note that the definition of Pedestrian LOS does not include anything about safety nor mobility (except for the possibility of running into another pedestrian). This is an inherent bias of the LOS that strongly favors automobiles over pedestrians.

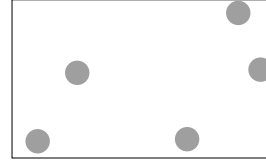
Tip: It is standard – in fact, required – practice to consider vehicular traffic congestion as an environmental impact under the California Environmental Quality Act (CEQA). Traffic is graded based on how congested it is; CEQA calls these grades “levels of service.” The Pedestrian Level of Service described in this chapter is a graphical tool, based on the CEQA concept of levels of service for traffic, that may be useful in thinking about pedestrian needs.

Level of Service A

Average Pedestrian Area Occupancy: 13 sq ft/person or more

Average Inter-Person Spacing: 4 ft or more

Description: Standing and free circulation through the queuing area is possible without disturbing others within the queue.

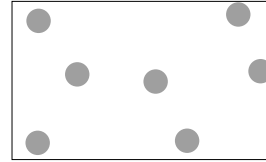


Level of Service B

Average Pedestrian Area Occupancy: 10 to 13 sq ft/person

Average Inter-Person Spacing: 3.5 to 4 ft

Description: Standing and partially restricted circulation to avoid disturbing others within the queue is possible.

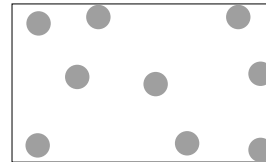


Level of Service C

Average Pedestrian Area Occupancy: 7 to 10 sq ft/person

Average Inter-Person Spacing: 3.0 to 3.5 ft

Description: Standing and restricted circulation through the queuing area by disturbing others within the queue is possible; this density is within the range of personal comfort.

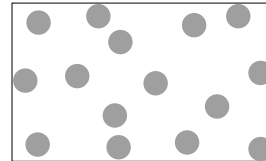


Level of Service D

Average Pedestrian Area Occupancy: 3 to 7 sq ft/person

Average Inter-Person Spacing: 2 to 3 ft

Description: Standing without touching is possible; circulation is severely restricted within the queue, and forward movement is only possible as a group; long term waiting at this density is discomfoting.

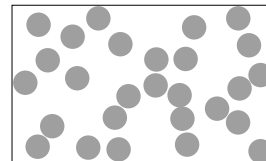


Level of Service E

Average Pedestrian Area Occupancy: 2 to 3 sq ft/person

Average Inter-Person Spacing: 2 ft or less

Description: Standing in physical contact with others is unavoidable; circulation within the queue is not possible; queuing at this density can only be sustained for a short period without serious discomfort.

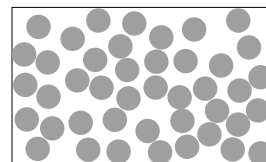


Level of Service F

Average Pedestrian Area Occupancy: 2 sq ft/person or less

Average Inter-Person Spacing: Close contact with persons

Description: Virtually all persons within the queue are standing in direct physical contact with those surrounding them; this density is extremely discomfoting; no movement is possible within the queue; the potential for panic exists in large crowds at this density.



Source: www.walksf.org

Parks/Open Space

As discussed in chapter 7, the state requires that every general plan include an open space element. Many jurisdictions have parks and recreation elements, which may be stand-alone elements or may combine open space with parks and recreation. In some cases, biking and walking may be addressed in the parks and recreation element as well as in the circulation element. However, as with other elements of general plans, it is unusual to see health addressed in the parks and recreation element. To tackle obesity-related concerns that can be addressed through open space and parks and recreation facilities, here are examples of four topics that might be incorporated into these elements:

- ▶ Food Sold in Public Parks
- ▶ Land for Community Gardens
- ▶ Farmers' Markets
- ▶ Improving Quality/Increasing Number of Parks and Other Recreation Facilities

The following model language can be adapted for use to address any or all of these topics.

Model Document

Obesity, a leading public health challenge facing California today, is approaching epidemic proportions. Medical experts agree that obesity increases the risk for a number of health hazards, including heart disease, stroke, type 2 diabetes, and some cancers. The economic impact of obesity in terms of chronic disease risk factors reaches \$21.68 billion a year in California, including \$10.2 billion in medical care, \$11.2 billion in lost employee productivity, and \$338 million in workers' compensation costs, and will be devastating if left unchecked.

The problem of obesity is particularly acute among population groups in low-income, underserved communities that generally have less access to nutritious and healthful foods and fewer opportunities for physical activity. In [our community], the [names of neighborhoods] have only {[#] acres of parks serving [#] people, compared to the communitywide average of [x] acres of parks per [#] people, and far fewer than the goal stated in the open space element of this general plan of [#] acres for every [#] residents.} {[#] full-service grocery stores per square mile, compared to the communitywide average of [x] full-service grocery stores per square mile.} This lack of [open space]/[access to nutritious and healthful foods] poses a significant barrier to the achievement and maintenance of good health for residents of these neighborhoods.

The [city/county] is responsible for protecting the public health, safety, and welfare of its citizens, and has the ability to do so through implementation of land use plans, policies, and programs to meet the needs of its communities. The built

environment and land use decisions play an important role in shaping the pattern of community development and in either promoting or discouraging physical activity and nutritious food choices. Our parks and open space can be managed to promote better health for our citizenry.

GOAL

To continue development of a [city/county] park system to meet our standard of [x] acres of parks per [#] people.

Policy (Park Access)

The [city/county] shall identify areas of the [city/county] where residents live more than [# mile(s)] from a public park, and shall seek to identify acquirable parcels of land that could be developed into parks that serve those underserved areas.

Policy (Park Access)

The [department of recreation and parks] shall research, develop, and implement a system for monitoring the conditions and safety of each park, and shall use this data to develop a parks management plan. The [department of recreation and parks] shall report annually to the [city council/county board of supervisors] on the state of the [city/county] parks. In particular, it is the policy of this [city/county] to direct resources to underutilized parks to address barriers to their usage, such as perceived safety concerns and lack of maintenance. As necessary, the [department of recreation and parks] shall coordinate with the [police department/sheriff's department] and/or the [department of public works] to address safety issues that reduce usability.

Policy (Farmers' Markets)

Encourage farmers' markets in public parks, plazas, and other appropriate locations. Review the [city/county] zoning code and make any amendments necessary to allow licensed farmers' markets as of right in these locations.

Policy (Farmers' Markets)

Encourage farmers' markets and patterns of development that provide ready access to healthful and nutritious foods.

Implementation Measure

Planning staff shall review the [city/county] zoning code and shall, within 18 months, provide proposed zoning amendments that will remove barriers to the siting of markets selling healthful food, farmers' markets, and other opportunities for access to nutritious foods.

Policy (Community Gardens)

The [city/county] shall explore the use of vacant land as community gardens in order to increase access to healthy food and to provide opportunities for exercise through gardening.

Implementation Measure

A task force shall be established to determine the feasibility and potential benefits of making vacant [city/county] land available for the establishment of community gardens.

Implementation Measure

[City/county] staff shall report back to the [city council/board of supervisors] every two years with recommendations on ways that the [city/county] may amend the [include these as appropriate: general plan, zoning ordinance, municipal code, and/or county code] to address the above-stated public health concerns.

Policy (Food Sold in Public Parks)

The [city/county] shall promote the consumption of healthful foods by requiring healthful foods to be sold at concessions in public buildings and parks.

Implementation Measure

The [city/county] [department of recreation and parks] shall work with the [city/county] [department of public health] to develop nutritional standards that shall be integrated into requests for proposals that are issued for the provision of food to be sold at concessions in public buildings and parks.

Implementation Measure

The [city/county] [department of recreation and parks] shall adopt minimum nutritional standards for foods to be sold at concessions in public buildings and parks.

Public Transportation

Public transportation is addressed in the circulation or transportation elements of general plans. As with other topics discussed here, however, the links between transit and access to healthy food and opportunities for physical activity are unlikely to be addressed.

Because lower-income people often rely more heavily upon public transportation than do individuals with greater economic means, there can be a strong correlation between the adequacy of a transit system and access to food in lower-income neighborhoods. This is especially true in neighborhoods that lack grocery stores, where households may rely on transit to shop for food. In fact, it may be easier to ensure adequate transit access to existing grocery stores than to induce a grocery provider to locate a store in an underserved neighborhood.

Model Document

Policy

Encourage farmers' markets and patterns of development that provide ready access to healthful and nutritious foods.

Policy

Identify previously overlooked opportunities for the [city/county] to integrate public health concerns into its land use planning and decision making.

Implementation Measure

Planning staff shall review the [city/county] zoning code and shall, within 18 months, provide proposed zoning amendments that will remove barriers to the siting of markets selling healthful food, farmers' markets, and other opportunities for access to nutritious foods.

Implementation Measure

A task force shall be established to determine the feasibility and potential benefits of making vacant [city/county] land available for the establishment of community gardens.

Implementation Measure

The [city council/county board of supervisors] shall begin discussions with the [public transit agency] to determine the feasibility of offering bus service from neighborhoods without access to grocery stores to neighborhoods where they can purchase nutritious foods.

¹ Governor's Office of Planning & Research, PLANNERS BOOK OF LISTS, at 63.

12 Examples from Other Jurisdictions: What Has Worked

There is a lengthy public process (see chapter 9) that must be undergone before language, such as the examples given in chapter 11, is adopted. What follows are case studies from jurisdictions that have worked on general plan revisions.

The City of Benicia

In Benicia, a comprehensive general plan update was embarked upon after a resolution mandating that it be undertaken. Members of the city council each appointed three members of a newly formed general plan update committee. The appointees were a diverse group, and included individuals with backgrounds in planning as well as health services. The individual with a health services background was able to connect the committee with the county health department.

The resolution that started the general plan update process required public outreach, and further required that the update process be driven by the public – that is, the public would guide and define the update process. The committee – against the advice of a consultant retained to work on the general plan amendment – decided that it would make decisions by consensus, and work closely with the public.

Spearheaded by the member who worked in health services and a member with a planning degree and a long-standing interest in sustainable development, the committee developed the healthy community language itself and adopted it by consensus. The language recommended by the committee was altered somewhat before the general plan update was adopted; there is some feeling that what was adopted was not as strong as the language developed by the committee. Nonetheless, Benicia can point to some tangible results that are based on the priorities outlined in the new general plan, including:

- ▶ The establishment of a youth task force



- ▶ A recognition of the need for diverse activities for youth, not just sports
- ▶ The development of an intergenerational community garden
- ▶ A strong focus on walkability (even real estate agents are highlighting walkability in their sales pitches)

At least one member of the committee became so engaged in the community's decision-making process that she ran for (and was elected to) the city council, where she continues to advocate for healthy community improvements such as traffic calming strategies.

The City of Chino

The city of Chino is currently undergoing a general plan update (scheduled to be completed in 2008), which will include a separate element specifically addressing public health. This is a pioneering approach among communities that are pursuing public health through the framework of their general plan.

The Healthy Chino Coalition (HCC) has been active in getting a “Healthy Chino” element into the general plan update policy agenda. The coalition – a group of community leaders, schools, businesses, churches, service organizations, and concerned individuals¹ – also includes staff of the city’s community services department, creating a pathway of information and expertise between coalition and city activities.

It was at one of HCC’s meetings that the deputy director of community services came up with the idea to become involved in the general plan update. She knew that the general plan was going to be updated, and thought it would be a good way to ensure that community health issues related to the built environment “would have a place for years to come,” she says.²

At the time, HCC did not know of any other jurisdiction that was developing a health element for a general plan, as opposed to placing health language within existing elements. But HCC members felt that a separate element, supported by its own policies and programs, would enhance the visibility of public health issues. Like all general plan elements, a public health element would be subject to consistency requirements with the rest of the general plan and would require consistency with the city’s zoning regulations.

From there, HCC members discussed the idea of a Healthy Chino element with community development staff and with the city’s executive management team. The idea was well received by the community development department, including its long-range planners, who saw policies that could promote healthy communities through improvements to the built environment as well connected to planning concepts they were already familiar with, such as *new urbanism* design guidelines that promote walkable, bikeable neighborhoods with a mix of available housing types.³

Based on this input from the HCC, the initial budget for the general plan update (put together by the community development department) designated funding for the creation of a Healthy Chino element, including the services of an outside consultant, Lawrence Frank & Company. The city provided the consultant with local health statistics from the San Bernardino



Photo courtesy of Healthy Chino

A city-supported community garden in downtown Chino

County Department of Public Health. HCC shared information with the consultant about the coalition's work, including information about the types of programs HCC and the city provide to community members.⁴

Although the Healthy Chino element is still in being developed, the city has established content guidelines, indicating that it will include goals and policies that ensure that Chino residents live in a safe and healthy environment, and that topics to be addressed include physical activity, nutrition, walkability, public safety, and civic participation.⁵

The community development department staff plans to lead a community preference exercise around health and the built environment to inform the development of the Healthy Chino element. The department revised its original strategy for public participation after a community workshop with the outside consultant failed to attract a high level of participation. The department now plans to reach out to existing community groups and attend their events as way to build more community participation into the planning process.

Because of HCC's work in developing a relationship between public health advocates and planners, a general plan element devoted entirely to public health was initiated for the first time in California. By creating a positive dialogue between the city and a broad range of community stakeholders, and by building these priorities into the general plan budget process, HCC has been able to effectively bring its goal of raising the profile of local community health issues into Chino's built environment policy agenda.

For more information about Chino's general plan update, including an existing conditions report on public health, see www.cityofchino.org/depts/cd/general_plan.



Photo courtesy of Healthy Chino

The farmers' market in Chino

1 The Healthy Chino Coalition, available at www.healthychino.com/index.php (last visited 7/26/06).

2 Interview with Linda Reich, Community Services Manager of the City of Chino, 8/11/2006.

3 Interview with Linda Reich, 6/21/06.

4 *Id.*

5 "What is a General Plan?" City of Chino, available at www.cityofchino.org/depts/cd/general_plan/default.asp (last visited 8/1/06).

The City of Chula Vista

Chula Vista, a fast-growing city in San Diego County seven miles north of the U.S. border, used a recent general plan update as an opportunity to promote community health. By reaching out directly to policymakers and city staff with concrete and innovative proposals, a local health coalition was able to help the city incorporate specific policies supporting healthier lifestyles into its new general plan.

The South Bay Partnership – a coalition funded through The California Endowment’s Healthy Eating, Active Communities (HEAC) Initiative and the Kaiser Permanente Foundation¹ – works with the local school district and the county health department to improve food and physical activity environments in western Chula Vista. One of the coalition’s goals was to have health language included in the city’s general plan.

The director of the South Bay Partnership – who understood the important role that land use decisions play in creating opportunities for healthy choices – read through early general plan draft documents and found several gaps, including limited attention to developing farmers’ markets, improving amenities in parks and open space, and addressing health disparities. Using resources from the Strategic Alliance for Healthy Food and Activity Environments,² the South Bay Partnership sent letters to each city councilmember and the project manager of the general plan update, suggesting specific policy language for the plan. The coalition collaborated with a well-established national organization, the Environmental Health Coalition, to follow each of these letters with face-to-face meetings.³

After the initial letter campaign and meetings, the Mayor’s Office asked the director of the South Bay Partnership to attend a controversial city council meeting discussing the draft general plan update. Some residents were concerned about proposals to increase density, including the possibility of high-rise buildings coming to Chula Vista. The coalition director’s testimony at the meeting focused on the policy changes that Chula Vista could make in the general plan around health and the built environment, and highlighted the positive elements of the plan.

The South Bay Partnership sent a second round of letters after this meeting to all councilmembers, inviting them to discuss the issues influencing the city’s food and physical activity environments.



A presentation reinforces the need for walkable streets in Chula Vista.

The groundswell of community interest in healthy planning prompted Chula Vista’s assistant city manager to ask the coalition members to work directly with city staff through a newly formed Healthy Community Task Force, a “collaborative governance structure” endorsed by the Chula Vista City Council. The task force – which includes city departments such as Community Development, Planning and Building, Communications, Redevelopment, Traffic Engineering, Parks and Recreation, and the Office of the City Manager – was created to provide a forum to discuss future policy issues related to the role of the built environment in preventing childhood obesity.^{4,5,6}



Photo courtesy of WalkSanDiego

Chula Vista residents take to the streets to promote a pedestrian-friendly community.

The task force’s initial policy recommendations have included restricting the density of fast food outlets around schools, developing Safe Routes to School,⁷ improving lighting and walking amenities, and orienting retail and other development toward the street to create a safer community with “eyes on the street.” These policy suggestions are not just about creating neighborhoods where walking and biking are safe and easy – they emphasize development that fosters community, creating identifiable neighborhoods and gathering places.

Now completed, Chula Vista’s general plan update includes policies that:

- ▶ Encourage the development of parks and open space, as well as other opportunities for physical activity within neighborhoods
- ▶ Provide adequate lighting for streets, parks, recreation facilities, sidewalks, and bike paths
- ▶ Promote access to healthy foods through opportunities such as farmers’ markets⁸

While these particular policies are contained in the general plan’s Land Use and Transportation element, the plan acknowledges that many other components within it intersect with health, including policies for clean air and water, sustainable development, and the joint use of park and school facilities.

Chula Vista is also completing an “Urban Core Specific Plan,” tailoring zoning and design guidelines to its older, central neighborhoods. (Specific plans are often used to customize land use regulations to the urban form and uses of a specific area of the city, such as a central business district, a neighborhood retail corridor, or a historic district.) This plan may incorporate some of the Partnership’s original general plan policy recommendations that planning staff felt would be more effective as a component of a zoning ordinance. A zoning ordinance, for example, can include street “cross sections” that show

the relationship of pedestrians and bicycles to automobiles, and specify street and sidewalk widths, medians, and tree plantings. Representatives of the South Bay Partnership and *WalkSanDiego*, a pedestrian advocacy organization that promotes walkability in land use planning in the San Diego area,⁹ have been partnering with Chula Vista to incorporate walk- and bike-friendly design into the Urban Core Specific Plan.

The director of the South Bay Partnership says that by reaching out directly to land use decision-makers and proposing specific policy solutions, he was able to accomplish more in 30 minutes than he had previously been able to do over six months. “Policymakers don’t know about these strategies, about looking upstream and focusing on community-based health,” he says. “They value our input.”¹⁰

To read the public health language of Chula Vista’s general plan in its entirety, see the Land Use and Transportation Element (Chapter 5) at www.chulavista.gov/City_Services/Development_Services/Planning_Building/General_Plan/documents.asp.

- 1 Chula Vista Community Collaborative, “The South Bay Partnership for the Public’s Health,” available at www.chulavistacc.org, under Collaborative Programs (last visited 12/29/2006).
- 2 The Strategic Alliance for Healthy Food and Activity Environments, available at www.eatbettermovemore.org (last visited 12/29/2006).
- 3 Interview with Dana Richardson, Director of Government Relations, Paradise Valley Hospital, 11/21/2006.
- 4 Healthy Eating, Active Communities, “Grantee Showcase Profiles: Chula Vista, San Diego County,” available at http://healthyeatingactivecommunities.org/grantee_showcase1_2.php (last visited 12/29/06).
- 5 Interview with Ed Batchelder, Advance Planning Manager City of Chula Vista, 9/21/2006.
- 6 Interview with Dana Richardson, 11/21/2006.
- 7 For more information on Safe Routes to School, see www.saferoutesinfo.org (last visited 11/07/2006).
- 8 Chula Vista Vision 2020, “Land Use and Transportation Element, Chapter 5,” Objective – LUT 34. Available at www.ci.chula-vista.ca.us/city_services/Development_Services/Planning_Building/General_Plan/documents/05_LUT_S5to7_000.pdf.
- 9 *WalkSanDiego*, available at www.walksandiego.org (last visited 12/29/06).
- 10 Interview with Dana Richardson, 11/21/2006.

Marin County

Marin County established *health* as a central goal for its development by embedding public health into one of the 12 guiding principles of the county's general plan:

Support public health, safety and social justice. We will live in healthy, safe communities and provide equal access to amenities and services. We will particularly protect and nurture our children, our elders, and the more vulnerable members of our community.¹

Marin County chose to address public health as part of the Socioeconomic Element within its general plan. While this element is not one of the seven mandated by California state law, public input sought prior to initiating the general plan update indicated that community members wanted to see socioeconomic issues addressed, and funds for this topic were included in the update budget. (Opportunities to provide community input even prior to the beginnings of a general plan update, often through public “scoping meetings,” can help public health advocates get specific policy issues on the planning agenda and in the budget, and build a dialogue with planning and community development departments.)

The Socioeconomic Element of Marin's general plan includes such topics as the economy, community participation, environmental justice, and arts and culture, as well as public health. It provides development guidelines intended to enhance quality of life for everyone in the county, seeking to “improve conditions for disadvantaged and underrepresented groups, bolster a strong and diverse economy, and engender fair and just social relationships within the Marin community.”²

The Public Health section addresses a number of community health issues that have implications on the built environment, such as tobacco use and alcohol dependency, access to adequate health care, and access to care by vulnerable populations such as seniors and residents of affordable housing. It also addresses nutrition and diet-related diseases through the following goal, with respective policies and implementing programs:

Reduced rates of obesity, eating disorders, and chronic disease such as heart disease and breast cancer. Improve individual and community health through prevention, screening, education, and treatment strategies regarding nutrition and physical activity–related health issues.³

Laying the Groundwork

Even before the process of updating the general plan was under way, the county had begun to lay the groundwork for incorporating public health goals into its regional planning processes. State legislation passed in 1994

required that private nonprofit hospitals complete a community needs assessment every three years to guide community planning, and a coalition called the Healthy Marin Partnership – which included the Marin County Department of Health and Human Services (DHHS) as well as hospitals, faith communities, the superintendent of schools, and the Marin Community Foundation – was formed in response to this legislation.

Community health surveys subsequently administered by the Healthy Marin Partnership revealed five major issues affecting public health in Marin County: tobacco use, alcohol use, nutrition, physical activity, and safe sex. Results of the 2005 survey were expanded into a plan, entitled *Pathways to Progress: Laying the Foundations for a Healthier Marin*, which focused on improving community health outcomes in these five areas.

Data mining undertaken through the process of developing *Pathways to Progress*, as well as the emergence of a new national attention on the obesity epidemic, made evident many public health problems that intersect with land use and the built environment.⁴ There was clear synergy between the community health needs highlighted in *Pathways to Progress* (and its focus on evidence-based practice and ongoing monitoring) and the anticipated general plan update.

However, when the general plan update process began, it was the county’s director of community development who initially approached the health department director with the idea of including public health. While DHHS director Larry Meredith was interested in the connections between public health and the built environment, he says, “I didn’t really understand what the plan was until I got more involved with the community development folks.”

Initially, the community development department wrote the public health language for the general plan and gave it to DHHS to review. As they became more involved in the policy language development, DHHS ended up deciding to do a comprehensive rewrite, in part because community development staff didn’t have the public health expertise to really flesh it out. “They were extremely naïve about what kind of input the public health people would have until they saw it,” says Meredith, “because of their orientation toward clinics and hospitals.”

Dawn Weisz, a sustainability planner with Marin County, echoes the importance of having the public health department commit to crafting the language. “If you can’t put the time into it, it won’t be as good,” she says. “We aren’t experts in public health.”

Sharing Knowledge and Resources

Throughout the process, DHHS referred relevant informational materials, such as journal articles and news clips, to community development staff to help



Photo courtesy of Marin County DHHS

Marin County DHHS
director Larry Meredith

increase their understanding of public health and its relationship to the built environment. Meredith attended community meetings for draft countywide plan reviews, where public health data was presented through maps, GIS, and other material – participation that was as much to demonstrate DHHS’ commitment to the planning process as it was to educate the public. DHHS also participated in the development of the general plan’s public health targets and indicators by drawing from its existing community health data, and continues to serve as an active partner in the plan’s implementation steps.

The process of incorporating public health into Marin County’s general plan has not only strengthened the connection between the built environment and health within the general plan, it has also increased the partnership between the public health and planning departments. Community development staff can now link the land use plan to community health by using public health arguments for building good communities: locating jobs and housing near transit, for instance, and building more parks and increasing opportunities to buy local food.

The public health component of Marin County’s general plan is testament to the value of a good working relationship between public health and planning departments, as well as the capacity of public health staff to bring a large body of community health knowledge and expertise to the process. As Marin County moves from policy development to implementation, this working relationship – and how it becomes institutionalized – will become even more critical in pursuing development and planning decisions that improve community health.

To read the public health language of Marin County’s general plan in its entirety, see the Socioeconomic Element (Section 4.11) at www.co.marin.ca.us/depts/CD/main/fm/socio.cfm.

1 Marin Countywide Plan Revised Public Preview Draft, “Introduction,” at 1-6, available at www.co.marin.ca.us/depts/cd/main/fm/TOC.cfm (last visited 7/25/06).

2 *Id.* “Socioeconomic Element,” at 4-2.

3 *Id.* These policies, programs, and goals are set forth in the Public Health section of the Socioeconomic Element of the Marin Countywide Plan Revised Public Preview Draft: Goal PH-1 to PH-4.

4 Interview with Larry Meredith, Director of the Marin County Department Health and Human Services, 6/20/06.

The City of Watsonville

When the city of Watsonville – home to an active movement focused on health and childhood obesity prevention – recently underwent a general plan update, health-related policies were incorporated throughout the plan.

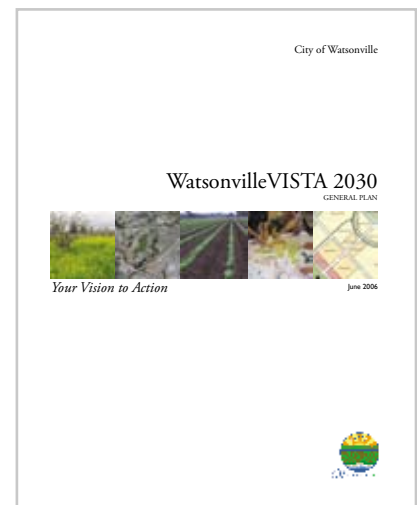
The effort grew out of a health collaboration on two fronts: the Santa Cruz County Go for Health! collaborative (a group of organizations convened by the United Way to address childhood obesity in the county), and the regional California Nutrition Network’s Nutrition and Fitness Collaborative of the Central Coast.

The original impetus to get involved in the general plan update came out of a discussion among these collaboratives’ members about effecting municipal policy to increase physical activity and access to healthy foods. A consultant from the California Nutrition Network (now Network for a Healthy California) conducted a walkability study, which became one of the group’s first tools in such an effort: the study provided the group with data indicating that people didn’t feel comfortable walking in the neighborhoods due to broken sidewalks and other neighborhood hazards.

The Nutrition and Fitness Collaborative presented the results of the walkability study, along with general health recommendations, at a city council meeting as well as an early-stage meeting of a committee established to review recommendations for the general plan update. However, the group didn’t have a specific “ask,” and its recommendations were framed as informational. While the city council was interested in health issues, especially as they pertained to quality of life in Watsonville, the collaborative didn’t feel that its message particularly resonated with the general plan committee.

After this initial foray into the municipal policymaking arena, the Nutrition and Fitness Collaborative went through a strategic planning process to identify key work areas. Members realized that keeping up with planning processes throughout the tri-county area (Santa Cruz, San Benito, and Monterey, with a total of 12 cities) could consume a lot of time and resources. The collaborative wasn’t sure which cities would be working on their general plans, and the participant organizations within the collaborative were already stretched thin. The idea of monitoring committee meetings and the labor involved with participating in planning processes across many jurisdictions was daunting.

The Santa Cruz County Go for Health! and Nutrition and Fitness collaboratives decided to pool resources and form a municipal policy committee. One member organization, the Watsonville Food Bank, hired a full-time intern through the AmeriCorps program to research what general plan updates



Watsonville's general plan now includes a variety of health-related policies.

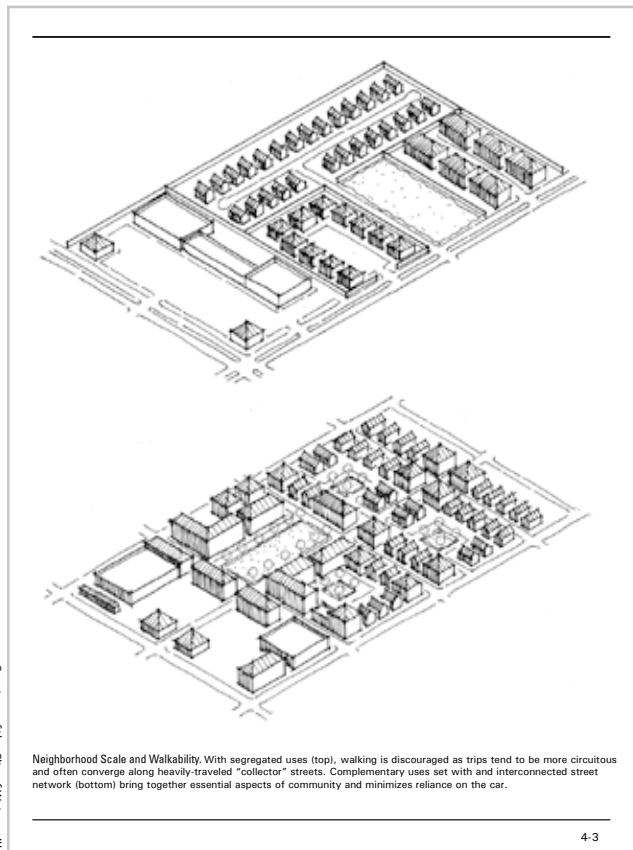
Courtesy of the City of Watsonville

were occurring in the Central Coast, and found that the Watsonville general plan update was nearing completion.

While the Nutrition and Fitness Collaborative had already presented informational material to the city council a year earlier, it was clear that specific policy recommendations were needed. The policy committee intern was able to read through the entire draft of the general plan and come up with specific policy recommendations from an obesity prevention perspective, using the statewide “Communities of Excellence in Nutrition, Physical Activity, and Obesity Prevention” community planning framework.

Members of the municipal policy committee then met with Watsonville’s director of community development and principal planner to discuss the proposed policy changes. Although the committee’s additional input came at the eleventh hour in the general plan update process, the planning staff took the recommendations – due both to the strength of the collaboratives (which represented approximately 100 health-related organizations) and the specificity of the policy recommendations, which included appropriate locations for the language within the general plan’s existing elements.

By encouraging walkable mixed-use neighborhoods, Watsonville’s general plan supports healthier communities.



Watsonville’s general plan now includes policies to promote healthy food retail in neighborhoods, provide adequate transit services to vital community services like grocery stores, encourage the development of community gardens and farmers’ markets, and facilitate collaboration between the city and community-based groups interested in promoting healthy food choices.

Building on its success in Watsonville, the municipal policy committee hosted a regional planning summit instead of trying to reach out to the other tri-county jurisdictions individually. The committee invited planning officials and elected officials, along with experts in land use, planning, and public health. This forum provided a productive way for the collaboratives to educate policymakers on key issues in public health and the built environment, and to network across the region.

Like most land use planning processes, the Watsonville general plan update was not without tensions. Decisions about how and where growth should occur, protecting open space and agricultural resources, and making

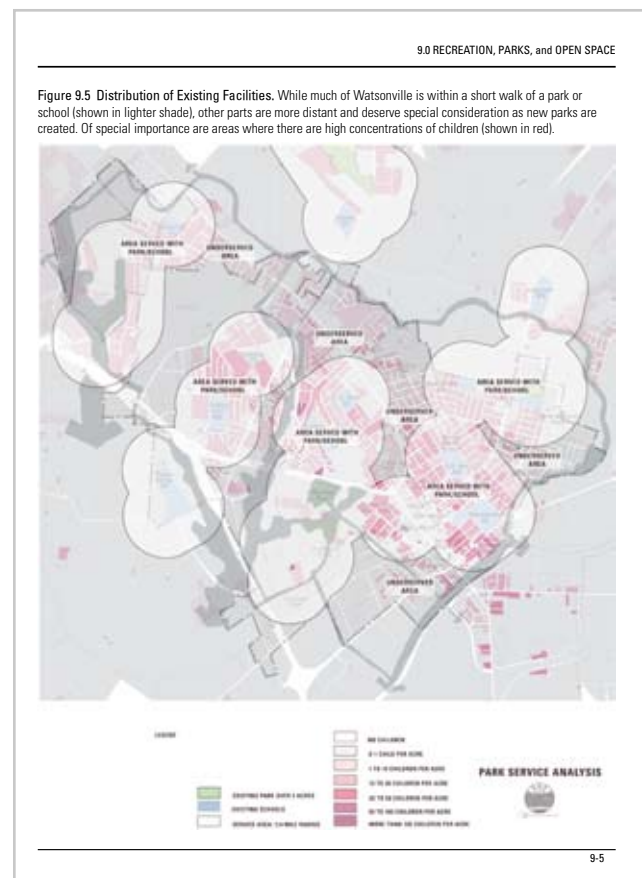
public investments can create controversy and major political battles. By not aligning themselves with other issues and by framing the focus of their participation purely on public health, the municipal policy committee and the collaboratives were able to maintain a neutral political position.

Participating in Watsonville’s general plan process has already helped the Santa Cruz County Go for Health! collaborative further another initiative: making city land available for community food security projects. The city’s community development director was able to share information with the collaborative about vacant land that could be used for community gardening and the appropriate councilmember to talk to about it.

Despite initial apprehension, one member of the municipal policy committee – who is also the education and outreach director of the Second Harvest Food Bank – is excited about the possibility that municipal policy change could result in improved community environments and improved health. The general plan process “seemed too wonky and kind of boring,” he says, “but it ended up being really exciting. My worry is that there is not enough funding to do this kind of work, and it is very time consuming.”¹

Funding and time constraints are certainly two challenges faced by many organizations working on policy change, whether within public agencies or in community-based groups. Searching for creative ways to commit time and resources, such as creating collaborations between groups and maximizing the impact of limited resources, can help overcome some of these constraints.

To read the public health language of Watsonville’s general plan in its entirety, see www.ci.watsonville.ca.us/departments/cdd/general_plan%5Cwatsonvillevista.html (Chapter 3: Land Use Element, Chapter 6: Transportation and Circulation Element, and Chapter 10: A Diverse Population).



Watsonville’s general plan promotes park development for increased physical activity.

¹ Interview with Lee Mercer, Director of Education and Outreach, Second Harvest Food Bank of Santa Cruz and San Benito counties, 9/20/2006.

13 What Is Zoning?

Simply stated, zoning divides a community into districts, and determines what can and cannot be built on the parcels of land within those districts. Zoning regulations typically address two issues contained within the question of “what” can be built: (1) the height, bulk, and sometimes design of buildings (i.e., how big they are and how they look), and (2) to what use the buildings may be put (i.e., what activities can take place).

How Did We Get Here? A Brief History of Zoning

Zoning’s roots are European, but the history of zoning in America is widely considered to date back to 1916, when New York City adopted the nation’s first comprehensive zoning ordinance.¹ Enacted in response to the construction of the 42-story Equitable Building in lower Manhattan, New York’s 1916 Zoning Resolution established height and setback controls on buildings as well as separating incompatible uses.²

Prior to the New York zoning law, many jurisdictions had restricted the locations of noxious uses (such as slaughterhouses and brick making facilities) and socially unacceptable activities (such as prostitution),³ but no other city had enacted a comprehensive zoning ordinance that addressed building height and bulk as well as use. Many other American cities followed New York’s lead. As a template, these cities often used two pieces of model legislation that the federal government produced: the Standard State Zoning Enabling Act (SZEA) in 1922 and the Standard City Planning Enabling Act (SPEA) in 1928.⁴ SZEA endorsed the idea of dividing a jurisdiction up into zones, with uniform regulations for each zone: single-family homes here, commercial uses there, and so on.



Supporters of zoning believed that:

- ▶ Segregation of uses would improve the quality of the urban environment
- ▶ Zoning maps would provide a vehicle for intelligent, comprehensive decision making to which the market would conform
- ▶ Once zoning was in place, government would rarely change the rules
- ▶ Nonconforming uses would go away
- ▶ Municipal governmental power would be sufficient to accomplish these goals⁵

The courts first became involved in zoning in a significant way a decade after New York's Zoning Resolution, when the U.S. Supreme Court upheld the constitutionality of zoning in *Village of Euclid v. Ambler Realty Company*.⁶ In *Euclid*, the village had adopted a comprehensive zoning ordinance in 1922. Ambler Realty owned 68 acres of land in Euclid, including some that was restricted under the zoning ordinance to single-family and duplex housing. Ambler sued the village because the restrictions on what they could build on their land reduced its value. The court decided that the zoning ordinance was legal, a legitimate exercise of Euclid's authority under the police power.

"Euclidian" zoning creates separate areas for separate uses. Single-family homes are built in one area, apartment buildings in another, commercial businesses in another, and industrial uses somewhere else. There are two variants on the Euclidian concept: exclusive zoning and cumulative zoning. In the former, each type of use is strictly segregated – commercial and residential never exist in the same zone. Cumulative zoning creates a sort of hierarchy or pyramid, with single-family homes at the top and industrial uses at the bottom. In a cumulative zoning system, one zone allows only single-family homes. The next zone allows multi-family and single family homes. The next type of zone allows commercial use and the two previously allowed uses. The most intensive use allows industrial use as well as all of the other uses.

Living today in communities that were largely designed after the *Euclid* decision, it can be difficult to comprehend how big a difference this has made in the way communities are developed. Previous to New York and to *Euclid*, the zoning ordinances that did exist generally kept the most toxic uses of land away from places where people lived. Aside from those restrictions, adjacent uses were a rich mix of single- and multi-family housing and businesses. This mixing of uses allowed people to walk to shopping, to their schools, to places of worship, and to work. Newer communities, with zoning

regulations that don't allow these uses to exist near each other, tend to encourage sprawl and actively disallow community design that supports an active, healthy lifestyle.

California Zoning History

California's history of zoning dates back to 1863, when a state law was passed authorizing San Francisco "to make all regulations which may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases."⁷ In 1866 San Francisco used this authority to ban slaughterhouses from a large section of the city.⁸ In a subsequent lawsuit brought by an affected property owner, the state supreme court recognized that San Francisco's exercise of the police power to restrict land use was appropriate, stating that "[property ownership] does not deprive the Legislature of the power of... regulating the conduct and relations of the members of society in respect to property rights."⁹

San Francisco's early restriction on slaughterhouses is a good example of how local governments began to use zoning to create physical separation from and isolation of such dangerous, odoriferous, or unsightly industries as tar boiling, soap making, fat rendering, and slaughtering. Such restrictions were viewed as a reasonable governmental response to the objectionable or unhealthful imposition of one otherwise legal activity upon another. In other words, both the residences and these businesses had their right to exist, but not necessarily in close proximity to one another.

In 1909 Los Angeles instituted the first major American land use controls that influenced vast areas of undeveloped land, not just land that was already under use. Los Angeles divided the city into a single residential zone and seven industrial districts¹⁰ of varying types (e.g., "light," "heavy," "warehousing").¹¹

The state of California began enacting zoning laws during the 1910s, a period of progressive reform in California. (Planning laws, which created general plans, did not appear until 1927.) The state planning and zoning laws were consolidated in the early 1950s and extensively reorganized in the early 1960s.¹² Today, every city in California has a zoning ordinance on the books.¹³

Differences between Charter and General Law Jurisdictions

The California legislature has given cities maximum control over zoning matters.¹⁴ Because of this, most zoning ordinances, regulations, and practices are developed and administered by the government of the locality. However, the state of California has incorporated zoning law into its codes (see Gov't. Code §65800 et seq.). The state zoning code applies to all counties – remember, counties are extensions of the state – and to all general law cities. The

state zoning law does not apply to charter cities, however, except to the extent that a city adopts the state law by ordinance or charter.¹⁵

The state zoning code does not address many aspects of zoning. For example, it does not define a commercial district or set a maximum height limit for buildings; these issues are determined locally and reflected in the local zoning code. Therefore, regardless of whether the jurisdiction with which you are working is a general law or charter jurisdiction, there will be a local zoning code.

In summary: the state zoning law applies to all general law jurisdictions (all counties as well as general law cities); these jurisdictions also have local zoning codes. Charter cities have their own zoning codes and may choose to adopt the state code as well.

Legal Requirements for Zoning

There are several criteria for a valid zoning ordinance. They include:

- ▶ The ordinance must be reasonably related to the public welfare
- ▶ The ordinance must be consistent with the general plan
- ▶ The standards set out in the ordinance must be clear; they cannot be vague

Reasonably Related to the Public Welfare

While zoning ordinances must be reasonably related to the public welfare,¹⁶ the definition of *reasonably related* is quite broad. Even intangibles, such as neighborhood character, have been found by the courts to be reasonably related to the public welfare. For example, a zoning amendment to allow greater access to fresh foods by giving preferential treatment to supermarkets could be seen as reasonably related to the public welfare.

The courts have also decided that *public welfare* may expand to include the welfare of those outside the jurisdiction to which the law applies, to include as much of the region as might be affected.¹⁷ In other words, a decision made in one jurisdiction may affect people in another jurisdiction, and so the first jurisdiction may need to consider the impact on the second – and the second jurisdiction may need to take into account changes in the first jurisdiction when decisions are made. For this reason, it may be worthwhile to think regionally when working to improve food access. For example, if town A was considering amending its zoning to allow a farmers' market in a location that provided fresh food access to a lower-income neighborhood in adjacent town B, it is appropriate for town A to consider that in making a decision about whether or not to amend its zoning code.



Photo by Karen Parry/Black Graphics

Consistent with the General Plan

See chapter 8 for a discussion about the need for a jurisdiction's zoning code to be consistent with the general plan.

Clear, Not Vague

The vagueness issue is slippery. The courts have said that a land use ordinance, including a zoning ordinance, cannot be so vague or uncertain that a person of common intelligence and understanding must guess as to its meaning.¹⁸ However, the courts have also stated that a substantial amount of vagueness is permitted in land use ordinances.¹⁹ How vague is too vague? This question is often only answered through litigation.

1 New York City Zoning History, New York City Department of City Planning, www.nyc.gov/html/dcp/html/zone/zonehis.shtml.

2 There are U.S. jurisdictions that passed zoning ordinances earlier than New York's 1916 Zoning Resolution, but in general early land use zoning laws dealt with few uses, usually limited to those uses that were either noxious or socially unacceptable.

3 One of the earliest land use control cases upon which the U.S. Supreme Court ruled was *L'Hote v. New Orleans* 177 U.S. 587 (1900), in which residents contested the expansion of a "zone" in which houses of prostitution were permitted into a nearby residential neighborhood. The residents who filed the suit considered the prostitutes to be socially undesirable neighbors, if not threats to the public health. The Court supported the ordinance.

4 William Fulton, GUIDE TO CALIFORNIA PLANNING, at 52.

5 *Ibid* at 53, quoting Ira Michael Heyman.

6 272 U.S. 365 (1926).

7 California Legislative Acts 1863 at 540.

8 *Ex Parte Shrader* 33 Cal. 279, 282 (1867).

9 *Id.* at 281, 282.

10 www.environmentaldefense.org/article.cfm?ContentID=2816.

11 www.plannersweb.com/articles/gero65.html.

12 www.lhclearinghouse.com/codehistory.htm.

13 CURTIN'S CALIFORNIA LAND USE AND PLANNING LAW, Daniel J. Curtin, Jr., & Cecily T. Talbert, 25th edition (Solano Press Books 2005) at 43.

14 *Beck Development Co. v. Southern Pacific Transportation Co.* (1996), 44 Cal. App. 4th 1160, 1196.

15 There are a few exceptions to this, where the state code expressly applies to charter as well as to general law cities. Most of these exceptions are either procedural (such as imposing minimum standards for hearings) or relate to affordable housing.

16 Curtin at 43. *See also* *Arnel Dev. Co. v. City of Costa Mesa*, 126 Cal. App. 3d at 336; *Associated Home Builders v. City of Livermore*, 18 Cal. 3d 582, 601; *City of Del Mar v. City of San Diego*, 133 Cal. App. 3d 401, 409 (1982).

17 In *Associated Home Builders v. City of Livermore*, 18 Cal.3d 582, 608-609, the California Supreme Court set forth a three-part test for applying this concept: The first step is to forecast the probable effect and duration of the restriction imposed by the zoning ordinance. The second step is to identify competing interests that are affected by the restriction imposed by the zoning ordinance. The third and final step is to determine whether the ordinance, in light of its probable impact, represents a reasonable accommodation of the competing interests.

18 Curtin at 47. *See also* *People v. Gates*, 41 Cal. App. 3d 590, 601-02 (1974), and *Associated Home Builders*, *Supra* at 596. However, you will probably find that many of the zoning ordinances you read are not immediately clear or easy to understand, even if they are not vague or uncertain.

19 Fulton at 47. *See also* *Novi v. City of Pacifica*, 169 Cal. App. 3d 678 (1985).

14 What Does Zoning Address?

As explained in chapter 13, zoning divides a community into districts, and determines what can and cannot be built on the parcels of land within those districts. Zoning regulations typically address two issues contained within the question of “what” can be built: (1) to what use the buildings may be put (i.e., what activities can take place), and (2) the height, bulk, and sometimes the design of buildings (i.e., how big they are and how they look).

While every community can determine for itself what categories of uses (i.e., activities) are permitted where, there are some general categories that are broadly used and well understood as planning vernacular. These include:

- ▶ Public
- ▶ Open Space
- ▶ Agricultural
- ▶ Commercial
- ▶ Residential
- ▶ Industrial
- ▶ Mixed Use
- ▶ Overlay Zones

Within these use categories there are often differentiations, but these categories are common. Here is a brief overview of what they might include.

Public

This includes government-owned property. It can include government buildings, such as city hall, police stations, and schools. It can also include parks. Some jurisdictions have a separate designation for parks, but not all. The definition of *public* is often kept somewhat flexible so that the local government entity can respond to different needs; an example might be converting an unused school building into a community center.



Open Space

Land that is designated as open space is just that. There is generally no development on that land. It may be publicly or privately owned. Open space is often described differently from parks, in that the latter may have ball courts, manicured gardens and lawns, and so on, while recreational use of open space is kept to more passive activities such as hiking, fishing, and climbing. Open space is kept in a more natural state, and can also be used for grazing, mining, timber harvesting, and other resource extraction.

Agricultural

Agricultural land is designated for the production of agricultural products, such as crops and livestock. It normally allows the erection of structures that are related to agricultural work, such as sheds, barns, farmhouses, and windmills or pumps. In places where agricultural land abuts more intensely developed land, it is not uncommon to limit the types of agriculture that are permitted (for example, growing row crops or maintaining an orchard might be permitted, but not raising cattle).

Commercial

Commercial use includes retail, offices, and other business uses. Permitted commercial uses are often delineated in great detail. For example, a commercial street in an urban neighborhood may be designated for shops, not offices. Because the size of the businesses that are permitted may influence the types of businesses that are attracted to an area, size restrictions are often part of commercial zoning designations as well. For example, a “big box” store might not be a good fit for a busy downtown area, but smaller markets might be appropriate. In this instance, stores over a certain square footage might not be permitted. Commercial zoning designations will sometimes explicitly prohibit a use as well. For example, Los Angeles has disallowed new businesses with drive-throughs on Central Avenue, and San Francisco has limited or prohibited chain stores in various neighborhood commercial districts. Commercial zoning requirements usually include detailed parking requirements as well.

Residential

Residential zones include all types of housing.¹ It is very common for a jurisdiction to have several types of residential zones, including single family, duplex, multi-family (apartment), and so on. A residential zone may allow multiple types of housing, or it may limit housing to one kind (commonly

single family residences). The residential zoning may allow for “granny” or “in-law” units, or they may be prohibited. Minimum lot sizes are a common feature of residential zoning codes, as are parking requirements.

Industrial

Industrial zones encompass a broad range of uses, from “heavy” to “light” industry. Heavy industrial uses, such as refineries and plants, are almost always separated from other uses by some sort of buffer zone, whether it is open space, lighter industry, or even a highway. Light industry is often quite compatible with other uses – for example, a bakery may be zoned light industrial, as might a furniture upholsterer. Many industrial uses may be compatible with other uses in and of themselves but require or generate truck traffic, which may not be compatible with other uses.

As the economic structure of many U.S. communities has transformed from one based on production/manufacturing to a service economy, cities have found themselves rethinking what constitutes industrial use and/or how best to reuse underutilized industrial land.

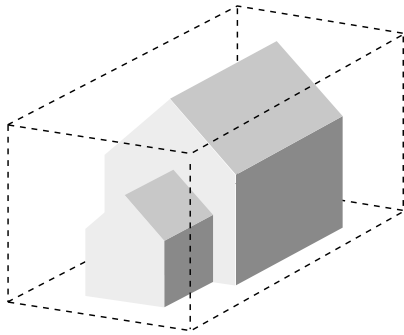
Mixed Use

This zoning designation allows multiple uses within the same zone, even occupying the same parcel of land. A common example of mixed-use zoning is a neighborhood commercial street with shops on the ground floor and residential units above. Theoretically, mixed use could include any mix of uses – but in practice, incompatible uses (such as homes and heavy industrial uses) are not included together in a mixed-use designation. Mixed use is relatively unusual in traditional, Euclidian zoning schemes, but it is the norm in older communities where land use patterns were established prior to zoning. Mixed use is also the basic building block for form-based zoning (see chapter 15).

Overlay

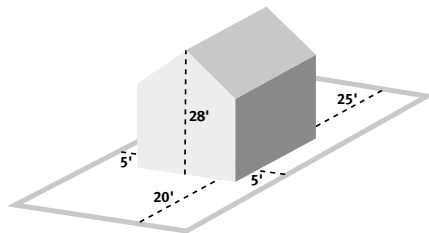
Overlay zones create additional requirements within a portion of one or more other zones. For example, an older community might have an historic overlay zone that incorporates sections of older residential and commercial zones with good examples of Victorian architecture; or a portion of a residential neighborhood might include an overlay that allows horses to be raised and maintained.

Within a zoning category, certain uses may be explicitly included or excluded. A small, neighborhood-serving market may be included in a zoning designation for a neighborhood commercial district, while a larger store with a regional customer base may be excluded. (In these instances, the size limitations are tied to the use of the property, not the allowable height and bulk of the building in which the business is located. See below for a discussion of the latter.) San Francisco, for example, limits the sizes of stores in neighborhood commercial districts to between 2,000–6,000 square feet in most cases.² Use designations may relate to types of activities, rather than sizes, of businesses. Many communities disallow bars in some neighborhoods, or massage establishments, or other activities that may be deemed contrary to the moral standards of the community.



Building Envelope

Besides building uses, zoning codes define allowable heights and bulks for buildings. Planners refer to a “building envelope” within which any building must fit. It is easiest to imagine this as an invisible box on a parcel of land, in which the building must fit.



Building Setback

For example, the requirements in an area zoned for single family housing might require that every house have a 20-foot front yard (“front yard requirement” or “front setback”), a 25-foot backyard (“rear yard requirement” or “rear setback”), a five-foot setback from the property line at either side of the house (“side setback”), and a maximum building height of 28 feet. Bulk measurements may also include a diagonal building measurement.

Height, bulk and setback limitations affect both the “feel” of a neighborhood and what is possible to build in that neighborhood. Think about how different a street feels when the houses are separated and when they are cheek-to-jowl, as rowhouses are. Even when the sizes of the houses are the same, the effect is quite different.

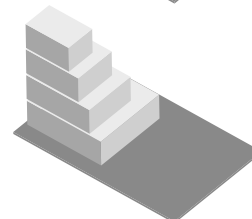
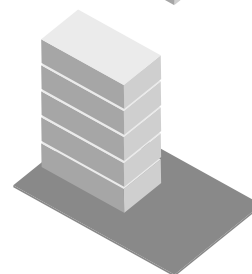
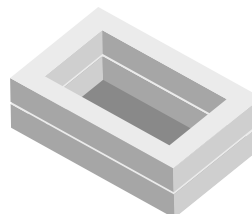
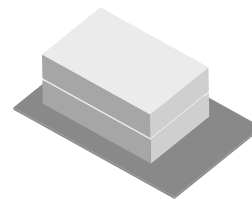


In addition to height and bulk limitations, commercial properties must also abide by what is called floor-area ratio (FAR). The floor-area ratio is the ratio of the square footage of the building to the square footage of the parcel of land upon which it is built. For example, an FAR of 4:1 means that there are four square feet of building area for every square foot of land area. Because buildings are not all the same shape, however, how this actually looks can vary widely.

Finally, zoning ordinances sometimes address building design – that is, what the buildings should look like. This is common in form-based codes (see chapter 15), as well as in communities with a strong architectural identity.³

As you review zoning codes, you will probably be most interested in the allowable uses, rather than height, bulk, and setback requirements. This explanation is included to help you understand what you are likely to find. However, when thinking about creating a zoning environment that supports specific uses, such as supermarkets, the permissible sizes for businesses and buildings may become important. If, for example, you are hoping to attract a full-service supermarket to a neighborhood but permitted commercial uses cannot exceed 10,000 square feet, a zoning amendment may be needed before your goals can be achieved.

Floor Area Ratio



1 California state law considers family (home-based) day care centers a residential, not business, use of property. Therefore, day care might appear as an exception to residential zoning. (Cal. Health & Safety Code §1597.40, §1597.45, §1597.46).

2 SAN FRANCISCO PLANNING CODE, §121.2.

3 Many communities have design guidelines, but they may or may not be part of the zoning code. In some cases they are separate; in some cases they are guidelines and are not binding.

15 How Are Zoning Requirements Described?

Chapter 14 described the content of zoning ordinances and codes. This chapter discusses the ways in which these contents are presented. Broadly speaking, there are two types of zoning codes, and there are maps.

Use-Based Codes

Use-based codes are the most common type of zoning codes. When people talk about zoning, they are almost always referring to use-based codes. Use-based codes are “Euclidian”; they divide uses into distinct districts (residential, commercial, industrial, etc.), and uses in these districts may be cumulative. (See chapter 13 for more about Euclidian zoning.) In other words, use-based codes regulate use by district.

If your community’s code is a use-based code, what you are likely to find is a description of each type of zoning district (and often lots of sub-district types under each major type, such as different zones for single-family and multi-family housing). For example, the city of Oakland has the following 16 different types of commercial zones:

- ▶ Neighborhood commercial
- ▶ Local retail commercial
- ▶ Shopping center commercial
- ▶ Office commercial
- ▶ Village commercial
- ▶ Commercial shopping district
- ▶ District thoroughfare commercial
- ▶ Special retail commercial
- ▶ District shopping commercial
- ▶ Gateway boulevard service commercial
- ▶ Community thoroughfare commercial
- ▶ Community shopping commercial
- ▶ Central business service commercial
- ▶ Old Oakland commercial
- ▶ Central core commercial
- ▶ City service commercial¹



Photo by Karen Parry/Black Graphics

In a use-based code, the descriptions of the zone types will generally be accompanied by long tables with details about the allowed, conditional, and prohibited uses for each district.² These tables can go into incredible detail, describing dozens or even hundreds of uses. For example, the city of Orange’s zoning code provides a table of uses permitted in commercial districts that goes on for several pages, and is detailed enough to include such uses as:

- ▶ Drive-in dairy
- ▶ Sandwich shop
- ▶ Appliance repair and service (portable appliances only)
- ▶ Fortune-telling
- ▶ Restaurants without alcoholic beverage sales
- ▶ Restaurants with alcoholic beverages sales
- ▶ Restaurants with drive-through or take-out window
- ▶ Restaurants with on-site brewing and sale of beer
- ▶ Hot dog vending carts³

Within the table, each use is identified as permitted as of right, subject to conditional use, permitted as an accessory use, prohibited, or other. The tables look like this:⁴

Key:

- P = Permitted use
- C = Conditional use permit required
- = Not permitted
- A = Accessory use
- * = Permitted and accessory use subject to special provisions
- + = Conditional use subject to special provisions

Use	OP	CP/C1	CTR	C2	C3	CR
Restaurants, Bars						
Bars	–	–	C+	C+	C+	C+
Restaurants w/o alcoholic beverage sales	C	P	P	P	P	P
Restaurants w/alcoholic beverage sales	–	C+	C+	C+	C+	C+
Restaurants w/drive thru or take-out window	–	C+	C+	C+	C+	P*
Restaurants w/on-site brewing and sale of beer	–	C+	C+	C+	C+	C+

A key is provided to explain all of the abbreviations.

Another hallmark of use-based codes is that development standards (such as allowable height, setbacks, and parking requirements) are linked to individual uses. So, for example, a restaurant might have a different parking requirement than a retail store of the same size.

Form-Based Codes

The basic principle of form-based codes is that design, rather than use, is the primary building block for zoning. The focus of these types of codes is on building type, dimensions, façade features, and the location of parking. Uses are not ignored, but the parameters for use regulation tend to be broader.

The characteristics of form-based codes include:

- ▶ **Zoning Districts:** Form-based codes are defined around districts, neighborhoods, and transportation corridors.⁵
- ▶ **Regulatory Focus:** Form-based codes rely on regulation using broad parameters that can better respond to market economics, recognizing that uses may change over time, but buildings endure.
- ▶ **Uses:** Form-based codes emphasize mixed use and a mix of housing types to keep housing in proximity to other destinations and to provide a range of housing choices.
- ▶ **Design:** The design of streets and the public realm are given close attention, including the role of individual buildings in shaping the public realm.⁶






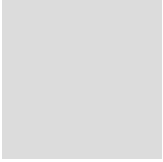
Form-based codes rely heavily on graphics to illustrate permitted building heights, how a building may be placed on site, and building elements (such as location of windows, doors, etc). The focus on building form is based on the precept that the form will limit the use. For example, if buildings are limited to 5,000 square feet or to neighborhood-serving uses, then a corner grocer might move into a space, but a large supermarket won't.

Because the building forms limit the uses that are possible, the lists of permitted uses can be much less complex (though not necessarily any shorter) than in a use-based code. Rather than the type of chart shown on the previous page, a list of permissible uses is provided. For example, the list of permissible uses given in the Winter Springs, Florida, code is one page and includes:⁷

- ▶ Bakery, retail and wholesale
- ▶ Butcher shop, retail only
- ▶ Confectionary and ice cream store
- ▶ Corner store or neighborhood convenience store, without gas pumps
- ▶ Grocers, retail and wholesale
- ▶ Health food
- ▶ Hypnotists
- ▶ Sidewalk cafes
- ▶ Snack shops

Form-based codes do acknowledge that different districts may require different codes, reflecting the diversity of character of building type that will exist from district to district. In other words, the form-based code for a dense downtown area will be different from the one for a rural area, and the community may need more than one form-based code to reflect these differences.

Is one type of code better than another? Form-based codes are increasingly popular and often easier for citizens to understand, but use-based codes have existed for a long time and are unlikely to go away anytime soon. Both seek to address the same issues, though through a different priority lens. Farmers Branch, Texas, a community that has adopted a form-based code, explains it this way:⁸

Type of Zoning Code	Relative Importance		
	Use	Management	Form
Conventional			
Form-Based			

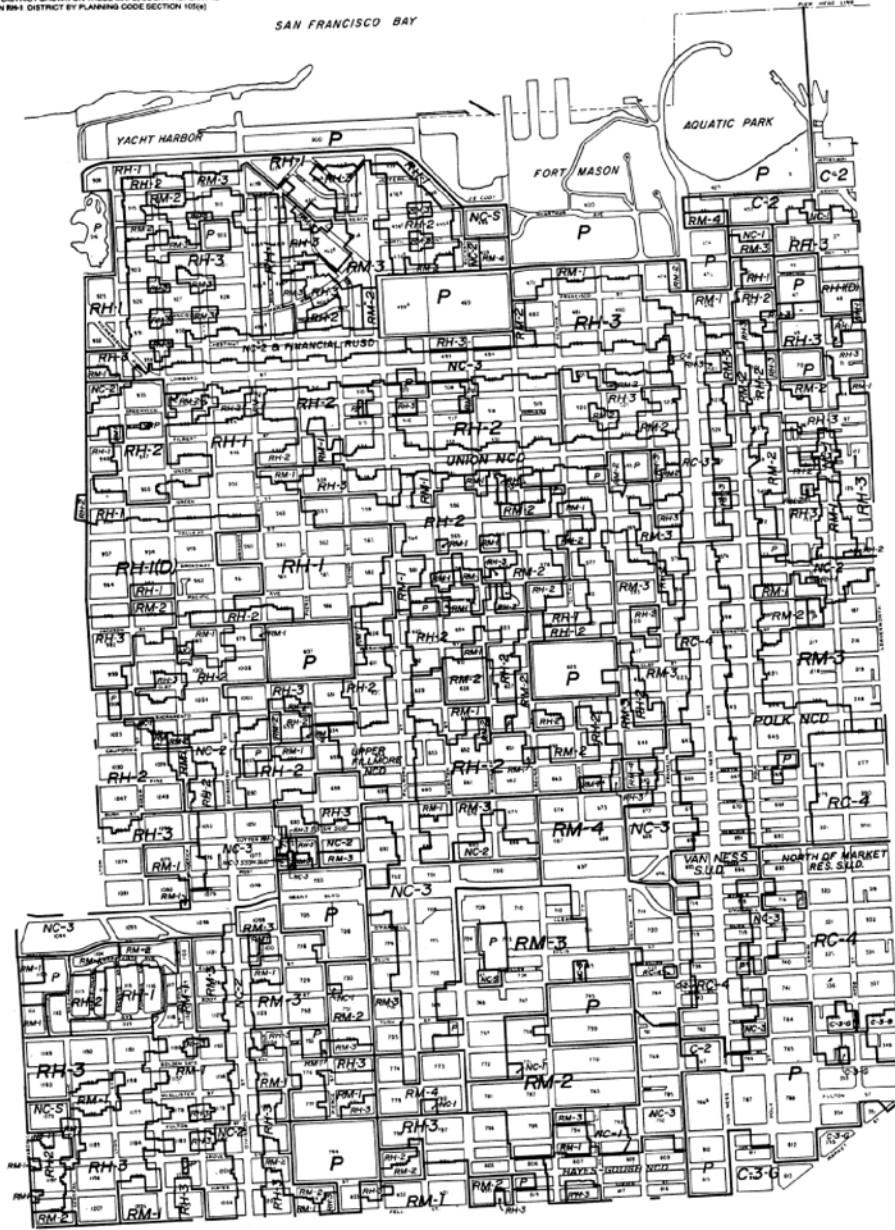
This diagram illustrates the relative importance of these components of a zoning code, whether it is form- or use-based. In conventional zoning, the use of the property is the most important factor, and the form of the buildings least important. Form-based codes invert these priorities.

Maps

Besides text and charts, zoning codes normally include maps. These maps communicate a great deal of information: basic zoning designations (residential, open space, commercial, etc.), height and bulk limitations, overlay districts (such as historic districts that are superimposed over other zoned districts), and so on. The maps are meant to be used with the text, where explanation for the notations on the map will be found. As with code text, there are differences between the maps used in use-based and form-based codes. Examples are provided on the next three pages (the first two are use-based, the third form-based).

ZONING DISTRICTS ALONG THE BAY EXTEND TO THE PIER HEAD LINE AS SHOWN ON MAPS 1, 2, 8, AND 9. WHEREVER ANY PROPERTY IS NOT SPECIFICALLY INCLUDED IN ANY USE DISTRICT SHOWN ON THESE MAPS, SUCH PROPERTY IS DECLARED TO BE IN AN RM-1 DISTRICT BY PLANNING CODE SECTION 105(N).

SAN FRANCISCO BAY



HOUSE CHARACTER DISTRICTS

RH-10 RH-1 RH-1S RH-2 RH-3

MIXED HOUSE & APARTMENT CHARACTER DISTRICTS

RM-1 RM-2 RM-3 RM-4

RESIDENTIAL-COMMERCIAL COMBINED DISTRICTS

RC-3 RC-4

COMMERCIAL DISTRICTS

C-2 C-3-R C-3-G C-3-S C-M

INDUSTRIAL DISTRICTS

M-1 M-2

PUBLIC DISTRICT

P

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NC-S NCD

CHINATOWN MIXED USE DISTRICTS

CCB CVR CRNC

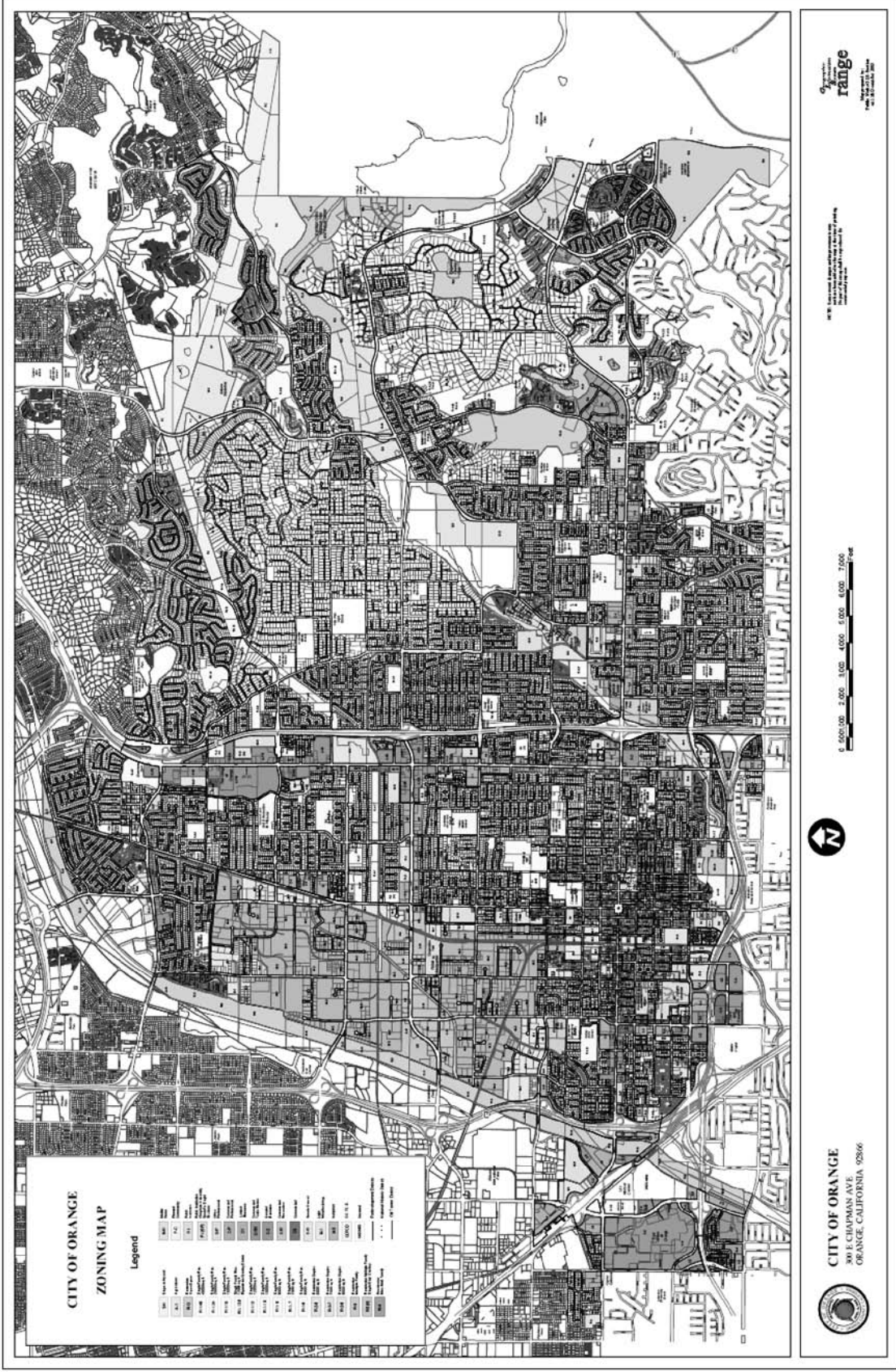
SAN FRANCISCO MUNICIPAL CODE
PART II, CHAPTER II, SECTION 209
WITH AMENDMENTS TO AND INCLUDING
DEC 1997

SHEET

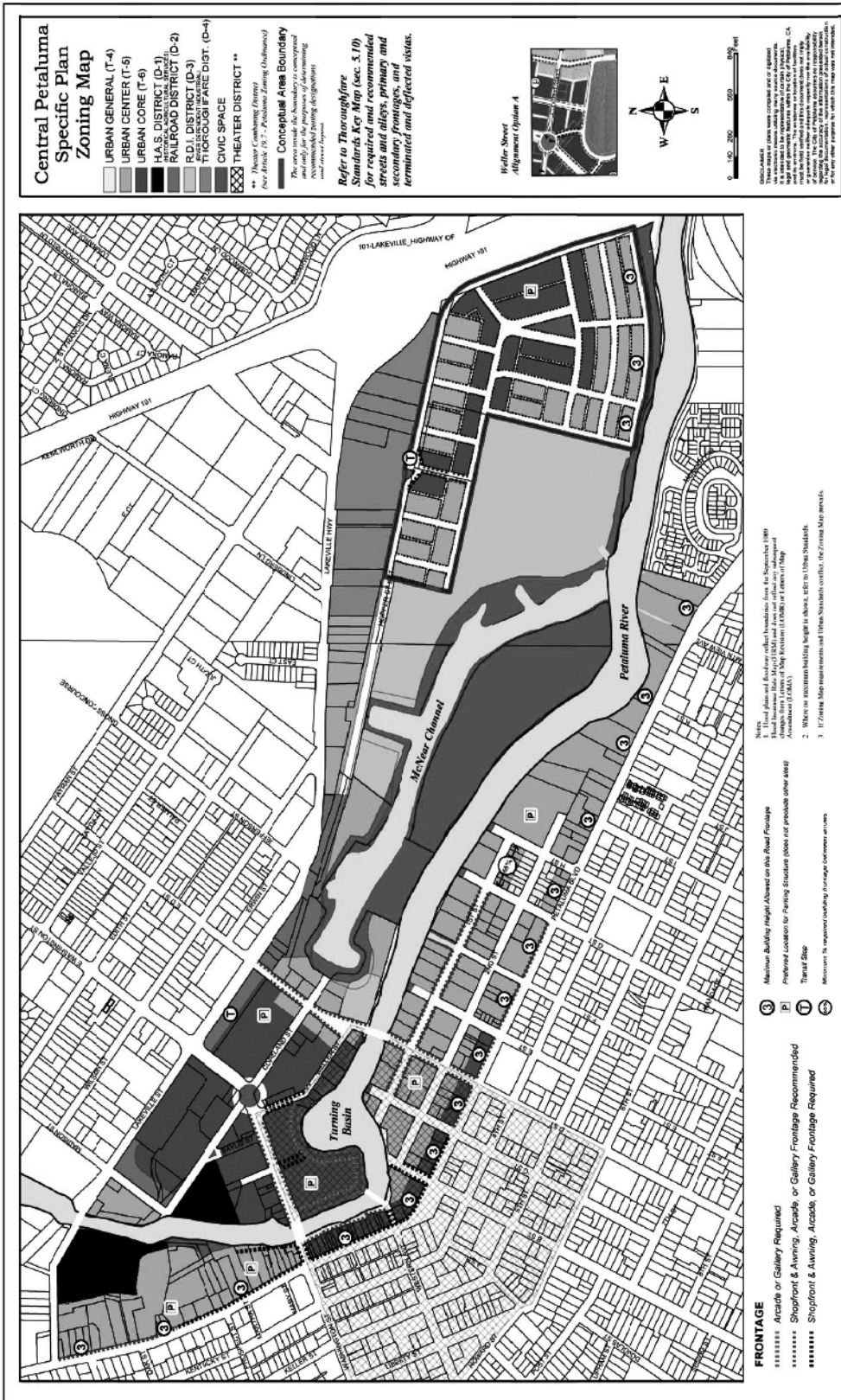
2



ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO



Section 2.10 - Zoning Map



You do not need to become an expert in reading zoning maps or codes. They are complex, developed by the people who most often use them – planners – often with little thought as to how accessible they are to laypeople. However, as you work toward changing the built environment to enhance the environment for healthy foods and improved opportunities for physical activity, some zoning amendments will likely be necessary to accomplish these goals. If you are able to ascertain the zoning of a site well located for a park, a farmers’ market, a grocery store, or a community garden, you will know whether the existing zoning supports your goals or if a zoning change is required. If in your research you’ve identified another community that has been able to accomplish what you hope to achieve, it is beneficial to be able to read its zoning code and review the maps. It is a different kind of literacy, but one in which functional ability is necessary for creating change.

1 CITY OF OAKLAND PLANNING CODE (<http://bpc.iserver.net/codes/oakland>).

2 An allowed use is also called “as-of-right”; this means that the code lists that use as one that has been identified as appropriate for that location and requires no additional review. A conditional use is one that will be permitted if it is found to be necessary or desirable at that location, a finding that requires a public hearing before it can be made. A prohibited use is just that – a use that the code does not allow.

3 CITY OF ORANGE ZONING CODE, Table §17.18.030 Permitted Uses. Interestingly, this extensive list makes no mention anywhere of grocery stores.

4 *Id.*

5 This contrasts with conventional zoning, which may bear no relationship to the transportation framework or the larger area.

6 Adapted from *Form-Based Codes: Implementing Smart Growth*, published by the Local Government Commission (www.lgc.org).

7 CITY OF WINTER SPRINGS, FL, TOWN CENTER DISTRICT CODE.

8 See www.farmersbranch.info/Planning/codes7FAQs.html#Specific.

City Councilman Unearths Magical Zoning Amulet

ROCHESTER, NY – After years spent poring over mysterious and arcane plat sheets and deciphering long-forgotten building codes, city councilmember Mike LaMere unearthed the mysterious City Zoning Amulet Friday.

“Behold!” LaMere said, holding aloft the solid-gold amulet, which is emblazoned with the Ever-Evaluating Eye of Surr-Vey, Lord Of Demarcation, He Who Measures And Assesses. “With this sigil, the power of zoning comes. Through me, the power of zoning flows! All will behold my power, and I shall bow to no man when designating matter-of-right developments for major retail and office spaces to a maximum lot occupancy of 75 percent for residential use!”

LaMere held the glowing amulet aloft and transmuted a neighborhood of low-income apartments into a semi-wooded, single-family, residential district with an adjoining riverside park.

Though the amulet had long been dismissed as urban legend, a mythical ideal of zoning perfection handed down from city planner to city

planner, LaMere became convinced that not only was it real, but that it had been used to lay out the cities of Ur, Atlantis, and Inver Grove Heights, MN.

LaMere credited the amulet with the overnight renovation of the Monroe County Public Library, and the recent redesignation of a Southern Rochester area from “commercial” to “single-family residential use for detached and semi-detached structures.” Many Rochester citizens believe the amulet is responsible for the fully stocked ocean aquarium that materialized in the city center Sunday, and the gleaming new Friendly’s restaurant that rose serenely over the banks of the Genesee River late Monday afternoon.

Although the Rochester City Zoning Board controls all decisions related to city planning, sources at City Hall say that, as long as LaMere’s powerful zoning wizardry is performed for the good of the city, they “see no reason to deny him what seems to be his destiny.”

“Two weeks ago, the biggest news in Rochester was our huge

public garage sale,” said William A. Johnson, Rochester’s mayor. “Our city center was still a moribund tax burden with small businesses in big buildings and families moving to the suburbs in droves. Now, with a wave of his mighty amulet, Councilman LaMere can designate matter-of-right medium-density development, with limited offices for non-profit organizations, trade associations, and professionals permitted as a special exception requiring approval of the RCZA.”

Despite the potential improvements to Rochester’s civic landscape, some residents remain wary of LaMere’s apparent bureaucratic invincibility.

“It’s wonderful that someone’s finally doing something to revitalize this town, even if it is someone who can commune with church gargoyles,” said local baker Wendy Kittner, whose business was mystically placed on the National Register Of Historic Places last week despite being housed in a building erected in 1981. “He frightens me, and my concern is that if I defy him, I may be turned to stone.”

City planning commissioner Errol Criclow, who was dismissed

by LaMere at a Planning And Zoning Commission hearing last Thursday as “subhuman,” said that he feared that LaMere’s power would eventually corrupt him and his city. According to Criclow, during a private consultation with local community leaders, LaMere became infuriated with timid suggestions that his amulet be used to create more green spaces. In a blinding torrent of thunder and light, LaMere violently rezoned Rochester’s west side with a maze of warehouses and parking garages. The act left LaMere himself dazed and shaken.

“For a minute there, he seemed his old self,” said Criclow. “When he saw what he’d done, he looked remorseful. But then his hand found the amulet, and he threw back his head and laughed long and loud, like a man who has forgotten the difference between industrial and recreational – between right and wrong.”

Added Criclow: “I don’t think what he’s doing is mere magic. I think it’s darkest bureaucromancy.”

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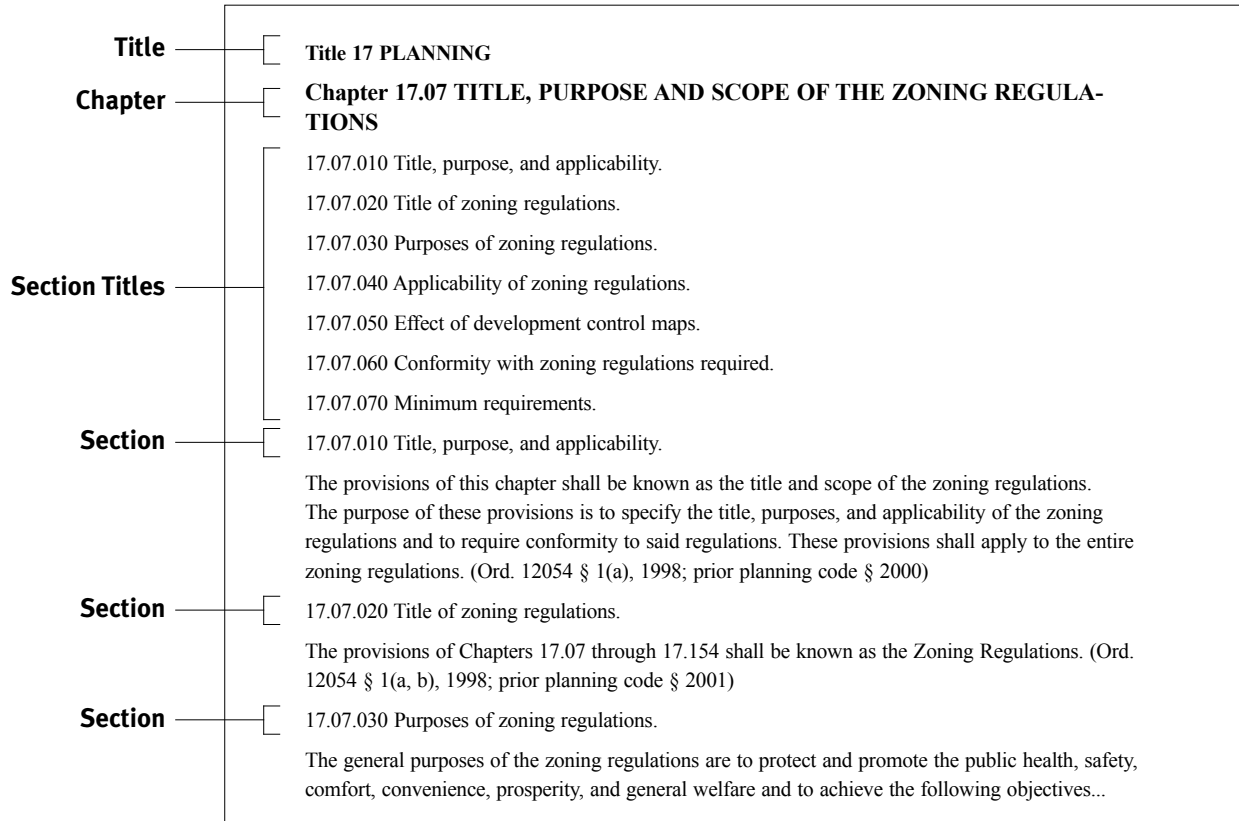
Unfortunately, LaMere’s powerful amulet is not available to most of us who are seeking to make zoning changes. For everyone else, zoning works as follows.

Codes: The Basic Rules

Every jurisdiction – every city and county – has a municipal or county code. These are the local laws that govern *what* may and may not be done in that locality, and *how* it may be done if permissible. Issues that are commonly addressed by local codes include health and safety, business licenses and

regulation, and planning and zoning. The zoning code is often contained within the planning code, but in some jurisdictions it may be a separate section.

Within the code, large topic areas are usually called chapters. Within chapters, sub-topics are called titles. Titles are further divided in short sections, from a paragraph to a few pages, called sections, which are numbered (you may see the symbol “§,” which means section). Your local code may use somewhat different language to denote the chapters, titles, and sections, but this terminology is common. For example, the city of Oakland’s code¹ includes:



Each of the section headings has text under it ranging from a couple of lines to 16 subsections, some of which have further subparagraphs.

The zoning code will include all of the regulations for location, height, density, setbacks, activities, and procedures that relate to the siting and approval of elements of the built environment. It will probably include the rules for the composition of the planning commission, though this may be elsewhere in the code (for example, some codes have a “Boards and Commissions” title or chapter). The code will include sections that define the terms used in the code.

Many jurisdictions have posted their local code on their website, so the codes are often easy to locate and readily searchable. If your jurisdiction’s code is not on its website, the city or county clerk will have copies available

to review. Jurisdictions are also required to make the code available to the public, generally at cost.

The difficulty with codes is not in locating them but in understanding what you're reading once you've found them. For example, the city of Fresno's zoning code includes the following:

E. DESIGNATION OF ZONING CONDITIONS

Whenever the Council shall have provided that the establishment of any zoning district on a particular property is subject to a special condition or conditions or agreement attached to the particular parcel, there shall be added to the normal zoning designation, the following figures: "--CZ".

This designation shall be placed on the ordinance and added to the designation of the zoning district on the Official Zone Map. This designation shall have no legal effect, but shall be notice that the exercise of the rights in the zoning district are subject to the conditions or agreement.

Whenever the Director shall determine that the condition or agreements have been fulfilled and are of no further force or effect, he may cause such designation to be deleted from the Official Zone Map. (Rep. and Added Ord. 5748, 1960; Am. Ord. 6541, 1964; Am. Ord. 67-121, 1967).²

If you encounter language that you don't understand, it is perfectly appropriate to call the planning department and ask what the language means, and how it is applied.

The key thing to keep in mind is that the planning code explains the rules for what can be built where in your jurisdiction. For example, if you wanted to know whether a 20,000 square foot grocery store was a permissible use in a neighborhood commercial district in Fresno, you would take the following steps:

1. Go to the planning code and find Section 12-217, "C-1 Neighborhood Shopping Center District."
2. Reading down, you would find Section 12-217.1, "Uses Permitted." This section is comprised primarily of a long list of uses, the 19th of which is *grocery store*.
3. You've answered the first question: Is a grocery store permitted? The second question is whether it can be 20,000 square feet.
4. You would now read further down and find Section 12-217.5, "Property Development Standards."

5. After reading carefully, you discover that there is no explicit square foot limitation, but a formula that is scattered among several subsections. Within subsection M., it states that there are restrictions on parcel sizes:
 1. Minimum area..... one (1) acre³
 2. Maximum area not more than fifteen (15) acres
 3. Minimum width one hundred (100) feet
 4. Minimum depth.... one hundred fifty (150) feet
6. Subsection G addresses lot coverage: “The maximum coverage of the lot by buildings or structures shall not exceed thirty-three (33) per cent of the total area.”
7. Subsection D states: “No building or structure erected in this District shall have a height greater than one (1) story, not to exceed thirty (30) feet.”
8. You can figure out that a one-story building that covers 1/3 of a one-acre site would have a square footage of approximately 14,520 feet. Therefore, a 20,000 square foot grocery store would require a lot of at least 60,000 square feet, or at least 1.4 acres.⁴

However, in some jurisdictions the answer would be spelled out as an explicit square footage requirement, not as a percentage. For example, in the city of Santa Rosa, you would find the following:

1. Go to the zoning code and find Article 15, “C-1 Neighborhood Commercial District.”
2. Reading down, you would find Section 20-03.323, “Principal permitted uses.” The 12th item on the list is *retail stores and shops conducted wholly within a building, but not including secondhand stores, convenience markets, liquor stores, or taverns.*
3. You’ve answered the first question: a grocery store is permitted. The second question is still unanswered.
4. Reading further, in Section 20-03.325, “Uses permitted by conditional use permit,” you find subsection (p), which states: “Principal permitted uses involving a building or buildings containing more than a combined total of 20,000 square feet of floor space [may be permitted by conditional use permit.]”
5. You’ve found your answer. So long as the grocery store is no larger than 20,000 square feet, it is permitted. If it is larger, it requires a conditional use permit.⁵

Codes: Special Rules and Exceptions

Besides the basic zoning designations in your code, there are a number of special rules and exceptions you will encounter. Some of these are special zoning districts, while some are approval types or conditions.

Overlay Districts and Special Use Districts

An overlay or special use district is a zoning designation that is added on top of an existing zoning designation. It does not replace the existing, base zone; it is additive. Overlay and special use districts can address uses or activities, but they can also require different setbacks, height limits, or otherwise define the structures permitted. They can also require different approval procedures.

A common use of such a district is the creation of an historic district designation that is added to the existing commercial or residential designation. It is important to know whether there is an overlay zone or special use district, because it may create additional restrictions – or relax restrictions – on what is permissible. For example, the city of Berkeley has created a “Downtown Arts District Overlay,” the purpose of which is “to create a core of cultural activities and supportive retail and commercial uses which would generate more pedestrian vitality in the downtown, promote Berkeley’s regional leadership in the arts, and encourage broader economic revitalization of the area.”⁶ This overlay district is bounded by an identified set of streets, and limits street level uses to a subset of uses permitted in the city’s central commercial district. Another example, this one in San Francisco, expands uses that are permitted “as of right” (without needing conditional use or other special permission) to include “wholesaling of automotive parts... when connected with and incidental to the sale of new or used automobiles.”⁷ Seattle, Washington, is one of several cities that have begun to implement pedestrian overlay zones.⁸

Overlay and special use districts are generally created in response to conditions within a neighborhood or to support or discourage a specific use or activity within that district. For example, a neighborhood of older homes that were built without garages might be designated a special use district with different parking requirements from other residential areas with the same base zoning.

Interim Controls

Interim controls are short-term, temporary zoning restrictions. A jurisdiction may impose an interim control as a prelude to making a permanent zoning change (or when a general plan amendment process is underway). Under state law, interim controls cannot be in place for more than two years and

must be conditioned upon a finding that there is an immediate threat to the public health, safety, or welfare.⁹ Interim controls can only be more restrictive than the existing zoning; they cannot permit uses or physical dimensions or placements that were not allowed under the existing zoning at the time the interim controls were adopted.

Interim controls are most commonly utilized when economic changes have resulted in an increased pace of development that is changing an area rapidly. The controls allow the jurisdiction to “take a deep breath” and create new zoning controls that allow development in the affected area to proceed at a measured pace.

Discretionary Review

Discretionary review powers allow a land use decision-making entity (usually a planning commission) to review a proposed project and either disallow that project or make changes to it, even though the project complies with the existing zoning. (The name *discretionary review* comes from the fact that the commission can exercise discretion in its approvals.) For example, look again at the Santa Rosa Neighborhood Commercial District, earlier in this chapter. In that example, it was determined that a 20,000 square foot grocery store was a legal use. Suppose that you’ve successfully identified a grocer who has applied to the planning department for the permits necessary for such a store to be built.

In this example, suppose that there are neighbors who are concerned about the traffic a 20,000 square foot grocery store will generate. They request that the planning commission exercise its discretionary review authority and deny the grocer permission to build. Supporters of the proposed grocery store also appear before the commission, requesting that the store be approved as proposed because of the benefits it will provide to the community through the increased access to fresh, nutritious foods.

The planning commission decides that a grocery store is an appropriate use but agrees that 20,000 square feet is too large. Based on its findings that 20,000 square feet will generate too much traffic for the surrounding community, the commission approves a 15,000 square foot store.

In some communities, discretionary review is a frequently wielded tool; in others, it is utilized only rarely. You’ll need to observe your planning commission and review its agendas to understand how – and how often – this tool is utilized in your community. It may also be informative to consult planning department staff.

Conditional Use

Zoning codes normally have three levels of permitted uses and/or structures. There are those that are allowed outright – called “as of right.” Uses that are permitted as of right don’t require any special permission. There are those that are prohibited. In between the two are uses that are potentially allowed but require special permission before a permit can be granted. These are uses or structures that are subject to “conditional use.”

A conditional use is one that is allowed subject to specific conditions. Most commonly, the planning or zoning code will list uses that are permitted “as of right” within a zone, and additional uses that are permitted but subject to conditional use. For example, looking again at the Fresno zoning code, there is the long list of permitted uses, then a shorter list of “Uses Permitted Subject to Conditional Use Permit.” This list includes:

- ▶ Any conversion of a residential building to a permitted nonresidential use involving any change in the exterior appearance of said building
- ▶ Automobile service station
- ▶ Furniture store, having gross floor area of less than 15,000 square feet
- ▶ Ice and food products dispensing machines
- ▶ Liquor products (packages)
- ▶ Public parking lot or structure
- ▶ Restaurants (serving only wine or beer with meals)
- ▶ Cocktail lounge in conjunction with and subordinate to a restaurant, subject to the provisions of Subsection 12-306-N-28
- ▶ Slot car racing shop¹⁰

PLANNING DEPARTMENT
City and County of San Francisco
1660 Mission Street, Suite 500
San Francisco, CA 94103-2414

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)
On January 31, 2005, the Applicant named below filed Building Permit Application No. 2005 0131 4399 with the City and County of San Francisco.

APPLICANT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Dre Garne	Project Address:	188 Mark Street
Address:	10 Care Drive	Cross Streets:	NE corner at Gough
City, State:	Novato, CA 94954	Assessor's Block/Lot No.:	0850/046
Telephone:	(415) 311-1311	Zoning District:	NC-3
		Height-Bulk District:	80-A

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of the proposed project, are being advised of this Building Permit Application. You are not obligated to take any action. For more information regarding the Application, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE			
<input type="checkbox"/> DEMOLITION	AND / OR	<input type="checkbox"/> NEW CONSTRUCTION	OR
<input type="checkbox"/> VERTICAL EXTENSION		<input checked="" type="checkbox"/> CHANGE OF USE	<input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE)	<input type="checkbox"/> CHANGE OF DWELLING UNITS
			<input type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
COMMERCIAL USE TYPE	Business/professional service	Full-service restaurant
BUSINESS NAME (IF KNOWN)		Espeletus Charraqueans
COMMERCIAL SQUARE FOOTAGE	None	See below
FRONT SETBACK	Five feet	No change
BUILDING DEPTH	None	No change
REAR YARD	None	No change
HEIGHT OF BUILDING	120 feet, 0 inches	No change
NUMBER OF STORIES	0 feet, 0 inches	No change
NUMBER OF DWELLING UNITS	38 feet, 0 inches	No change
NUMBER OF OFF-STREET PARKING SPACES	25	No change
	0	No change

This proposal is a change of use from existing use.

Photo by Karen Parry | Black Graphics

Conditional use permits allow a jurisdiction to consider, on a case-by-case basis, whether a use is appropriate at a given location. They are project-specific. State law requires that the decision-making body (usually the planning commission, but sometimes the zoning administrator) hold a public hearing on the requested conditional use permit (CUP) before such a permit can be granted.¹¹ In order to grant a CUP, a finding must be made that the use is either necessary or desirable. The granting of a CUP may be appealed to the legislative body (the city council or county board of supervisors) in the jurisdiction.

Conditional use cannot be used to allow a use that is prohibited. However, if not expressly forbidden, a proposed use does not have to be listed as one that is subject to conditional use permitting in order to be allowed. This is because it is nearly impossible to devise standards to cover all possible situations in which a use permit can be issued.

Conditional use requirements often (but not always) look at the type or size of a use, rather than the size of the building in which the activity will take place. For example, in the Fresno ordinance, above, furniture stores are listed as allowable subject to conditional use, so long as they do not exceed 15,000 square feet. Such a store could theoretically be in a building that is much larger than 15,000 square feet, but the furniture store use (if granted a conditional use permit) could not exceed that size.

CUPs are most often required of businesses that are perceived as having some potential for negative side effects. For example, a neighborhood grocery store might be allowed as of right, but a CUP might be required for that store to sell alcohol. Other uses that frequently require CUPs are restaurants, sex-oriented businesses, and sometimes churches or schools (especially if they are near a residential neighborhood).

A CUP, if granted, can have conditions of approval attached to it. Common conditions include limited hours of operation, requirements that the business have security personnel, or requirements that the business keep the sidewalks clean or its windows unobstructed. Conditions must be reasonable and designed to further the purpose for which they were imposed. For example, if the concern being addressed were excessive litter from discarded packaging from a fast food restaurant, then requiring the business to clean litter from the block several times a day might be a reasonable condition, but limiting hours of operation would not be reasonable. Conversely, a business that sells alcohol might be required to limit its hours or have a security guard, but requiring it to clean up litter might not be reasonably related to the negative impact it is anticipated to have.

Once a CUP is granted, it allows the use to continue so long as it meets the description of the approved use (a grocery store could not become a restaurant, for example), and so long as it meets any conditions that were imposed as a condition of approval.

You may encounter CUPs regularly as you try to improve the food environment in your community. They may be required to site larger grocery stores, for farmers' markets, or for community gardens. It is worth gaining some understanding of how the CUP process is managed in your jurisdiction.

Finally, it is worth knowing that CUP applications can often become highly contentious battlegrounds for neighborhoods. Because public hearings are

required before a CUP can be granted, there are opportunities for lots of public input. If you are advocating for (or opposing) a use that requires a CUP, be prepared to line up supporters (or opponents) to testify. You may also want to propose specific conditions of approval.

Variations

A variance is most easily thought of as a “hardship” exemption from a zoning ordinance. It is a permit that allows a property owner to build a structure that is not otherwise permitted in that zone.¹² The reason for granting a variance is that there is something about the physical parcel of property that prevents the owner from using it if the owner fully complies with the zoning ordinance.

Under state law:

Variations from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.¹³

The concept is that the property owner is allowed to use its property in a manner basically consistent with the established regulations, with minor variations that will place the owner in parity with other property owners in the same zone.¹⁴ Variations are not changes in zoning, and they cannot be used to confer extra benefits on a property owner.

An example of when a variance might be granted would be a parcel that is just like all of the parcels around it, except for the fact that this one has an enormous boulder on it that cannot be moved. A variance from setback or floor-area ratio requirements might be granted so that the property can be used like its neighbors. Another example would be a parcel that is steeply sloped so that only part of it is buildable area. A variance might be granted to accommodate that physical limitation of the site. Still another example is an unusually shaped parcel – a wedge-shaped parcel, for example – that doesn’t allow for the usual setbacks (see *Building Footprints* at right).

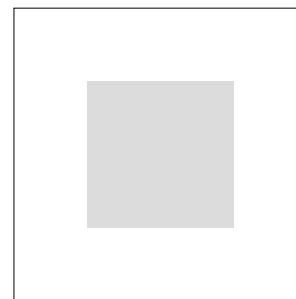
It is unlikely that variance requests will be an important component of achieving the goals of improving access to healthy food and/or physical activity opportunities in your community. However, people sometimes confuse conditional use and variance requests, and it is important to understand the difference between these two kinds of permission.

Specific Plans

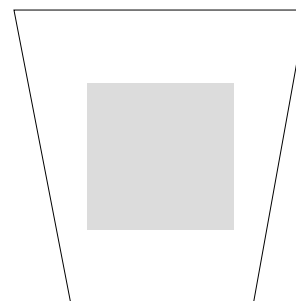
As discussed in chapter 6, specific plans are a sort of hybrid between zoning and general plans in that they can combine policy and development regula-

Building Footprints

Notice that the same-sized structure does not allow for conforming side setbacks because of the way the lot narrows. A variance would be required.



Standard Lot



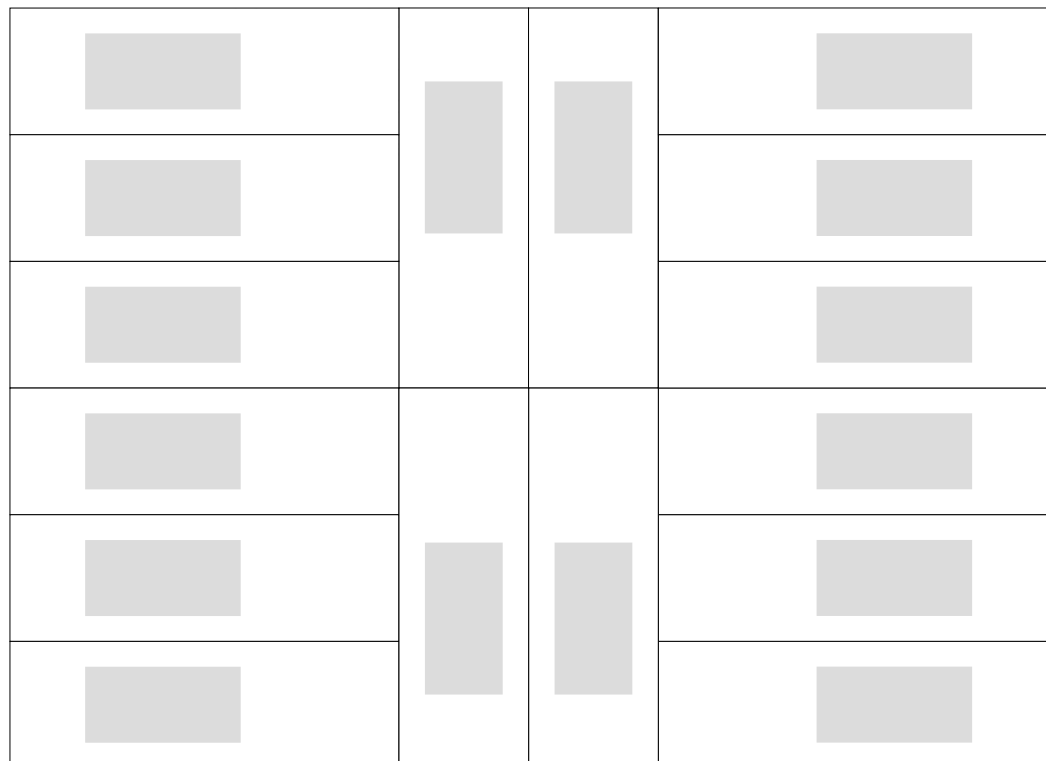
Oddly Shaped Lot

tions. Specific plans focus on a geographically limited area – sometimes just one development – and are implementation tools for the general plan.¹⁵ However, zoning and subdivisions (see below) must be consistent with a specific plan.¹⁶ Specific plans describe allowable land uses, identify open space, and detail the availability of facilities and financing for a portion of the community. In some jurisdictions, specific plans take the place of zoning.

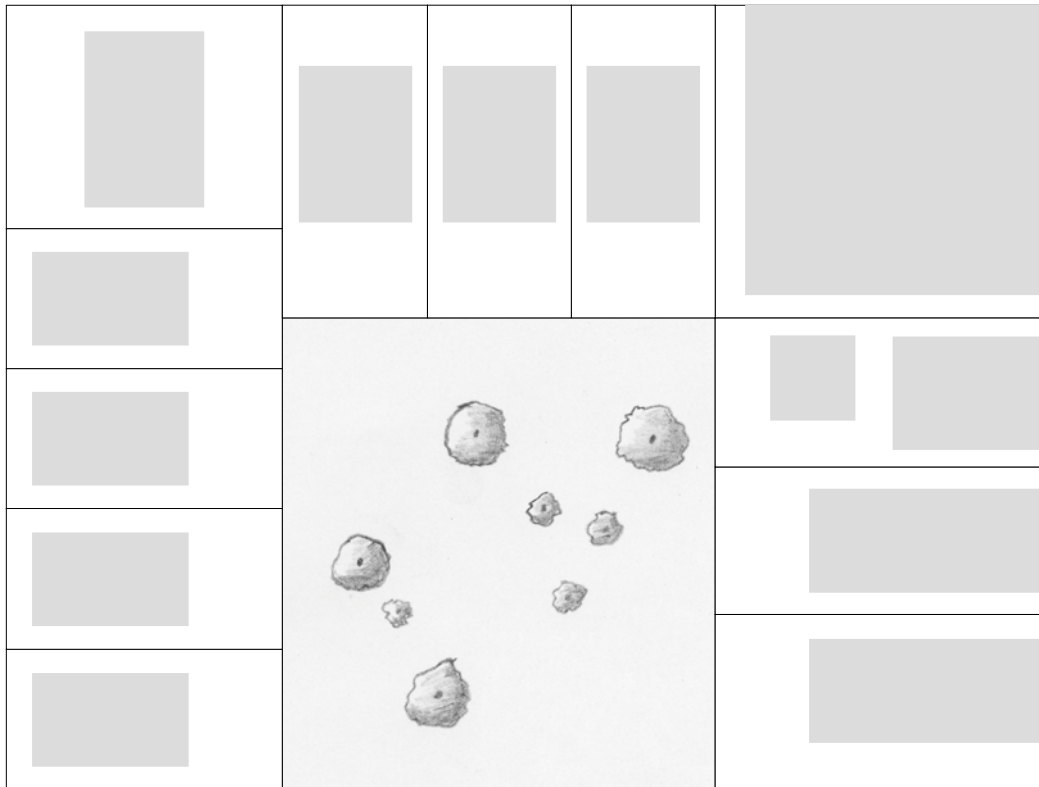
Planned Unit Developments (PUDs)

Planned unit developments (PUDs) are larger developments that are essentially given their own zoning designation. The advantage to PUDs is that they are treated as a whole, rather than as a group of individual buildings, each of which would need to be granted separate approval. By treating these larger developments as a whole, they can be allowed more flexibility in such normally rigid requirements as minimum lot standards and use categories. This allows overall planning goals to be met while at the same time creating the best possible development. Although a PUD functionally rezones a relatively small area, it is not the same as “spot zoning” (discussed later in this chapter). Qualitatively, spot zoning confers benefits on the property owner, while a PUD is supposed to allow design and use flexibility to better meet the community’s planning goals.

For example, imagine a residentially zoned city block. Each parcel on that block is developed separately, and each is required to meet the same requirements. The block might end up looking something like this:



Now, imagine that same block is being developed as a whole, under a PUD.
The same block could be designed quite differently, perhaps like this:



The flexibility of the PUD allows this developer to create a park on the block, which allows everyone to enjoy open space even while the individual homes have smaller yards. One house is set “sideways” on the lot, allowing for larger side yards. One house has a small cottage at the rear, perhaps for an aging parent. And there is a small apartment building on one corner, with a ground floor retail space that creates the opportunity for a neighborhood grocery store. With the apartments, this block houses the same number of people as the more traditional block, while offering a mix of uses and a diversity of housing types, not just architectural diversity.

It is common for a jurisdiction to require the same overall density within a residential PUD as that of the surrounding area. However, as in the example above, the jurisdiction may allow development within the PUD to be massed or clustered so that the individual lots are smaller but more open space is preserved than would occur under traditional zoning. As in the example, the PUD concept can also be applied to encourage creative mixes of land uses, by permitting certain nonresidential uses (or a mix of different kinds of residences – single and multi-family) in the development.

As you can see here, the PUD allows for more flexible development practices than traditional “grid” zoning. In essence, PUD zoning permits a developer to meet overall community density and land use goals without being bound

by standard, rigid requirements such as minimum lot standards and use categories. By allowing developers to depart from “cookie-cutter” lot forms and setback requirements, it’s possible to make more creative use of open space and urban design.

The planned unit development concept has been used primarily for new subdivisions of vacant developable land. However, it can be (and has been) used in more built-out urban and suburban contexts, too. As an advocate, you may find that a PUD offers tremendous opportunities for including uses that are not generally permissible in the more traditionally zoned area around the PUD, such as parks, neighborhood-serving retail, or community gardens.

Spot Zoning

Spot zoning is the rezoning of a parcel of land to a category that is generally incompatible with the surrounding uses. It is almost always done to confer a benefit (usually economic) on the owner of the parcel. Spot zoning is illegal in California.¹⁷

Nonconforming Uses

When zoning is changed, uses that exist within the rezoned area may no longer be allowable under the new zoning designation. For example, an area that was zoned for commercial use might be rezoned as a residential area. The commercial uses that are still located there are now considered “nonconforming uses” because they no longer conform to the zoning designation for their location. There are three basic ways of dealing with nonconforming uses: (1) treat as a legal, nonconforming use; (2) amortize the use; or (3) eliminate the use immediately.

Legal, Nonconforming Uses

This is the most common way of dealing with a nonconforming use; essentially, nothing is done. If the use is functionally compatible with surrounding uses, it is usually deemed a legal, nonconforming use. It is called this because the use was a legal use when it started, but due to the change in zoning it no longer conforms to the zoning designation for its location.

When a use is deemed a legal, nonconforming use, it is allowed to remain for its natural “life.” However, it can’t be changed, altered, or expanded. In the case of a business, it usually can’t be transferred to another owner. If the use ceases to operate, it cannot be restarted at that location. An example would be a zoning change that prohibits fast food restaurants in neighborhood commercial districts. Any fast food restaurants that were currently located in such districts would become legal, nonconforming uses. They could continue

to operate, but could not expand, perform extensive renovations, or be transferred to a new owner. If a business closes, it would not be permitted to reopen. The idea is that eventually, over time, the prohibited use would cease to exist in areas with that zoning designation.

Amortization of Use

Amortization of a use is grounded in the understanding that businesses have economic value, and that requiring them to simply close would deprive their owners of the value of their investment. Instead, a period of time is identified (generally a number of years) during which the property owner can either make a use conform to the new zoning requirements or recover part or all of the investment before the use must be discontinued.¹⁸ Although money does not change hands, it is similar to paying down a mortgage.

A common zoning change that utilizes amortization is the passing of a prohibition of billboards. The billboard owners are allowed to keep them up for some period of time (the time periods are generally decided on a case-by-case basis) to allow them to realize the value of the property. At the end of this period, the billboards must be taken down. Therefore, over a period of time, the billboards (or another disallowed use) disappear.

A frequent problem with amortization is that the owner of the nonconforming property may wait until just before the amortization period is about to end, and then file a lawsuit challenging the validity of the requirement that the use be discontinued. Although the jurisdiction that passed the law often prevails, the use also continues to operate while the litigation is ongoing. Since litigation can take years, the property owner benefits from additional years of use. Because amortization is unpopular, litigious, and expensive, it is rarely used.

Immediate Elimination of Use

If a jurisdiction determines that the continuation of a nonconforming use poses a health or safety threat, it can end the use immediately through the payment of reasonable (“just”) cash compensation. This approach is likely to be utilized if, for example, growth of a residential neighborhood puts homes in close proximity to a heavily polluting industry. In this case, the noxious industrial use would be considered an incompatible, nonconforming use. The jurisdiction would pay the industrial business a just amount for taking away the business use, and the business would have to close. Obviously, this is costly and controversial, so it is not frequently used as a means of dealing with nonconforming uses.

This chapter provided an overview of some of the zoning tools you are likely to encounter. The material here is far from exhaustive, and you are likely

to hear about other zoning mechanisms in use in your jurisdiction. The resources section of this toolkit offers some suggestions for learning more about zoning. To learn how zoning is amended, see chapter 17. To learn how to participate in zoning changes in your jurisdiction, see chapter 18.

-
- 1 CITY OF OAKLAND MUNICIPAL CODE.
 - 2 CITY OF FRESNO MUNICIPAL CODE §12-202. Land Use Zone Map
 - 3 An acre is equal to 43,560 square feet.
 - 4 CITY OF FRESNO MUNICIPAL CODE §12-217.
 - 5 CITY OF SANTA ROSA MUNICIPAL CODE §20-03.325(P).
 - 6 BERKELEY MUNICIPAL CODE §23E.68.040.
 - 7 SAN FRANCISCO PLANNING CODE, Article 2, §237(a).
 - 8 See www.ci.seattle.wa.us/transportation/SAP/UDistrict_LU_pack.pdf and www.washingtonregion.net/internfallos.htm.
 - 9 CAL. GOVERNMENT CODE §65858. Interim ordinances can first be enacted for 45 days. They can be extended, after a legally noticed public hearing, for ten months and 15 days, after which they can be extended again for one year. At the end of that second year, the ordinance must terminate.
 - 10 CITY OF FRESNO MUNICIPAL CODE §12-217.3-B.
 - 11 CAL. GOVERNMENT CODE §65905. These requirements apply to general law cities and all counties. As with many other aspects of land use and planning law, charter cities may adopt these requirements.
 - 12 There are actually two kinds of variances: use variance and variance from standards. The former has to do with the activity or use of the property, but use variances are not allowed under California law. Therefore, this discussion of variances is limited to variances from standards, which allow a structure that would not otherwise be permitted.
 - 13 CAL GOV. CODE §65906.
 - 14 Curtin at 58.
 - 15 CAL. GOVERNMENT CODE § 65450 (2005).
 - 16 CAL. GOVERNMENT CODE § 65455 (2005).
 - 17 Wilkins v. City of San Bernardino (1946) 29 Cal.2d 332, 340-341.
 - 18 Tahoe Regional Planning Agency v. King, 233 Cal.App.3d 1365, 1394 (1991)(quoting Georgia Outdoor Advertising c. City of Waynesville, 900 F. 2d 783, 785 (4th Cir. 1990)).

17 Zoning Amendments

In order to meet the changing needs of a community over time, zoning must be kept up to date. This requires periodic amendments. Generally speaking, there are two ways in which zoning is amended: through comprehensive overhauls and incremental change.

Comprehensive Updates

Comprehensive updates are uncommon. When a jurisdiction does undertake a comprehensive zoning update, it usually focuses on a large geographic area within the jurisdiction, but not the entire jurisdiction. For example, the city of Petaluma adopted a form-based zoning code for the central city (see chapter 15), which necessitated a comprehensive update for that part of the city. For the past several years San Francisco has been engaged in a process to rezone an area that encompasses a large portion of the eastern part of the city, largely in response to a critical housing shortage and a perceived decline in the need for industrially zoned land.

Comprehensive rezoning is a large, expensive undertaking for any jurisdiction. It often takes several years to complete and can lead to litigation, especially from property owners who fear their property might lose value as a result of a new zoning designation.

A general plan amendment can also trigger a comprehensive update to a zoning ordinance. Because zoning must be consistent with a community's general plan, if a community adopts an amended general plan that is substantially different than the previous one, a comprehensive zoning amendment might be necessary to make the zoning code consistent with the general plan.

Finally, communities that are growing rapidly or have annexed land can be faced with a need to undertake a comprehensive zoning amendment.

Incremental Amendments

Incremental zoning amendments are far more common than comprehensive zoning amendments. A jurisdiction might tinker with its zoning with some



frequency. Some changes reflect changes in society or the economy: for instance, a new commercial use might be added to the code (farmers' markets are a good example). Other zoning changes are made to allow a specific development to be built – for example, to permit a housing subdivision or other development on what was formerly agricultural land. Changes might be made to accommodate a specific developer or because the rezoning has the potential to increase tax revenues. Other changes are implemented to prohibit uses; for instance, some jurisdictions have amended their zoning ordinances to disallow big-box or chain stores. Incremental changes may also be made in response to changes in the general plan. Unlike general plan amendments, however, there is no legal limit to the number of zoning changes that can be undertaken in a year.

Procedural Steps

There are two mechanisms for changing zoning: via the elected legislative body and by initiative. The former is most common.

Amendments by the Legislative Body

With a few, very minor exceptions, there are some basic procedural requirements that must be met in order to undertake a zoning amendment. The series of steps outlined here will be substantially the same in all jurisdictions,¹ though there may be some variations.

1. The proposed amendment is drafted. This can be done by concerned citizens, a member of the city council, the planning commission, a developer who seeks a zoning change for project approval purposes, city or county staff, and so on. The city attorney or county counsel will generally review the language to ensure it is complete and that it is consistent with the general plan.
2. Once the language is ready, it is introduced as an ordinance. It is referred to the planning commission, which must hold a properly noticed public hearing.
3. The city or county must conduct CEQA review² for the proposed amendment.
4. The planning commission must hold at least one public hearing on the amendment.³ In practice, the number of hearings depends on the standard practice of the public body and the importance and controversial nature of the proposed amendment.
5. The planning commission must vote on whether to recommend the amendment. The amendment, with the planning commission's recommendation, is forwarded to the city council or board of supervisors.⁴

Note: An affirmative vote of a decision making body generally requires a majority of the total number of members of that body, whether or not all members are present. Therefore, if the county planning commission has seven members, four votes are required to pass an item, even if only five members are present for the vote.

6. The legislative body (city council or board of supervisors) must also hold at least one public hearing on the proposed amendment. As with the planning commission hearing requirement, the number of hearings depends on the standard practice of the public body and the importance of and controversial nature of the proposed amendment.
7. The legislative body votes on whether or not to adopt the proposed amendment. It can take one of three actions: (1) vote to approve the amendment; (2) vote to disapprove the amendment; or (3) vote to modify the amendment. If the third action is taken, the modified amendment generally must be returned to the planning commission for a new recommendation. The planning commission has 40 days to hold a hearing and make a new recommendation. (If the commission fails to do so within 40 days, its silence is deemed a recommendation.)
8. Once the legislative body has approved the proposed amendment, it cannot take effect for 30 days, to allow the 30-day period for referendum passage to elapse.⁵

Amendments by Initiative

The above sequence is the most common method for amending a zoning ordinance. However, zoning ordinances can also be amended by citizen-sponsored initiative – that is, putting the amendment on the local ballot.⁶

1 These steps are required for general law cities and for counties. Charter cities must follow these steps only if the city's charter imposes that requirement.

2 See chapter 9 for a discussion about CEQA.

3 CAL. GOVERNMENT CODE §65854.

4 CAL. GOVERNMENT CODE §65855. The planning commission has 40 days in which to act and report its actions to the city council/board of supervisors. If it does not report back within that period of time, the commission is deemed to have approved the legislation (Cal. Government Code §65853).

5 *Arnel Dev. Co. v. City of Costa Mesa*, 126 Cal. App. 3d 330, 333 (1981).

6 *Id.*

What Is in Your Zoning Code?

The first step in getting involved in a zoning revision is to become familiar with your community's existing zoning code. Often you will find this online: go directly to your community's website. (A link to the jurisdiction's municipal or county code – of which the zoning code is a part – is often found on the main page. There are sometimes links to the zoning code on the planning department's page as well.) Another good resource is Findlaw (www.findlaw.com), which provides links to most major California municipal codes on the web. For codes that Findlaw does not have, try the Institute of Governmental Studies (IGS) library at the University of California at Berkeley (www.igs.berkeley.edu/library/calcodes.html).

If your community's zoning code is not available online, you can obtain it from the city or county offices; you will probably have to pay a fee for a hard copy. If you do purchase a hard copy, you may want to inquire about the jurisdiction's update service; for a fee they will send you new pages as the code is amended. Otherwise, you run the risk of relying on code sections that are no longer part of your local code.

How to Read Your Community's Zoning Code

As discussed in chapter 15, zoning ordinances are made up of two parts: (1) a precise map or maps illustrating the distribution of zones within the community; and (2) text that identifies the specific land uses and development standards allowed in each zone. For a detailed discussion of these documents, see chapter 15.

Most zoning codes are very lengthy documents, running to hundreds of pages or more. You won't want to – or have time to – read every word. The codes are usually indexed, to enable you to find the section you need more quickly. Nonetheless, it will be helpful to gain a working familiarity with your jurisdiction's zoning code so that you can more readily find what you're looking for and understand what you're reading. Some code sections will be more relevant to your interests; you'll want to focus on those. For example,



Photo by Karen Parry | Black Graphics

sections that relate to mixed-use districts, commercial districts, sidewalk widths, bicycle access, and other topics that relate to retail, parks, and pedestrian and bicycle access will likely be of interest.

Within the zoning code you may encounter a great deal of unfamiliar terminology. The glossary in the back of this toolkit will help. In addition, zoning ordinances usually define terms. If you have trouble following something, it is perfectly appropriate to call the planning department and ask for help to understand what you're reading.

Applying the Code to Environmental Change

Understanding your code is just one piece of the puzzle. If you have identified a problem – for instance, a lack of zoning that supports the siting of grocery stores in low-income neighborhoods – your ability to effect change will be greatly enhanced by your ability to explain the need you've identified and compile and present evidence of the need, as well as to connect your proposed changes to the zoning code as a means to address that need. The analysis of data collected during the land use planning process “provides local officials with a knowledge of trends, existing conditions and projects they need to formulate policy,” as California's general plan guidelines point out.¹ Being able to walk a planning commission or city council through your data allows them to make *findings* on which to base an amendment. Findings are the rationale a decision-making body uses to make a decision, and they should discuss the reasons why a city or county has decided to take a certain action. Findings “bridge the analytical gap between raw data and ultimate decision.”² Findings are fact-based.

Strictly speaking, the law does not require findings for zoning amendments, because they are presumed to be policy statements. However, because findings “expose the agency's mode of analysis,”³ they provide a jurisdiction stronger grounding against challenge. While the primary reason for developing this data is persuasive – it will likely be very difficult to persuade decision makers to make these changes without the data – the secondary reason is that the changes stand a greater likelihood of surviving challenges from opponents, including litigation.

To learn more about collecting data for maximum effectiveness, see chapter 21. For a discussion about what to do with your data and how to communicate with officials, see chapter 22.

¹ Governor's Office of Planning and Research, STATE OF CALIFORNIA GENERAL PLAN GUIDELINES 2003, at 16 (1998), available at www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf (last visited 9/7/05).

² *Topanga Association for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506 (1974).

³ *Id.*

19 Model Zoning Code Language

The material for this chapter is currently being developed. It will be posted at www.healthyplanning.org as soon as it becomes available.

What follows are case studies from jurisdictions in which community advocates have successfully engaged in neighborhood rezoning proposals.

The City and County of San Francisco

In the 1990s, the red-hot economy created tremendous pressure on the eastern neighborhoods of San Francisco, which were traditionally working class and heavily immigrant. However, the dot-com era perfect storm of reasonable (by San Francisco standards) real estate prices, good weather, a counterculture feel, and excellent access to the city's South of Market neighborhood as well as freeways south to Silicon Valley began to cause tremendous displacement of low-income people and light industrial jobs.

As housing pressures increased, developers bought up property that had been occupied by light industrial businesses and built housing, displacing jobs. As housing prices soared, lower-income households were displaced as well. The San Francisco Planning Department undertook a comprehensive rezoning of the eastern neighborhoods, attempting to balance growth, the preservation of the light industrial sector, and the need for housing for lower-income residents.

Community activists from the eastern neighborhood known as the Mission District were looking at the same picture and were dismayed by the displacement of people and jobs, and the irreparable damage done to the neighborhood fabric. The activists sought a way to organize the community around the displacement. But they recognized that while displacement was *their* issue, it wouldn't necessarily be an issue that would persuade people to come to a meeting. So instead, activists started asking neighborhood residents what *they* cared about.

The activists held a series of meetings with the neighbors. Because many of the residents were monolingual Spanish speakers from Latin America, the activists made sure facilitators were bilingual. Culturally appropriate food was provided at all meetings. Because Latinos include their children in the

activities of their daily lives, children were welcome at the meetings: there were individuals designated to provide childcare, but if the kids wanted to play in the middle of the meeting room, that was fine, too.

At the meetings, the activists got community members talking about what they, as community members, thought their neighborhood needed. As the answers came in – clinics, community centers, safe places to play – the advocates helped the neighborhood understand the connection between these things, economic pressures, and the planning under way.

Through this process, the community members developed their own rezoning proposal for the Mission District, called the People’s Plan. Newly educated in planning lingo and the approval process, the participants began to come to City Hall to testify about what their community needed.

The rezoning in San Francisco has not yet been completed, but the People’s Plan is one of the alternatives being considered. Furthermore, a large number of people have become engaged in the process of change in their low-income neighborhood.

The City of Berkeley

When it comes to bringing a grocery store to a low-income or inner-city community, there are complications beyond just attracting a grocer and a developer. Local political and community dynamics can stall or delay development, even for projects that may have substantial community health benefits.

An effort to expand the Berkeley Bowl, an enormously popular single-outlet grocery store, offers one such example. The grocery store has long been known for both affordable prices on fresh foods and a huge variety of products that cater to the diverse cultural preferences of its customers. In November 2002 the store's owner decided to purchase land for a warehouse to house the store's expanding inventory.

He settled on a vacant, industrially zoned property in West Berkeley, a primarily industrial and low-income residential neighborhood with no full-service grocery store. But given both the high cost of acquiring the land and the fact that the site was conveniently located near the interstate and major city roads, the owner began to consider the site's potential as both a warehouse *and* a new retail store.

The owner hired an architect and drafted plans, which eventually called for a 91,000-square-foot warehouse and retail store, including a pharmacy and office space. The development would create the largest grocery store in Berkeley.¹ The project required amendments to the city's zoning regulations as well as to its general plan and the West Berkeley Plan, a specific plan for the neighborhood.

Due to the size of the store and the fact that its approval would represent a change in West Berkeley's industrially zoned land base and the industrial character of the neighborhood, opposing camps quickly began to criticize the development for its potential to increase traffic congestion and reduce a base of living-wage, industrial jobs. Supporters of the project touted the fact that a new West Berkeley Bowl would bring affordable fresh food to a neighborhood that relied mainly on corner stores for its food retail, which offered mostly liquor and processed foods.

The need for general plan and zoning amendments meant that the proposal had to pass before the planning commission and, later, the city council. In California, planning commissions, city councils, and county boards of supervisors can make discretionary decisions about land use, taking public comments into account. Legally, any changes to the general plan or the



Photo by J. Brock Winstead

Shoppers have long flocked to the original Berkeley Bowl.

zoning regulations must be taken to serve the health, safety, and welfare of a community – an exercise of a local government’s “police power.”²

Supporters claimed a new grocery store would do just that, by improving food access for low-income community members. Advocates brought data to the table, including a study coauthored by a registered dietician with a master’s degree in public health. The study, entitled “The Berkeley Bowl: How Politics, Policy, and Community Affect Food Access,” reported that the proposed site was located in the part of Berkeley with the city’s highest rates of low-income and minority tenants, who have the least access to fresh produce and other healthy food.³

Supporters also offered personal stories about the difficulties of obtaining healthy food. “There are more than 13 families with children on our block,” said one local resident. “We are forced to leave our neighborhood to buy food for our families.”⁴ Longtime residents also pointed out that West Berkeley neighborhood surveys had repeatedly indicated that residents want “a real grocery store instead of a store that just sells liquor and dried-up food.”⁵

However, parents of the children of a nearby private school argued that the development posed negative health effects for their children. At one planning commission meeting, a parent who identified herself as a pediatrician and a public health officer said she was concerned about the impact of heavier traffic near the school and the health risks of increased automobile emissions.⁶ Traffic remained a concern for these parents and other local business owners, despite the fact that a neighborhood grocery store could reduce driving by many community members who had been forced to drive across town to shop at a full-service grocery store.

An additional issue with broader health and economic development impact – including the ability of community members to afford health care, housing, and other basic needs – was the concern that the West Berkeley Bowl would be resistant to worker unionization. While workers at the original Berkeley Bowl are unionized, those at the new store would not be unless workers held a vote. “There’s no way this city council will pass a general plan amendment without assurances that they comply with fair labor standards,” councilmember Dona Spring stated prior to the final city council vote.⁷ A representative of the United Commercial Food Workers Local 120, which successfully organized the original Berkeley Bowl, wanted the council to preserve “high-wage, blue-collar jobs” and condition its approval of the West Berkeley Bowl on a card-check process for unionization – a much less difficult way to unionize workers than an election supervised by the National Labor Relations Board. However, the *San Jose Mercury News* reported that this condition of approval was abandoned when Berkeley’s city attorney “told lawmakers that it was

a legal nonstarter,” since federal law prohibits conditioning general plan or zoning changes on union status.⁸

After four years of negotiations and delays, the project’s supporters won out. The final council vote, which approved the necessary changes for the project, was six in favor and three abstaining.

As this profile shows, arguments for health might be made on either side of a development, and organized opposition can stall projects and greatly increase their expense. Supporting food access arguments with community-based data – such as the number of low-income residents and the locations and types (in terms of size and offerings) of existing food retail outlets – can help make a strong case. Mobilizing community residents who can personally speak to the need for neighborhood food access is also powerful – critical, in fact, when opposing groups are well organized. Moreover, advocates must be prepared to stick with their project through a potentially lengthy planning and development approval process.



Photo by J. Brock Winstead

Proposed development site of the West Berkeley Bowl

1 *West Berkeley Residents Riled Up Over Mega-Bowl*, BERKELEY DAILY PLANET, 1/28/05.

2 For more information about the police power, see section 5-1 of GENERAL PLANS AND ZONING: A TOOLKIT ON LAND USE AND HEALTH, available at www.healthyplanning.org.

3 *Speakers Raise Concerns Over Berkeley Bowl Plans*, BERKELEY DAILY PLANET, 11/11/05.

4 *Berkeley Council OKs Grocery-Store Permit*, SAN JOSE MERCURY NEWS, 6/14/06.

5 *Ibid.*

6 *Speakers Raise Concerns Over Berkeley Bowl Plans*, BERKELEY DAILY PLANET, 11/11/05.

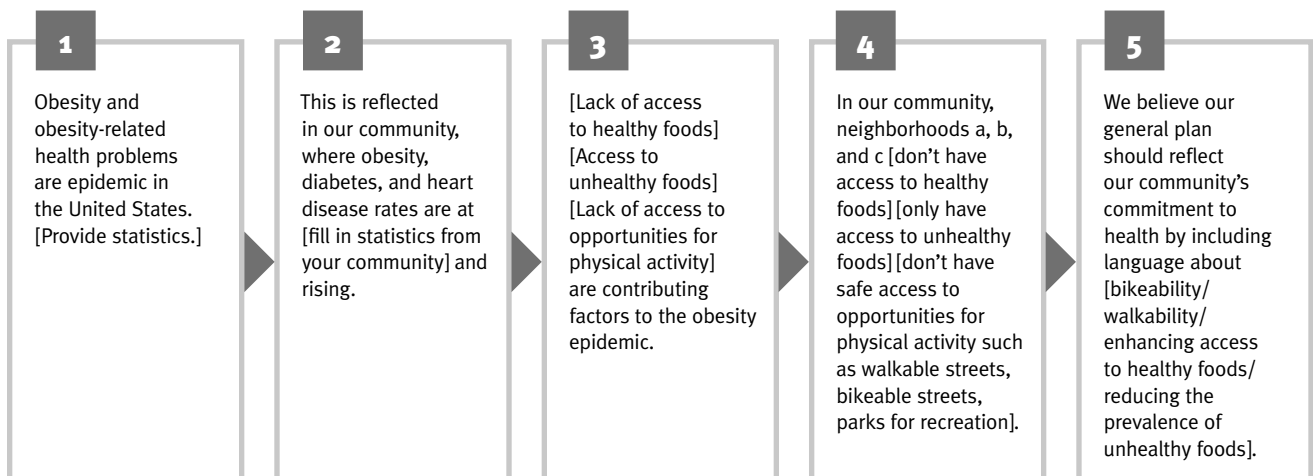
7 *West Berkeley Bowl Faces Mounting Challenges*, BERKELEY DAILY PLANET, 6/9/06.

8 *Berkeley Council OKs Grocery-Store Permit*, SAN JOSE MERCURY NEWS, 6/14/06.

21 Data Collection

Solid policy is based on solid information. The analysis of data collected during the planning process provides local officials with a knowledge of trends, existing conditions and projects they need to formulate policy. If projected community conditions are not in line with a general plan's objectives, local legislative bodies may adopt policies that will help bring about a more desirable future.¹

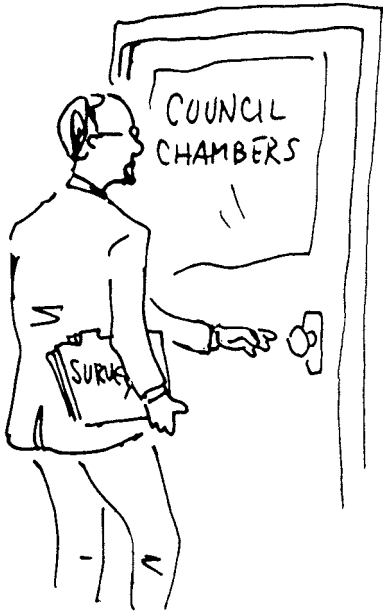
To wage an effective campaign to change your community's general plan, you will want to have the best possible data you can gather on the issues you want to see addressed. It may help to think about two types of data: *metadata* and *community-specific data*. Metadata is the general health data that is available on the relationship between obesity and exercise, food, etc., while community-specific data is information about topics like food access (healthy and non-healthy), bikeability, and walkability in a given community. In order to make your case, you'll need both meta- and community-specific data. To understand why, think of the change message you're communicating in this way:



Advocates should be prepared with national, state, and local data to present to a planning commission, city council, or general plan advisory committee to allow the public bodies to make *findings* on which to base an amendment. Findings are the rationale a decision-making body uses to make a decision,

and they should discuss the reasons why a city or county has decided to take a certain action. Findings “bridge the analytical gap between raw data and ultimate decision.”² Findings are fact-based.

Strictly speaking, the law does not require findings for general plan amendments, because they are presumed to be policy statements. However, because findings “expose the agency’s mode of analysis,”³ they provide a jurisdiction stronger grounding against challenge. While the primary reason for developing this data is persuasive – it will likely be very difficult to persuade decision makers to make these changes without the data – the secondary reason is that the changes stand a greater likelihood of withstanding contest.



Some of the data you will need has been compiled and is available to you. The Centers for Disease Control and Prevention⁴ has a great deal of national and state data available on obesity and obesity-related illness, and also offers information on nutrition and the benefits of physical activity.⁵ This data can help you with the first and third boxes in the flow chart. For state, county, and local data (the second and third boxes), the California Health Interview Survey offers a wealth of information on the same topics.⁶

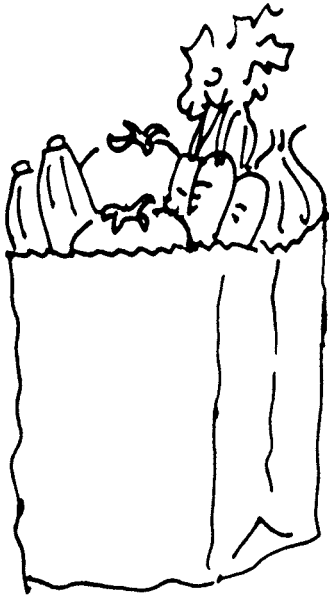
To gather the data for the fourth box will require some effort. In order to determine the walkability, bikeability, and/or food access (healthy and non-healthy) in a community, the community must be “scanned” for a variety of factors. Depending on your goals (healthy food access, walkability, etc.), you’ll need different information.

The next step is determining whether anyone else has collected the information you’re seeking. This research serves two purposes: it potentially allows you to avoid reinventing the wheel, and it helps you identify potential allies (see chapter 22 for more information). The following chart offers some suggestions for locating allies, but it is not exhaustive.

Issue to Address	Possible Allies	Suggested Search Terms	Helpful Links
Walkability	Pedestrian advocates, disability advocates, bike advocates (bike/ped issues often work together)	Pedestrian, pedestrian safety, WALK [community name], walkability, safe routes to schools	<p>California Center for Physical Activity www.caphysicalactivity.org</p> <p>National Center for Biking and Walking www.bikewalk.org</p> <p>Rails-to-Trails Conservancy www.railtrails.org</p> <p>The National Coalition of Walking Advocates, America Walks www.americawalks.org</p>
Bikeability	Bicycle advocates, bike/ped advocates (bike/ped issues often work together)	Bicycle, bikes, bikability	<p>Thunderhead Alliance www.thunderheadalliance.org/links.htm#c</p> <p>California Center for Physical Activity www.caphysicalactivity.org</p> <p>National Center for Biking and Walking www.bikewalk.org</p> <p>Rails-to-Trails Conservancy www.railtrails.org</p>
Parks	Park & open space advocates, “friends of” park organizations, environmental organizations	Parks, open space, public land	<p>Project for Public Spaces www.pps.org/upo/?referrer=pps_navbar</p> <p>The Trust for Public Land: City Parks www.tpl.org/tier2_rp2.cfm?folder_id=215</p>
Healthy food access	Food security advocates, economic justice advocates	Healthy food access, food security	Community Food Security Coalition www.foodsecurity.org/cfa_home.html
Limiting unhealthy food	Food security advocates, nutrition advocates	Food security	Community Food Security Coalition www.foodsecurity.org/cfa_home.html
Public transportation	Transit advocates, environmental advocates, disability rights advocates, senior advocates	Transit, transportation, public transit, public transportation	<p>Transportation and Land Use Coalition www.transcoalition.org</p> <p>Alliance for a New Transportation Charter www.antc.net</p> <p>Transit Advocacy Organization list, from California Transit www.catransit.com/links/calinks.html#anchor1430005</p>

If you are unable to locate an organization that has audited food access, walkability, or another issue in which you are interested, you will need to perform a “scan” or “audit” yourself. A great resource to help you think about what you are looking for (and why) can be found at www.bikewalk.org/PubHealth.htm.

Tip: Audits are time- and labor-intensive. Be realistic about what you can achieve. Conditions in need of improvement are more likely to be found in lower-income areas of your community. You can focus your efforts by choosing specific neighborhoods or census tracts to audit.



Audit Tools

Below are links to already developed audit tools that are available on the Internet. Many of these tools are interactive. Figure out which ones best meet your needs, put on your walking shoes or bike helmet, and start collecting data! The process is interesting and can be a lot of fun, too.

Children’s Mobility/Safe Routes to Schools

“Transportation Tools to Improve Children’s Health and Mobility,” a fact sheet co-sponsored by California Office of Traffic Safety, Safe Routes to School Initiative, California Department of Health Services, and the Local Government Commission

www.lgc.org/freepub/PDF/Land_Use/fact_sheets/sr2s_transportation_tools.pdf

Food Access

Community Food Assessment Survey Tools, from Community Food Security Coalition

www.foodsecurity.org/cfa_survey.html

Nutrition Handouts, from California Department of Health Services, 5 a Day Campaign

www.dhs.ca.gov/ps/cdic/cpns/lat5aday/download/Handouts.pdf

Fast Food & Restaurants

California Department of Health Services Cancer Prevention and Nutrition Services Nutrition Network GIS Map Viewer

www.cnngis.org

Parks/Open Space

Conducting a System-Wide Parks Assessment, from Project for Public Spaces

www.pps.org/upo/info/management/m&o/Parks_Assessment

ParkScan Technology, from the Neighborhood Parks Council

www.parkscansf.org

Community Assessment Tool, from the National Center for Bicycling and Walking

www.bikewalk.org/assets/pdf/CAT1.pdf

Walking and Bicycling Indicators, from the National Center for Bicycling and Walking

www.bikewalk.org/assets/pdf/CAT2.pdf

Environmental Nutrition and Activity Community Tool, from the Strategic Alliance for Healthy Food and Activity Environments

www.eatbettermovemore.org/enact.html

Walkability/Pedestrian Access

Smart Growth Scorecard, from The New Jersey Smart Growth Gateway

www.smartgrowthgateway.org/pdf_folder/scorecard1.pdf

Vorhees Transportation Policy Institute, Pedestrian-Friendliness Scorecard, from The New Jersey Smart Growth Gateway

www.smartgrowthgateway.org/pdf_folder/tpiwalkscorecard-5.xls

Environmental Nutrition and Activity Community Tool, from the Strategic Alliance for Healthy Food and Activity Environments

www.eatbettermovemore.org/enact.html

Community Assessment Tool, from the National Center for Bicycling and Walking

www.bikewalk.org/assets/pdf/CAT1.pdf

Walking and Bicycling Indicators, from the National Center for Bicycling and Walking

www.bikewalk.org/assets/pdf/CAT2.pdf

Nutrition Handouts, from California Department of Health Services, 5 a Day Campaign

www.dhs.ca.gov/ps/cdic/cpns/lat5aday/download/Handouts.pdf

Bikeability

Bikeability Checklist, from The New Jersey Smart Growth Gateway

www.smartgrowthgateway.org/pdf_folder/bikabilitychecklist.pdf

Bicycle Friendly Communities Campaign awards program, from Bicycle Friendly Community

www.bicyclefriendlycommunity.org/apply.cfm

Environmental Nutrition and Activity Community Tool, from the Strategic Alliance for Healthy Food and Activity Environments

www.eatbettermovemore.org/enact.html

Community Assessment Tool, from the National Center for Bicycling and Walking

www.bikewalk.org/assets/pdf/CAT1.pdf

Walking and Bicycling Indicators, from the National Center for Bicycling and Walking

www.bikewalk.org/assets/pdf/CAT2.pdf

Municipal Planning/Design

Smart Growth Scorecard: Municipal Review, from The New Jersey Smart Growth Gateway

www.smartgrowthgateway.org/pdf_folder/scorecard2.pdf

Smart Growth: Score your Community! From EcoCity Cleveland

www.ecocitycleveland.org/smartgrowth/imageswr/commun_score.html

Presenting the Data

Once you've gathered the data you need, you'll want to spend some time thinking about how best to present what you've found. Maps can be very effective for showing where things are located – or where their absence is notable. (The California Nutrition Network offers an excellent and easy-to-use mapping tool at www.cnnngis.org.) Charts or graphs can communicate correlations; for example, a pie chart might show the percentage of low-income compared with the percentage of upper-income residents who live within half a mile of a full-service grocery store.

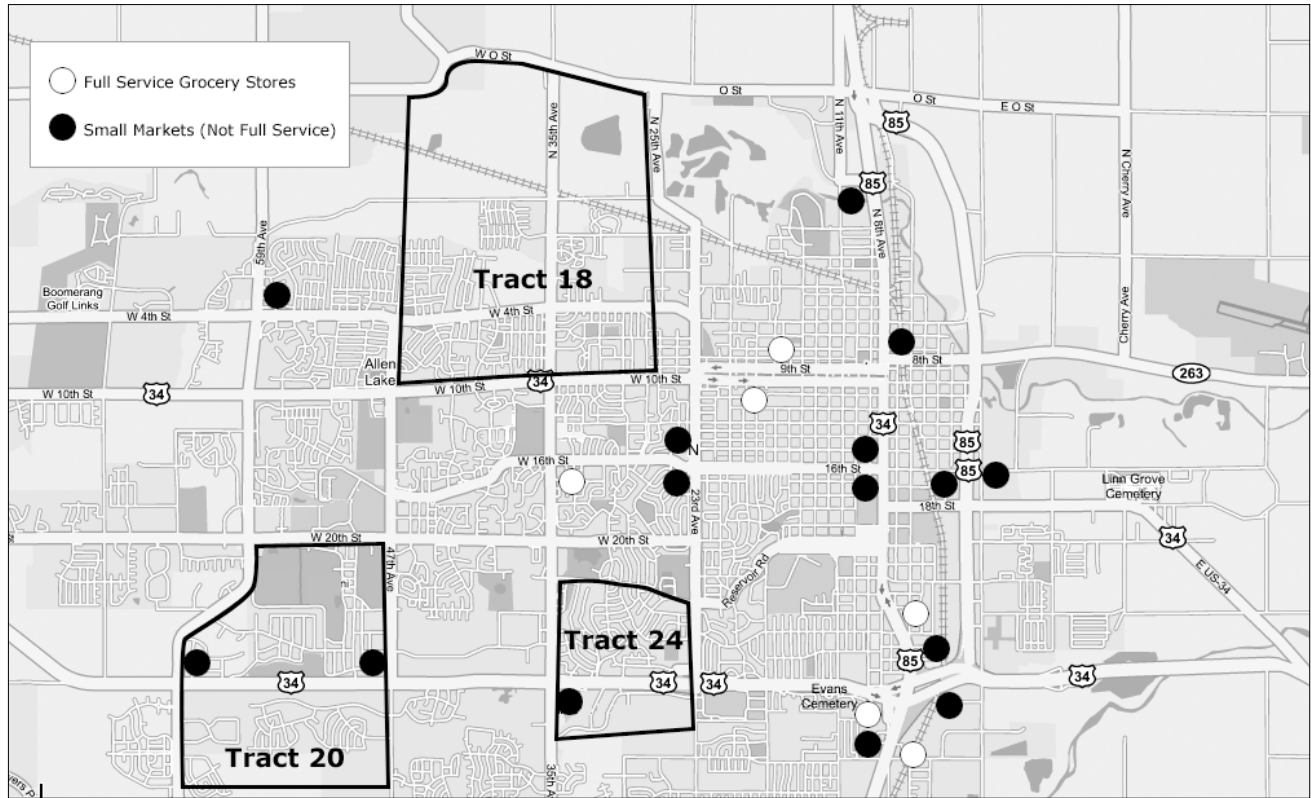
Case Study

Nutrition advocates in Sanoville want their general plan amended to reflect a commitment on the city's part to fresh food access for all residents, especially low-income residents who are food-stamp eligible. They plan out the following steps:

1. Utilizing census data, they identify the three lowest-income census tracts in Sanoville.
2. Walking the tracts, they map out the locations of all markets in those tracts.
3. They compare the various food access survey tools available at www.foodsecurity.org/cfa_survey.html and select one that will be easy to use.
4. Working in pairs, they “shop” the sample market basket from the survey and keep track of the data they gather.
5. They write up a brief report of their findings. They also prepare a few visual aids:
 - a. A **map** of each census tract with the market locations identified.
 - b. A **chart** that shows whether a given market basket item was available at a given store.

- c. **Photographs** of some of the poorer food specimens they found
- d. A **chart** showing there are 8 full-service supermarkets within Sanoville, but not one within 1/2 mile of any of the census tracts surveyed.
- e. A **chart** showing the prevalence of obesity in children in Sanoville, and in the surveyed census tracts in Sanoville.

Sanoville Food Stores



Advocates identified the three lowest-income census tracts in Sanoville, mapping out the locations of all markets in those tracts.

© 2005 Google Maps

Prevalence of Obesity among Children in Sanoville

Region	Percentage of children who are overweight/obese
California	28
Sanoville	28
Census tract 18	34
Census tract 20	33
Census tract 24	32

This chart shows how the prevalence of obesity among children in the three census tracts compares with that in Sanoville and California overall.

Store Name & Address: MegaMart - 29881 Santa Rita Blvd
 Days & Hours open: 7 days, 24 hours Phone: (999) 555-7786
 Type of Store: Supermarket Produce \$1 Market Local Market Convenience Store
 Comments: Full service. Not in I.D.'d census tracts - for comparison only

Dairy Item	Price	Not Available
1/2 gal. non fat milk	1.80	
1/2 gal. 2% milk	2.09	
1/2 gal. whole milk	2.29	
1/2 gal. lactose reduced or free milk	3.50	
Powdered dry milk	2.39	
Cheddar cheese	2.79	
Mozzarella cheese	3.50	
Processed Amer. Ch.	2.50	

Gallons avail. for 2.35
Gal. avail. for 2.40

Bread & Cereal	Price	Not Available
1 lb. rice, bulk	.32	
32 oz. Bag rice	1.49	
Whole wheat bread loaf	2.49 (not also get 1 lb.)	
12 oz. bag spaghetti	2.79	
Flour tortillas (list amount) (12)	1.99	
Corn tortillas (list amount) (80)	1.50	

Protein Foods	Price	Not Available
One dozen eggs	1.99	
18 oz. jar of peanut butter	2.50	
Dried beans	.79	
Dried lentils	.79	
1 lb. chicken	.99	
6 oz can tuna	.66	
1 lb. ground beef (<15% fat)	1.99	

Fruits & Vegetables	Price	Not Available
1 lb. carrots	.59	
1 lb. bananas	.79	
1 lb. apples	.80	
1 lb. oranges	.59	
1 lb. tomatoes	1.59	
1 lb. onions	.40	
1 lb. potatoes	.58	

Item	Yes	No
Alcohol	X	
Handicap Accessible	X	
Food Stamps accepted	X	
Credit card machine	X	
WIC checks Accepted	X	
Nutrition promotion	X	
Microwave	X	
Coupons accepted	X	
Store Club Card	X	

Store Name & Address: Quik Corner - 28899 Hwy 34
 Days & Hours open: 7 days, 7am-midnight Phone: (999) 555-3454
 Type of Store: Supermarket Produce \$1 Market Local Market Convenience Store
 Comments: Very poor selection. Produce virtually inedible.

Dairy Item	Price	Not Available
1/2 gal. non fat milk	2.96	
1/2 gal. 2% milk	X	
1/2 gal. whole milk	2.96	
1/2 gal. lactose reduced or free milk	X	
Powdered dry milk	3.99 (1/2 lb)	
Cheddar cheese	X	
Mozzarella cheese	X	
Processed Amer. Ch.	4.99	

Bread & Cereal	Price	Not Available
1 lb. rice, bulk	X	
32 oz. Bag rice	2.59	
Whole wheat bread loaf	4.19	
12 oz. bag spaghetti	2.29	
Flour tortillas (list amount)	X	
Corn tortillas (list amount) (10)	2.79	

Protein Foods	Price	Not Available
One dozen eggs	2.99 (1/2 lb)	
18 oz. jar of peanut butter	4.39	
Dried beans	2.29	
Dried lentils	X	
1 lb. chicken	X	
6 oz can tuna	2.99	
1 lb. ground beef (<15% fat)	X	

Fruits & Vegetables	Price	Not Available
1 lb. carrots	X	
1 lb. bananas	X	
1 lb. apples	1.89	
1 lb. oranges	X	
1 lb. tomatoes	X	
1 lb. onions	1.19	
1 lb. potatoes	.99	

Item	Yes	No
Alcohol	X	
Handicap Accessible		X
Food Stamps accepted		X
Credit card machine		X
WIC checks Accepted		X
Nutrition promotion		X
Microwave		X
Coupons accepted		X
Store Club Card		X

moldy
sprouting

Store Name & Address: Manny's Superette - 1365 35th Ave
 Days & Hours open: M-Sat, hours vary Phone: (999) 555-1717
 Type of Store: Supermarket Produce \$1 Market Local Market Convenience Store
 Comments: Store not clean; many items look like they've been there a long time

Dairy Item	Price	Not Available
1/2 gal. non fat milk	X	
1/2 gal. 2% milk	X	
1/2 gal. whole milk	3.79	
1/2 gal. lactose reduced or free milk	X	
Powdered dry milk	11.26	
Cheddar cheese	4.77 (1/2 lb)	
Mozzarella cheese	X	
Processed Amer. Ch.	5.34	

Expired safety date

Bread & Cereal	Price	Not Available
1 lb. rice, bulk	2.19	
32 oz. Bag rice	2.89	
Whole wheat bread loaf	X	
12 oz. bag spaghetti	2.29	
Flour tortillas (list amount) (10)	2.71	
Corn tortillas (list amount)	X	

Protein Foods	Price	Not Available
One dozen eggs	3.72 (not)	
18 oz. jar of peanut butter	3.29	
Dried beans	1.99	
Dried lentils	X	
1 lb. chicken	X	
6 oz can tuna	2.99	
1 lb. ground beef (<15% fat)	X	

Fruits & Vegetables	Price	Not Available
1 lb. carrots	1.55	
1 lb. bananas	.89	
1 lb. apples	X	
1 lb. oranges	X	
1 lb. tomatoes	X	
1 lb. onions	1.19	
1 lb. potatoes	1.19	

Item	Yes	No
Alcohol	X	
Handicap Accessible		X
Food Stamps accepted		X
Credit card machine	X	
WIC checks Accepted	X	
Nutrition promotion	X	
Microwave	X	
Coupons accepted	X	
Store Club Card	X	

Store Name & Address: A + J Market - 1234 Placer Ave
 Days & Hours open: 7 days, 8am-9 PM Phone: (999) 555-2233
 Type of Store: Supermarket Produce \$1 Market Local Market Convenience Store
 Comments: Selection pretty good, very expensive, proprietor smoking

Dairy Item	Price	Not Available
1/2 gal. non fat milk	4.29	
1/2 gal. 2% milk	X	
1/2 gal. whole milk	X	
1/2 gal. lactose reduced or free milk	5.75	
Powdered dry milk	7.99	
Cheddar cheese	4.50 (1/2 lb)	
Mozzarella cheese	4.90 (1/2 lb)	
Processed Amer. Ch.	5.16	

Bread & Cereal	Price	Not Available
1 lb. rice, bulk	X	
32 oz. Bag rice	3.77	
Whole wheat bread loaf	4.89	
12 oz. bag spaghetti	2.19	
Flour tortillas (list amount) (8)	2.50	
Corn tortillas (list amount) (50)	4.99	

Protein Foods	Price	Not Available
One dozen eggs	4.89 (1g)	
18 oz. jar of peanut butter	3.98	
Dried beans	2.19	
Dried lentils	X	
1 lb. chicken	6.49	
6 oz can tuna	3.19	
1 lb. ground beef (<15% fat)	7.99	

Fruits & Vegetables	Price	Not Available
1 lb. carrots	1.19	
1 lb. bananas	1.19	
1 lb. apples	2.19	
1 lb. oranges	1.89	
1 lb. tomatoes	3.99	
1 lb. onions	.99	
1 lb. potatoes	.99	

Item	Yes	No
Alcohol	X	
Handicap Accessible		X
Food Stamps accepted		X
Credit card machine	X	
WIC checks Accepted	X	
Nutrition promotion	X	
Microwave	X	
Coupons accepted	X	
Store Club Card	X	

Brown
moldy

Food Access Surveys

A hypothetical market basket was shopped in all of the stores in the census tracts – and in the MegaMart in another neighborhood for comparison.

Summary of Findings

The three lowest-income census tracts in Sanoville (tracts 18, 20, and 24) were surveyed. Tract 18 does not have any retail food outlets. Tract 20 has two, and tract 24 has one. A hypothetical market basket was shopped in each of the three stores in the three census tracts. In addition, the same market basket was shopped in the MegaMart in the Rose Hill neighborhood for comparison purposes. Key findings are presented below, followed by a chart detailing the findings.

- ▶ All products were more expensive at the smaller markets in the lower-income tracts than equivalent products at MegaMart.
- ▶ The average total market basket at the smaller markets cost 142 percent of the basket at MegaMart. However, the cost difference is actually greater than this because none of the smaller stores had all of the items called for in the market basket.
- ▶ The availability of the items ranged from 54 percent to 86 percent. MegaMart had 100 percent of the items called for in the market basket.
- ▶ The cost per item averaged \$3.34 at the smaller stores, vs. \$1.59 at MegaMart – a difference of 211 percent.
- ▶ Only one of the small markets accepts food stamps, and none of them accept WIC. MegaMart accepts both. The small store that accepts food stamps has the highest per-item cost: \$3.87.
- ▶ Spoiled and expired foods, as well as dented cans and torn packaging, were common at the smaller markets.

Summary of Findings

Product	Store I	Store II	Store III	Average Price	MegaMart	% Price Difference
Dairy Products						
½ gal. non-fat milk	\$2.96	N/A	\$4.29	\$3.63	\$1.80	201%
½ gal. 2% milk	N/A	N/A	N/A	N/A	\$2.09 ^A	N/A
½ gal. whole milk	\$2.96	\$3.79	N/A	\$3.38	\$2.29 ^B	147%
½ gal. lactose free/reduced milk	N/A	N/A	\$5.75	\$5.75	\$3.50	164%
Powdered dry milk	N/A	\$11.26 ^C	\$7.99	\$9.63	\$2.39	403%
Cheddar cheese	\$3.99 ^D	N/A	\$4.50 ^E	\$4.25	\$2.79	152%
Mozzarella cheese	N/A	\$4.79 ^F	\$4.99 ^G	\$4.89	\$3.50	140%
Processed Amer. Cheese	\$4.99	\$5.34	\$5.16	\$5.16	\$2.50	207%
Protein Foods						
One dozen eggs	\$2.99 ^H	\$3.72 ^I	\$4.89 ^J	\$3.87	\$1.99 ^K	194%
18 oz. jar of peanut butter	\$4.39	\$3.29	\$3.98	\$3.89	\$2.50	155%
Dried beans	\$2.29	\$1.99	\$2.19	\$2.16	\$0.79	273%
Dried lentils	N/A	N/A	N/A	N/A	\$0.79	N/A
1 lb. Chicken	N/A	N/A	\$6.49	\$6.49	\$0.99	656%
6 oz. Can tuna	\$2.99	\$2.98	\$3.19	\$3.05	\$0.66	463%
1 lb. Ground beef (<15% fat)	N/A	N/A	\$7.99	\$7.99	\$1.99	402%
Fruits & Vegetables						
1 lb. Carrots	N/A	\$1.55	\$1.79	\$1.67	\$0.59	283%
1 lb. Bananas	N/A	\$0.89	\$1.19 ^L	\$1.04	\$0.79	132%
1 lb. Apples	\$1.89	N/A	\$2.19	\$2.04	\$0.80	255%
1 lb. Oranges	N/A	N/A	\$1.89 ^M	\$1.89	\$0.59	320%
1 lb. Tomatoes	N/A	N/A	\$3.99	\$3.99	\$1.50	266%
1 lb. Onions	\$1.19 ^N	\$1.19	\$0.99	\$1.12	\$0.40	281%
1 lb. Potatoes	\$0.99 ^O	\$1.19	\$0.99	\$1.06	\$0.58	182%
Bread & Cereal						
1 lb. Rice, bulk	N/A	\$2.19	N/A	\$2.19	\$0.32	684%
32 oz. Bag rice	\$2.59	\$2.88	\$3.97	\$3.15	\$1.49	211%
Whole wheat bread loaf	\$4.19 ^P	N/A	\$4.89	\$4.54	\$2.49 ^Q	182%
12 oz. Bag spaghetti	\$2.29	\$2.29	\$2.19	\$2.26	\$0.79	286%
Flour tortillas	N/A	\$2.71 ^R	\$2.50 ^S	\$2.61	\$1.99 ^T	131%
Corn tortillas	\$2.79 ^U	N/A	\$4.99 ^V	\$3.89	\$1.50 ^W	259%
Total Market Basket Cost	\$43.49	\$52.05	\$92.98	\$62.84	\$44.40	142%
% of Market Basket Items Available	54%	57%	86%		100%	
Average Cost Per Item	\$2.90	\$3.25	\$3.87	\$3.34	\$1.59	211%
Other	Yes/No	Yes/No	Yes/No		Yes/No	
Alcohol	Y	Y	Y		Y	
Handicapped Accessible	N	N	N		Y	
Food Stamps accepted	N	N	Y		Y	
Credit Card machine	N	Y	N		Y	
WIC checks accepted	N	N	N		Y	
Nutrition promotion	N	N	N		Y	
Microwave	N	N	N		Y	
Coupons accepted	N	N	N		Y	
Store Club Card	N	N	N		Y	

A Full gallons were available for \$2.25 on sale

B Full gallons were available for \$2.40 on sale

C Expired sell-by date

D ½ lb.

E ½ lb.

F ½ lb.

G ½ lb.

H ½ dozen, large

I medium

J large

K large

L Bananas were brown

M Oranges were moldy

N Onions were sprouting

O Potatoes were sprouting

P Bread was moldy

Q Buy 1 get 1 free sale equates to \$1.25 per loaf.

R 10 per package

S 8 per package

T 12 per package

U 10 per package

V 50 per package

W 50 per package

1 Governor's Office of Planning and Research, STATE OF CALIFORNIA GENERAL PLAN GUIDELINES 2003, at 16 (1998), available at www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf (last visited 9/7/05).

2 Topanga Association for a Scenic Community v. County of Los Angeles, 11 Cal.3d 506 (1974).

3 *Id.*

4 www.cdc.gov/nchs/ (last visited 9/8/05).

5 National Centers for Chronic Disease Prevention and Health Promotion, IMPROVING NUTRITION AND INCREASING PHYSICAL ACTIVITY, at www.cdc.gov/nccdphp/bb_nutrition/ (last visited 9/8/05).

6 www.chis.ucla.edu/ (last visited 9/8/05).

Identifying Interested Parties

General plan revisions (and land use in general) draw interest from a wide range of people, organizations, and businesses. Broadly speaking, interested parties can be divided into four categories:

- ▶ Decision makers, who will also be elected/appointed officials (city councilmembers, supervisors, commissioners, etc.)
- ▶ City/county staff (planning staff, health department staff, others)
- ▶ Allies
- ▶ Opponents

It is a good idea to identify the other interested parties early and determine potential allies and opponents.



Photo by Karen Parry / Black Graphics

Elected/Appointed Officials

Since these are the people who will ultimately vote for or against your objectives, it is important to ascertain who is on your side. You will be most effective if you can cultivate at least one advocate for your cause early on. Get to know the positions of your councilpeople/supervisors as well as your planning commissioners. Ideally, your champion will not be close to the end of her/his term – your goal is to build long-term relationships.

City/County Staff

City and/or county staff, particularly planning department staff, are the keepers of the general plan and therefore will be directly involved in any amendments to the general plan. Developing good, supportive working relationships with these staff can mean the difference between success and failure. Furthermore, line staff and department heads often exercise great influence over officials. In particular, since planning commissioners are volunteers, they rely heavily on the information, analysis, and recommendations they receive from planning staff.

Allies and Opponents

It is important to think as broadly as possible about the types of groups or individuals who may engage with a specific policy issue, since your area of interest may engage people or groups with whom you have had little or no contact in the past. The list below is far from exhaustive but should provide a starting place for brainstorming:

- ▶ Affordable housing advocates
- ▶ Chambers of commerce
- ▶ Children, youth and family advocates
- ▶ Civic (improvement) organizations
- ▶ Civil rights organizations
- ▶ Community development corporations
- ▶ Community organizers
- ▶ Community-based agriculture advocates
- ▶ Community-based organizations
- ▶ Dog advocates (often interested in parks & open space)
- ▶ Ecology organizations
- ▶ Economic justice advocates
- ▶ Environmental justice organizations
- ▶ Environmental organizations
- ▶ Faith-based communities
- ▶ Farmers' organizations
- ▶ Food security organizations
- ▶ Food stamp advocates
- ▶ Grassroots organizations
- ▶ Homeless advocates
- ▶ Homeowners associations
- ▶ Land use attorneys
- ▶ Lobbyists
- ▶ Local chapter of the AIA (American Institute of Architects)
- ▶ Local chapter of the APA (American Planning Association)
- ▶ Merchant associations
- ▶ Neighborhood organizations
- ▶ Organized labor
- ▶ Park & open space advocates
- ▶ Planning and land use professionals & advocates
- ▶ Poverty advocates
- ▶ Public transportation advocates
- ▶ Real estate developers
- ▶ Senior advocates
- ▶ Smart growth groups
- ▶ Sustainability groups

Many of these groups and individuals may be politically well connected. The interested entities may vary depending on the policy area you seek to influence – for example, economic development organizations may become involved with an issue that focuses on increasing the number of grocery stores in a community, while a “friends of the park” group may be interested if you are seeking to effect park policy. Take advantage of opportunities to work in coalition; it strengthens your effectiveness and provides opportunities to share workloads.

As you set out to develop these relationships, it may be helpful to keep a few points in mind:

- ▶ You may share an interest in an issue with a group that’s interested in the issue for a reason that differs from yours. You don’t have to have the same motivations to work together effectively.
- ▶ It is rarely productive to try to sign others onto your agenda. Finding/creating common ground will generally be more fruitful than trying to enlist others in pursuing your goals.
- ▶ Often, other people have been working on your (or related) issues for a long time. Supporting their process may be more productive than running a parallel process, especially if you are working with limited resources.

Allies and opponents may emerge while you are laying groundwork, or you may decide to recruit specific allies. Community organizing strategies and techniques are beyond the scope of this toolkit, but there are many excellent resources available to develop these capacities. Similarly, there are superb resources available to develop expertise in managing opposition. See appendix 2 in this toolkit for a few of these.

Connecting the Dots: What to Do with What You’ve Assembled

You’ve collected metadata. You’ve gotten fit auditing food access in your community. You’ve made maps and charts. You’ve started to build a coalition with other interested parties. You’ve identified a decision maker who will champion your cause. What do you do with all of your intellectual capital?

1. Use the *Model Resolution* in chapter 11 as a tool to build relationships with city councilpeople/county supervisors. This resolution is a tool for a decision-making body to go on record as supporting your issue while not binding a jurisdiction to any specific action. It is a terrific “foot in the door” you can offer, already drafted, for adoption (they may wish to run it by their city or county attorney). The public hearing at which they vote on the resolution is an opportunity for you to raise awareness about these issues. Furthermore, once the resolution is adopted, it is a logical next step to encourage your decision-maker ally to introduce a general plan amendment, thereby making a more formal and enforceable commitment to your issue.
2. Craft suggested general plan language for adoption by your community. See chapter 11 for some examples.

The following are tips for advocating effectively with elected and appointed officials. The first set of suggestions focuses on one-on-one communications; the second set focuses on public testimony.

Communicating with Your Elected/Appointed Officials¹

In Writing:

- ▶ Keep it short and simple. Present your opinion on the single issue at hand, and be brief. State your support/opposition upfront, as many officials simply tally advocacy correspondence without reading it.
- ▶ Write your letter as an individual, and preferably on letterhead (organizational or personal).
- ▶ Personalize your letter. Let the legislator know how the legislation will affect you and others in the community.
- ▶ Identify, if possible, the specific title and bill number of the legislation you are writing about.
- ▶ Give your opinion in a brief, polite, and concise way. Use a respectful tone in your letter. It's OK to disagree with the legislator, but never attack him or her personally.
- ▶ Conclude your letter by urging the legislator to take action in support of your position, and thank him or her for taking the time to consider your views. Be sure to provide your name, and include your mailing address and phone number.
- ▶ If you are a constituent living in the legislator's district, be sure to include this fact in your letter. Sometimes you may wish to contact a committee head or other official who serves outside of your area. Be sure to explain how the issue affects you, and what your concerns are.

By Telephone:

Phone calls are a great way to let your public officials know right away how you feel about an issue, especially on a time-sensitive issue such as a legislative bill that is under consideration. Generally, you will speak with a staff person, not directly to the official whose office you are contacting.

- ▶ Before you call, write out a list of the points you wish to make.
- ▶ Call during business hours (Monday through Friday between 9 am and 5 pm).
- ▶ Don't be intimidated. You are not "bothering" your legislator and his or her staff by calling. They receive dozens of calls each day from people like you.
- ▶ Identify, if possible, the legislation you are calling about.
- ▶ Be polite and brief. Even if the legislator you are contacting is known to disagree with your position, ask that he or she "consider other opinions"

on the issue. Thank the person you are talking to for taking the time to hear your opinion.

In Person:

Meeting with an elected or appointed official is a very effective way to convey a message about a specific issue or legislative matter. Below are some suggestions to consider when planning a personal visit.

- ▶ Plan your visit carefully. Be clear about what it is you want to achieve and ask of the official.
- ▶ Make an appointment. Contact the appointment secretary or other appointment scheduler. Explain your purpose for meeting when you make your appointment.
- ▶ Be punctual and patient. If the official is late, or your meeting is interrupted, be flexible. If the opportunity presents itself, continue your meeting with a staff member.
- ▶ Be prepared. Whenever possible, bring to the meeting information and materials supporting your position. If you have a lot of materials, be sure to provide a one-page executive summary.
- ▶ Be helpful. Officials want to represent the best interests of their district. Whenever possible, demonstrate the connection between what you are requesting and the interests of the community.
- ▶ Be responsive. Be prepared to answer questions or provide additional information in the event the official expresses interest or asks questions. Don't be afraid to admit you don't know something. If an official wants information you don't have or asks something you don't know, say that you don't know and then offer to get the information. Be sure to follow through!
- ▶ If appropriate, offer a tour through the community to show officials what you want them to see. If they accept, repeat all of the above.
- ▶ Be sure to thank officials for their service to the people. When it is appropriate, remember to ask for a commitment on your issue.



Providing Testimony at Public Hearings

- ▶ Get to know the environment. If possible, attend at least one hearing of the body you'll appear before prior to your calendared date. It will reduce your anxiety if you know how meetings are structured.
- ▶ Bring community members, youth, food stamp recipients, physicians, and other content specialists with you.

- ▶ Find out how much time you will have to testify. Different bodies provide different amounts of time; the allotted time may vary from one agenda item to the next (state law requires only that everyone providing public comment on a particular item be given the same amount of time.) Find out also how to get onto the speaker list. Some bodies require advance sign-up.
- ▶ Keep in mind that the allotted amount of time may be different from what you expect, even if you've checked. If a meeting is running long, if a lot of people are there to testify on an item, or if an item is seen as non-controversial, the amount of time for testimony may be reduced. Be prepared to adjust.
- ▶ If you have more material to present than can be presented in the time allotted, consider splitting the presentation up between several people, with each focusing on a topic (metadata, local data, a personal story, etc.). If you want to make sure your presentation happens in the order you feel will be most effective, make sure to put all of the names on the speakers list in order, and explain your intent to the clerk/secretary.
- ▶ If there is opposition to your item, it may be worthwhile to have one speaker on your side who speaks towards the end of public comment to respond to any issues raised by opponents.
- ▶ Don't be repetitious. Nobody wants to sit through a hearing that is longer than it needs to be. If you bring supporters along, you may wish to ask them to stand or raise their hands, but don't have ten people speak to the same points just because you brought them along. Do acknowledge the participants in your collaborative effort; it shows the strength of your coalition.
- ▶ Practice your presentation! Make sure you are comfortable with your material and any visual aids you have. Be careful with PowerPoint; you may spend all of your presentation time trying to get a slideshow running that was working just fine half an hour earlier. Low-tech (flip-charts, oak tag) can be just as effective and is less subject to malfunction. If you are uncomfortable with public speaking, try to practice before an audience beforehand.
- ▶ Provide any written handouts, maps, and such to the members of the body at least a week ahead of time. Some of them will read it in preparation for the hearing, but if you hand them the materials as you begin speaking, none of them will have time to do so. Bring extra handouts to the hearing in case an official requests another copy.
- ▶ Many communities broadcast public meetings on local cable. Don't become flustered by cameras.

- ▶ Be prepared for a long meeting. Agendas are subject to shuffling. An item that you expect will be heard at a particular time may be heard hours later – or earlier. Hearings can go late into the night. Make sure your calendar is clear; you’ve lined up childcare; and you’ve brought water, snacks, and perhaps knitting or a crossword puzzle.
- ▶ Be polite. Look the officials in the eye. Speak clearly. Thank them for their time. Address them by their honorific titles and their names (Supervisor Cortez, Commissioner Chang, Councilwoman Washington). When the bell signifies that your time is up, finish your sentence within four or five words, thank the officials, and move away from the podium. If you finish before the bell rings, thank them, ask for their support, and tell them you are available for questions. If none are forthcoming, take your seat.
- ▶ Publicize your results!

¹ Adapted from www.bayareacouncil.org/site/pp.asp?c=dkLRK7MMIqG&b=242058.

23 Paying for Change: Regulatory Fees

Creating a legislative environment for change to the healthy food and physical activity accessibility landscape is the focus of this toolkit. However, implementing change can be expensive – and budgets for parks and similar amenities are often among the first things to be cut when budgets are tight.

Regulatory fees resemble business license fees, and are levied on businesses that cause (or are likely to cause) harm. Regulatory fees might be levied against:

- ▶ **Liquor stores** to prevent nuisance & criminal activity
- ▶ **Billboards** to protect aesthetics & safety
- ▶ **Rental homes** for rent control administration
- ▶ **Solid waste** for recycling programs
- ▶ **Tobacco retailers** for tobacco control enforcement

Though both regulatory fees and taxes collect revenue, they are not the same. Fees can be distinguished from taxes in several important ways:

- ▶ The revenue from fees must be **earmarked** for specific programs; it cannot be funneled into the general fund
- ▶ The revenue derived from a fee must be “**reasonably commensurate**” with operating costs of the programs it funds
- ▶ It must be **apportioned** so there is a “reasonable relationship” to payors’ burdens and benefits.

Another difference between fees and taxes is that California law requires that new taxes be approved by two thirds of the voters. By contrast, a fee can be imposed by a simple majority vote of the jurisdiction’s legislative body.

An example of possible fees (the feasibility of which has been analyzed) is a regulatory fee on sweetened beverages such as soda, sugar-added fruit drinks, sports drinks, and so on, or a fee on meals served in restaurants, where added fat and large portions make it more difficult to eat a balanced, healthy diet. In both cases, there is scientific evidence pointing to a link between the product and obesity.

For a fee to be legal, there must be a nexus between the fee and remediation of the harm caused by the subject of the fee. So in these examples, the revenue collected from a regulatory fee on sweetened beverages or restaurant meals would have to be used to address obesity.

In our example, the funds could be used to increase access to healthy food choices by funding farmers' markets, for instance, or a program that worked to improve the offerings at existing small markets. Or the funds could be used to provide improved physical activity opportunities, perhaps by improving the safety of the community's parks, or through the funding of pedestrian and bike improvements.

For more detail on nexus studies for improved nutrition, see www.epsys.com/14124client2.pdf.

Appendix 1 Glossary

This glossary is based on one created by the California Planning Roundtable, whose many wonderful resources were invaluable in developing this toolkit.

Accessory use

An activity or structure that is incidental to the main use of a site. For example, a small business office within a store might be considered an *accessory use*, and might not be counted in the calculation of the size of the store for zoning purposes.

Adverse impact

A negative consequence for the physical, social, or economic environment resulting from an action or project.

Affordable housing

Housing that can be purchased or rented by a household with moderate, low, or very low income, based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30 percent of its gross monthly income (GMI) for housing, including utilities.

Air rights

The right granted by a property owner to a buyer to use space above an existing right-of-way or other site, usually for development.

Amortization of nonconforming uses

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time. Generally based on the rate of economic depreciation of the use or structure.

Annex (v.)

To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Architectural control; Architectural review

Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance,

historic character, and/or style of surrounding areas. A process used to exercise control over the design of buildings and their settings. (See *Design review*.)

Arterial

A major street normally controlled by traffic signs and signals, which provides intracommunity travel and access to the countywide highway system. Arterials are usually medium-speed (30–40 mph), medium-capacity (10,000–35,000 average daily trips) roadways. Access to community arterials should be provided at collector roads and local streets, but direct access from parcels to existing arterials is common.

Articulation

Variation in the depth of the building plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow.

As-of-right use

A use of land that is permitted as a principal use in a zoning district.

Assessment district

See *Benefit assessment district*.

Automobile-intensive use

A use of a retail area that depends on exposure to continuous auto traffic.

BANANA (See also LULU, NIMBY, NIABY, and NIMTOO)

Build Absolutely Nothing Anywhere Near Anything.

Benefit assessment district

An area within a public agency’s boundaries that receives a special benefit from the construction of one or more public facilities. A *benefit assessment district* has no legal life of its own and cannot act by itself. It is strictly a financing mechanism for providing public infrastructure as allowed under the Streets and Highways Code. Bonds may be issued to finance the improvements, subject to repayment by assessments charged against the benefiting properties. Creation of a benefit assessment district enables property owners in a specific area to cause the construction of public facilities or to maintain them (for example, a downtown, or the grounds and landscaping of a specific area) by contributing their fair share of the construction and/or installation and operating costs.

Bicycle lane (class II facility)

A corridor expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

Bicycle path (class I facility)

A paved route, not on a street or roadway, expressly reserved for bicycles traversing an otherwise unpaved area. Bicycle paths may parallel roads but typically are separated from them by landscaping.

Bicycle route (class III facility)

A facility shared with motorists and identified only by signs. A bicycle route has no pavement markings or lane stripes.

Bikeways

A term that encompasses bicycle lanes, bicycle paths, and bicycle routes.

Blight

Physical and economic conditions within an area that cause a reduction of or lack of full utilization of that area. A blighted area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces. Blight spreads; a blighted condition at a site, structure, or area may cause nearby buildings and/or areas to decline in attractiveness and/or utility. The Community Redevelopment Law (Health and Safety Code sections 33031 and 33032) contains a definition of blight used to determine eligibility of proposed redevelopment project areas.

Board of appeals

An appointed board that hears appeals on variances and exceptions.

Board of supervisors

A county's legislative body. Board members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations, and establishing county policy. The board adopts the general plan, zoning, and subdivision regulations.

Brownfield

Abandoned industrial site likely to have groundwater or soil pollution that is a deterrent to redevelopment. (See *Greenfield*.)

Buffer zone

An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other – for example, a screen of planting or fencing to insulate the surroundings from the noise, smoke, or visual aspects of an industrial zone or junkyard.

Building envelope

The space remaining on a site in which structures may be built after all building setbacks, height limits, and bulk requirements have been met.

Buildout (also build-out)

Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations. (See *Carrying capacity (3)*.)

Bulk regulations

Zoning or other regulations that control the height, mass, density, and location of buildings. The purpose of bulk regulations is to provide proper light, air, and open space. Some bulk regulations also are intended to reflect context-sensitive design.

Busway

A vehicular right-of-way or portion thereof – often an exclusive lane – reserved exclusively for buses. Getting public transit out of traffic speeds it up, making it a more attractive option.

Built environment

All aspects of our surroundings that are constructed by people: buildings, roads, parks, and so on.

California Environmental Quality Act (CEQA)

A state law requiring state and local agencies to regulate activities with consideration for environmental protection. In general, CEQA requires that all private and public projects be reviewed prior to approval for their potential adverse effects upon the environment. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before action is taken on the proposed project. General plans require the preparation of a “program EIR.”

Caltrans

California Department of Transportation.

Capital improvements program (CIP)

A program, administered by a city or county government and reviewed by its planning commission, which schedules permanent improvements, usually for a minimum of five years in the future, to fit the projected fiscal capability of the local jurisdiction. The program generally is reviewed annually, for conformity to and consistency with the general plan.

Carrying capacity

Used in determining the potential of an area to absorb development:

(1) The level of land use, human activity, or development for a specific area that can be accommodated permanently without an irreversible change in the quality of air, water, land, or plant and animal habitats. (2) The upper limits of development beyond which the quality of human life, health,

welfare, safety, or community character within an area will be impaired.

(3) The maximum level of development allowable under current zoning.

(See *Buildout*.)

Central business district (CBD)

The major commercial downtown center of a community. General guidelines for delineating a downtown area are defined by the U.S. Census of Retail Trade, with specific boundaries being set by the local municipality.

Channelization

At the intersection of roadways, the directional separation of traffic lanes through the use of curbs or raised islands that limit the paths that vehicles may take through the intersection.

Charrette

An intensive planning session where citizens, designers, and others collaborate on a vision for development. It provides a forum for ideas and offers the unique advantage of giving immediate feedback to the designers. More important, it allows everyone who participates to be a mutual author of the plan. The charrette workshop is designed to stimulate ideas and involve the public in the community planning/design process. It is a valuable tool for laying the foundation for the development of a more formal plan (such as a comprehensive plan, master plan, or strategic plan). It is most effective as a component of the formal planning and design process.

Charter city

A city that has been incorporated under its own charter rather than under the general laws of the state. Charter cities have broader powers to enact land use regulations than do general law cities.

Circulation element

One of the seven state-mandated elements of a local general plan, it contains adopted goals, policies, and implementation programs for the planning and management of existing and proposed thoroughfares, transportation routes, and terminals, as well as local public utilities and facilities, all correlated with the land use element of the general plan.

City council

A city's legislative body. The popularly elected city council is responsible for enacting ordinances, imposing taxes, making appropriations, establishing city policy, and hiring some city officials. The council adopts the general plan, zoning, and subdivision ordinance.

Clustered development

Development in which a number of dwelling units are attached or placed in closer proximity than usual, with the purpose of retaining an open space area. Clustered development is more efficient because it requires building fewer streets and utility lines.

Collector

Relatively low-speed (25–30 mph), low-volume (5,000–20,000 average daily trips) street that provides circulation within and between neighborhoods. Collectors usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network.

Commercial

A land use classification that permits facilities for the buying and selling of commodities and services.

Community benefits

In planning and land use, this refers to developer exactions that are required as a condition of development. The benefits contained in a community benefits agreement (CBA) may be provided by the developer or by other parties benefiting from the development subsidies, such as the stores that rent space in a subsidized retail development. Some benefits can be built into the project itself, such as the inclusion of a childcare center in the project or the use of environmentally sensitive design elements, such as white roofs that help avoid the “heat island” effect. Some benefits will affect project operations, such as wage requirements or traffic management rules. Other benefits will be completely separate from the project, such as money devoted to a public art fund, or support for existing job-training centers.

Community Development Block Grant (CDBG)

A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitlement communities, and by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Community facilities district

Under the Mello-Roos Community Facilities Act of 1982 (Government Code section 53311 *et seq.*), a legislative body may create within its jurisdiction a special district that can issue tax-exempt bonds for the planning, design, acquisition, construction, and/or operation of public facilities, as well as provide public services to district residents. Special tax assessments levied by the district are used to repay the bonds.

Community park

Land with full public access intended to provide recreation opportunities beyond those supplied by neighborhood parks. Community parks are larger in scale than neighborhood parks but smaller than regional parks.

Community plan

A portion of the local general plan that focuses on a particular area or community within the city or county. Community plans supplement the policies of the general plan.

Community redevelopment agency (CRA)

A local agency created under California Community Redevelopment Law, or a local legislative body that has elected to exercise the powers granted to such an agency, for the purpose of planning, developing, re-planning, redesigning, clearing, reconstructing, and/or rehabilitating all or part of a specified area with residential, commercial, industrial, and/or public (including recreational) structures and facilities. The redevelopment agency's plans must be compatible with adopted community general plans.

Community service area

A geographic sub-area of a city or county used for the planning and delivery of parks, recreation, and other human services based on an assessment of the service needs of the population in that sub-area.

Commute shed

The area from which people do or might commute from their homes to a specific workplace destination, given specific assumptions about maximum travel time or distance.

Concurrency

Installation and operation of facilities and services needed to meet the demands of new development simultaneous with the development.

Conditional use permit

Pursuant to the zoning ordinance, a conditional use permit (CUP) may authorize uses not routinely allowed on a particular site. CUPs require a public hearing and, if approval is granted, are usually subject to the fulfillment of certain conditions by the developer. Approval of a CUP is not a change in zoning.

Condominium

A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See *Townhouse*.)

Congestion management plan (CMP)

A mechanism employing growth management techniques – including traffic level of service requirements, standards for public transit, trip reduction programs involving transportation systems management and jobs/housing balance strategies, and capital improvement programming – for the purpose of controlling and/or reducing the cumulative regional traffic impacts of development. All cities, and counties that include urbanized areas, must adopt and annually update a congestion management plan.

Conservation element

One of the seven state-mandated elements of a local general plan, it contains adopted goals, policies, and implementation programs for the conservation, development, and use of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.

Consistency requirement

Programs in the general plan are to be consistent, not contradictory or preferential. State law requires consistency between a general plan and implementation measures such as the zoning ordinance.

Cordon count

A measurement of all travel (usually vehicle trips, but sometimes person trips) in and out of a defined area (around which a *cordon* is drawn).

Council of Governments (COG)

Regional agencies made up of elected officials from member cities and counties. Concerned primarily with transportation planning and housing, they do not directly regulate land use, though they may exert influence and act in an advisory capacity. There are 25 COGs in California.

County

A political subdivision of the state.

Covenants, conditions, and restrictions (CC&Rs)

A term used to describe restrictive limitations that may be placed on property and its use, which usually are made a condition of holding title or lease.

Criterion

A standard upon which a judgment or decision may be based. (See *Standards*.)

Cross-acceptance

The review by two or more jurisdictions of each other's plans. Each jurisdiction determines whether the plans submitted are consistent or can be made compatible with its own. The process provides for communication and negotiation between the affected jurisdictions.

Cumulative impact

As used in CEQA, the total impact resulting from the accumulated impacts of individual projects or programs over time.

Dedication

The transfer of property from private to public ownership. Dedications for roads, parks, school sites, or other public uses often are made conditions for approval of a development by a city or county.

Dedication, In lieu of

Cash payments that may be required of an owner or developer as a substitute for a dedication of land, usually calculated in dollars per lot, and referred to as *in lieu fees* or *in lieu contributions*.

Defensible space

(1) In firefighting and fire prevention: a 30-foot area of noncombustible surfaces separating urban and wildland areas. (2) In urban areas: open spaces, entry points, and pathways configured to provide maximum opportunities to rightful users and/or residents to defend themselves against intruders and criminal activity.

Density

The amount of development per acre permitted on a parcel under the applicable zoning.

Density bonus

The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. Under California law, a housing development that provides 20 percent of its units for lower income households, or 10 percent of its units for very low-income households, or 50 percent of its units for seniors, is entitled to a density bonus. (See *Development rights, Transfer of*.)

Density, Control of

A limitation on the occupancy of land. Density can be controlled through zoning in the following ways: use restrictions, minimum lot-size requirements, floor area ratios, land use-intensity ratios, setback and yard requirements, minimum house-size requirements, ratios comparing number and types of housing units to land area, limits on units per acre, and other means. Allowable density often serves as the major distinction between residential districts.

Density, Employment

A measure of the number of employed persons per specific area (for example, employees per acre).

Density, Residential

The average number of households, persons, or dwelling units per acre of land. Densities specified in the general plan may be expressed in units per gross acre or per net developable acre.

Density transfer (or averaging)

A way of retaining open space by concentrating densities – usually in compact areas adjacent to existing urbanization and utilities – while leaving historic, sensitive, or hazardous areas unchanged. In some jurisdictions, for example, developers can buy development rights of properties targeted for public open space and transfer the additional density to the base number of units permitted in the zone in which they propose to develop.

Design review; Design control

The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards. Design control requires that certain specific things be done and that other things not be done. Design control language is most often found within a zoning ordinance. *Design review* usually refers to a system set up outside of the zoning ordinance, whereby projects are reviewed against certain standards and criteria by a specially established design review board or committee. (See *Architectural control*.)

Design review board/committee

A group appointed by the city council to consider the design and aesthetics of development within design review zoning districts. Not all communities have design review boards or committees.

Detachment

Withdrawal of territory from a special district or city.

Developable land

Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Development fee

See *Impact fee*.

Development rights

The right to develop land by a landowner who maintains fee-simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing zoning. See *Interest, Fee*; *Interest, Less-than-fee*; and *Development rights, Transfer of (TDR)*.

Development rights, Transfer of (TDR)

A program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the “donor” site) to another (“receiver”) site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts. Also known as *transfer of development credits*. (See *Development rights*.)

Discretionary decision

As used in CEQA, an action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

Discretionary review

A special power of a planning commission, outside the normal building permit application approval process, through which the commission can modify or disallow a proposed, zoning-compliant project when exceptional and extraordinary circumstances associated with a proposed project exist. These exceptional and extraordinary circumstances often involve conflicts with a jurisdiction’s general plan or other policies. For example, if zoning permits a four-story building on a parcel but every building in the neighborhood is two stories tall, the planning commission may exercise its power and deny a permit for a larger building because of general plan language requiring that new buildings reflect the existing character of a neighborhood.

District

- (1) An area of a city or county that has a unique character identifiable as different from surrounding areas because of distinctive architecture, streets, geographic features, culture, landmarks, activities, or land uses.
- (2) A portion of the territory of a city or county within which uniform zoning regulations and requirements apply; a zone.

Downzone

This term refers to the rezoning of land to a more restrictive zone (for example, from multi-family residential to single-family residential or from residential to agricultural). Downzoning generally reduces the economic value of land, though it may serve a public benefit.

Dwelling unit

A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

Easement

Usually the right to use property owned by another for specific purposes or to gain access to another property. For example, utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities.

Easement, Conservation

A tool for acquiring open space with less than full-fee purchase, whereby a public agency buys only certain specific rights from the landowner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land), or they may be restrictive rights (limiting the uses to which the land owner may devote the land in the future).

Economic development commission (EDC)

An agency charged with seeking economic development projects and economic expansion at higher employment densities. A possible ally for bringing in businesses such as grocery stores to underserved areas.

Eminent domain

The right of government to acquire private property for public use upon the payment of just compensation to the owner. This is also called condemnation. (Condemnation can also mean the closing of an unsafe structure by a public agency to protect the community's safety.) See also *Inverse condemnation*; *Regulatory taking*.

Environment

The California Environmental Quality Act (CEQA) defines *environment* as “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.”

Environmental impact report (EIR)

A report required of general plans by the California Environmental Quality Act (CEQA) and which assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action. It must assess potential adverse impacts upon the environment, measures that may avoid or reduce these impacts (mitigation measures), and alternatives to the plan. (See *California Environmental Quality Act*.) An EIR is also conducted for proposed projects.

Environmental impact statement (EIS)

Under the National Environmental Policy Act, a statement on the effect of development proposals and other major actions that significantly affect the environment. In California this term is used less frequently than EIR, as the California Environmental Quality Act (CEQA) and its EIRs play a much bigger role in development in California than does NEPA and its EISes.

Exaction

A fee or dedication required as a condition of development permit approval. Exactions may be incorporated into a community's zoning code or negotiated on a project-by-project basis.

Expressway

A divided multilane major arterial street for through traffic with partial control of access and with grade separations at major intersections.

Exurb

Communities located beyond the suburbs.

Fast food restaurant

Any retail establishment intended primarily to provide short-order food services for on-site dining and/or take-out, including self-serve restaurants (excluding cafeterias where food is consumed on the premises), drive-in restaurants, and formula restaurants required by contract or other arrangement to offer standardized menus, ingredients, and fast food preparation.

Final map subdivision

Land divisions that create five or more lots. Also called *tract maps* or *major subdivisions*, they must be consistent with the general plan and are generally subject to stricter requirements than parcel maps. Such requirements may include installing road improvements, the construction of drainage and sewer facilities, parkland dedications, and more.

Finding(s)

The result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agents and bodies to justify action taken by the entity. Sometimes described as the legal "footprints" an agency must leave to bridge the analytical gap between the raw data considered by the agency and its ultimate decision. Findings are supposed to document the agency's mode of analysis of facts, regulations and policies.

Fiscal impact analysis

A projection of the direct public costs and revenues resulting from population or employment change to the local jurisdiction(s) in which the change is taking place. Enables local governments to evaluate relative fiscal merits of general plans, specific plans, or projects.

Fiscal impact report (FIR)

A report projecting the public costs and revenues that will result from a proposed program or development. (See *Fiscal impact analysis*.)

Floor area ratio (FAR)

The gross floor area permitted on a site divided by the total net area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net square feet of land area, a floor area ratio of 1.0 will allow a maximum of 10,000 gross sq. ft. of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 sq. ft. of floor area; an FAR of 2.0 would allow 20,000 sq. ft.; and an FAR of 0.5 would allow only 5,000 sq. ft. Also commonly used in zoning, FARs are typically applied on a parcel-by-parcel basis as opposed to an average FAR for an entire land use or zoning district.

Footprint; Building footprint

The outline of a building at all of the points where it meets the ground.

Freeway

A high-speed, high-capacity, limited-access transportation facility serving regional and county-wide travel. Such roads are free of tolls, as contrasted with “turnpikes” or other “toll roads” that are now being introduced into Southern California. Freeways generally are used for long trips between major land use generators. At level of service E, they carry approximately 1,875 vehicles per lane per hour, in both directions. Major streets cross at a different grade level.

Friction factor

Constraint applied in a traffic model to introduce an approximation of conditions that exist on streets in a city or county. These conditions reduce the speed of traffic and the desirability of specific links in the network upon which the traffic model distributes trips. Examples are frequency of low-speed curves, frequency of driveways, narrowness of lanes, and lack of turning lanes at intersections.

Gateway

A point along a roadway entering a city or county at which a motorist gains a sense of having left the environs and of having entered the city or county.

General law city

A city incorporated under and subject to the general laws of the state.

General plan

A statement of policies, including text and diagrams setting forth objectives, principles, standards and plan proposals, for the long-term future physical development of the city or county. The general plan is a legal document required of each local jurisdiction by the State of California Government

Code section 65301 and adopted by the city council or board of supervisors. In California, the general plan has seven mandatory elements (circulation, conservation, housing, land use, noise, open space, safety and seismic safety) and may include any number of optional elements (such as air quality, economic development, hazardous waste, and parks and recreation). The general plan may also be called a *city plan*, *comprehensive plan*, or *master plan*.

Geographic information system (GIS)

Computer mapping system that produces multiple “layers” (coverages) of graphic information about a community or region. For example, one layer might show the parcels, another layer might show key habitat areas, another layer might show school sites, and so on. It may be composed of maps, databases, and point information. It can be considered a tool for analysis and decision making.

Greenbelt

A band of countryside surrounding a city or urbanized area on which building is generally prohibited.

Greenfield

Farmland and open areas where there has been no prior industrial or commercial activity, and therefore where the threat of contamination is lower than in urbanized areas. (See *Brownfield*.)

Greyfield

A blighted area, often a failed shopping center, that is ripe for redevelopment.

Growth management

A local program limiting the rate of community growth. Communities use a wide range of techniques to determine the amount, type, and rate of development desired by the community and to channel that growth into designated areas. Growth management policies can be implemented through growth rates, zoning, capital improvement programs, public facilities ordinances, urban limit lines, standards for levels of service, and other programs. Examples include an annual cap on the number of building permits issued, tying new development intensity to infrastructure capacity, or limiting the location of new development. (See *Congestion management plan*.)

Guidelines

General statements of policy direction around which specific details may be later established.

Guideway

A roadway system that guides the vehicles using it as well as supporting them. The “monorail” is one such system. The most familiar and still most used guideway is the railroad. Most guideway transit systems make use of wayside electrical power for propulsion.

High-occupancy vehicle (HOV)

Any vehicle other than a driver-only automobile (e.g., a vanpool, a bus, or two or more persons to a car).

Highway

High-speed, high-capacity, limited-access transportation facility serving regional and county-wide travel. Highways may cross at a different grade level.

Households, Number of

The count of all year-round housing units occupied by one or more persons. The concept of household is important because the formation of new households generates the demand for housing. Each new household formed creates the need for one additional housing unit or requires that one existing housing unit be shared by two households. Thus, household formation can continue to take place even without an increase in population, thereby increasing the demand for housing.

Housing and Community Development Department of the State of California (HCD)

The state agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low- and moderate-income households. HCD also certifies housing elements of general plans for local jurisdictions.

Housing element

One of the seven state-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community; identifies potential sites adequate to provide the amount and kind of housing needed; and contains adopted goals, policies, and implementation programs for the preservation, improvement, and development of housing. Under state law, housing elements must be updated every five years.

Impact

The effect of any direct human actions or the indirect repercussions of human actions on existing physical, social, or economic conditions.

Impact fee

A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise-unmitigated impacts the project will produce. California Government Code section 66000 *et seq.* specifies that development fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. To lawfully impose a development fee, the public agency must verify its method of calculation and document proper restrictions on use of the fund. (See *Nexus*.) The most common are: (1) impact fees (such as parkland acquisition fees, school facilities fees, or street construction fees) related to funding public improvements which are necessitated in part or in whole by the development; (2) connection fees (such as water line fees) to cover the cost of installing public services to the development; (3) permit fees (such as building permits, grading permits, sign permits) for the administrative costs of processing development plans; and (4) application fees (rezoning, CUP variance, etc.) for the administrative costs of reviewing and hearing development proposals.

Impacted areas

Census tracts where more than 50 percent of the dwelling units house low- and very low-income households. Often correlated to food and park deserts, so can be helpful for researching food and park access.

Improved land

Raw land to which has been added basic utilities such as roads, sewers, water lines, and other public infrastructure facilities. Can also mean structures/buildings have been erected on the land.

Industrial

The manufacture, production, and processing of consumer goods. Industrial is often divided into “heavy industrial” uses (such as construction yards, quarrying, and factories) and “light industrial” uses (such as research and development and less intensive warehousing and manufacturing).

Infill development

Development of vacant land (usually individual lots or leftover properties) within areas that are already largely developed.

Infrastructure

A general term for public (and quasi-public) services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

Intensity

The degree to which land is used. Often used interchangeably with *density*, *intensity* has a broader – though less clear – meaning, referring to levels of concentration or activity in uses such as residential, commercial, industrial, agricultural, recreation or parking.

Initial study

Pursuant to CEQA, an analysis of a project’s potential environmental effects and their relative significance. An initial study is preliminary to deciding whether to prepare a negative declaration or an EIR.

In lieu fee

See *Dedication, In lieu of*.

Institutional use

(1) Publicly or privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious organizations; and (3) other nonprofit activities of a welfare, educational, or philanthropic nature that can not be considered a residential, commercial, or industrial activity.

Intensity, Building

For residential uses, the actual number or the allowable range of dwelling units per net or gross acre. For nonresidential uses, the actual or the maximum permitted floor area ratios (FARs).

Interest, Fee

Entitles a landowner to exercise complete control over use of land, subject only to government land use regulations.

Interest, Less-than-fee

The purchase of interest in land rather than outright ownership; includes the purchase of development rights via conservation, open space, or scenic easements. (See *Development rights; Lease; and Leasehold interest*.)

Inverse condemnation

A governmental agency’s taking of property, which greatly restricts the use of a parcel of real property and is comparable to the condemnation of the entire property. As a result, the owner claims entitlement to payment for the property loss under the constitutional right to compensation for property that was condemned under the government’s right of eminent domain. For example: a city widens a street, taking the entire parking lot of a local store. The city offers to pay for the lot, but the store claims the market has lost all its business since no one can park, and wants the value of the entire parcel, including the market building. (See also *Eminent domain* and *Regulatory taking*.)

Issues

Important unsettled community matters or problems that are identified in a community's general plan and dealt with by the plan's goals, objectives, policies, plan proposals, and implementation programs.

Jobs/housing balance; Jobs/housing ratio

The availability of affordable housing for employees. The jobs/housing ratio divides the number of jobs in an area by the number of employed residents. A ratio of 1.0 indicates a balance. A ratio greater than 1.0 indicates a net in-commute; less than 1.0 indicates a net out-commute.

Joint powers authority (JPA)

A legal arrangement that enables two or more units of government to share authority in order to plan and carry out a specific program or set of programs that serves both units.

Land banking

The purchase of land by a local government for use or resale at a later date. "Banked lands" have been used for development of low- and moderate-income housing, expansion of parks, and development of industrial and commercial centers. Federal rail-banking law allows railroads to bank unused rail corridors for future rail use while allowing interim use as trails.

Land use

The occupation or utilization of land or water area for any human activity or any purpose defined in the general plan.

Land use classification

A system for classifying and designating the appropriate use of properties.

Land use element

A required element of the general plan that uses text and maps to designate the future use or reuse of land within a given jurisdiction's planning area. The land use element serves as a guide to the structuring of zoning and subdivision controls, urban renewal and capital improvements programs, and official decisions regarding the distribution and intensity of development and the location of public facilities and open space. (See *Mandatory element*.)

Land use regulation

A term encompassing the regulation of land in general and often used to mean those regulations incorporated in the general plan, as distinct from zoning regulations (which are more specific).

Leapfrog development

New development separated from existing development by substantial vacant land. The development pattern so created is sometimes referred to as *sprawl*.

Lease

A contractual agreement by which an owner of real property (the lessor) gives the right of possession to another (a lessee) for a specified period of time (term) and for a specified consideration (rent).

Leasehold interest

(1) The interest that the lessee has in the value of the lease itself in condemnation award determination. (2) The difference between the total remaining rent under the lease and the rent the lessee would currently pay for similar space for the same time period.

Level of service (LOS)

(1) A scale that measures the traffic capacity of a roadway or at the intersection of roadways. Levels range from A to F, with A representing the highest level of service, as follows:

Level of service A

Indicates a relatively free flow of traffic, with little or no limitation on vehicle movement or speed.

Level of service B

Describes a steady flow of traffic, with only slight delays in vehicle movement and speed. All queues clear in a single signal cycle.

Level of service C

Denotes a reasonably steady, high-volume flow of traffic, with some limitations on movement and speed, and occasional backups on critical approaches.

Level of service D

Denotes the level where traffic nears an unstable flow. Intersections still function, but short queues develop and cars may have to wait through one cycle during short peaks.

Level of service E

Describes traffic characterized by slow movement and frequent (although momentary) stoppages. This type of congestion is considered severe, but is not uncommon at peak traffic hours, with frequent stopping, long-standing queues, and blocked intersections.

Level of service F

Describes unsatisfactory stop-and-go traffic characterized by “traffic jams” and stoppages of long duration. Vehicles at signalized intersections usually have to wait through one or more signal changes, and “upstream” intersections may be blocked by the long queues.

(2) Some communities in California are developing standards for levels of service relating to municipal functions such as police, fire, and library service. These standards are incorporated in the general plan or in separate level of service plans.

Life-cycle costing

A method of evaluating a capital investment that takes into account the sum total of all costs associated with the investment over the lifetime of the project.

Light (duty) rail transit (LRT)

Streetcars or trolley cars that typically operate entirely or substantially in mixed traffic and in nonexclusive, at-grade rights-of-way. Passengers typically board vehicles from the street level (as opposed to a platform that is level with the train), and the driver may collect fares. Vehicles are each electrically self-propelled and usually operate in one- or two-car trains.

Linkage

With respect to jobs/housing balance, a program designed to offset the impact of employment on housing need within a community, whereby project approval is conditioned on the provision of housing units or the payment of an equivalent in-lieu fee. The linkage program must establish the cause-and-effect relationship between a new commercial or industrial development and the increased demand for housing.

Local Agency Formation Commission (LAFCO)

A five- or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county’s LAFCO is empowered to approve, disapprove, or conditionally approve such proposals. The five LAFCO members generally include two county supervisors, two city council members, and one member representing the general public. Some LAFCOs include two representatives of special districts.

Lot

See *Site*.

Lot of record

A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the county recorder’s office containing property tax records.

LULU (See also BANANA, NIMBY, NIABY, and NIMTOO)

Locally Unwanted Land Use.

Mandatory element

A component of the general plan mandated by state law. California state law requires that a general plan include elements dealing with seven subjects – circulation, conservation, housing, land use, noise, open space and safety – and specifies to various degrees the information to be incorporated in each element.

Master environmental assessment

An inventory or database for use with later environmental impact reports, a master environmental assessment (MEA) can assist a city or county in formulating a general plan or any element thereof by identifying environmental characteristics and constraints required to be addressed in the general plan. Relevant portions of the MEA can be referenced and summarized in preparing later EIRs and negative declarations.

Master EIR (MEIR)

Section 21156 *et seq.* of the Public Resources Code authorizes preparation of a “master environmental impact report” for specific kinds of projects involving broad policy decisions, specifically including general plans. The MEIR is designed to allow an agency to eliminate or reduce the scope of the environmental review of subsequent discretionary activities or projects that follow the expected course of action whose environmental effects are addressed in the MEIR.

Mello-Roos bonds

Locally issued bonds repaid by a special tax imposed on property owners within a “community facilities” district established by a governmental entity. The bond proceeds can be used for public improvements and for a limited number of services. Named after the program’s legislative authors.

Merger (district)

Elimination of a special district by transferring its service responsibilities to a city government. The merging district’s territory must be totally included inside the city.

Minipark

Small neighborhood park of approximately one acre or less.

Ministerial (administrative) decision

An action taken by a governmental agency that follows established procedures and rules and does not call for the exercise of judgment in deciding whether to approve a project. Actions taken by planning department staff members that do not require planning commission action are ministerial decisions.

Mitigation measure

The California Environmental Quality Act (CEQA) requires that when an environmental impact or potential impact is identified, measures must be proposed that will eliminate, avoid, rectify, compensate for or reduce those environmental effects to the extent feasible.

Mixed-use

Zoning which permits various uses, such as office, commercial, institutional, light industrial and residential, to be combined in a single building or on a single site in an integrated development project. A street with shops at street level and dwelling units above is an example of mixed use.

Moratorium

A halt to new development or the issuance of permits. Moratoria are often imposed while a new general plan or zoning ordinance is written or when infrastructure (water, sewer) facilities are inadequate to accommodate additional growth.

National Environmental Policy Act (NEPA)

An act passed in 1974 establishing federal legislation for national environmental policy, a council on environmental quality, and the requirements for environmental impact statements.

Need

A condition requiring supply or relief. The city or county may act upon findings of need within or on behalf of the community. A lack of access to healthy food could be identified as a need.

Negative declaration

When a project is not exempt from the California Environmental Quality Act (CEQA) and will not have a significant effect upon the environment, a negative declaration must be written. The negative declaration is an informational document that describes the reasons why the project will not have a significant effect and proposes measures to mitigate or avoid any possible effects.

Neighborhood

A residential area within a governmental unit that has some distinct identity to its inhabitants and observers. Though neighborhoods are not legal designations, they are among the most commonly recognized and understood land use designations.

Neighborhood completeness

A land use indicator that attempts to define how well a neighborhood is served by specific land uses (e.g., affordable housing, fire/police station, grocery store, parks, library, school, post office).

Neighborhood park

City- or county-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

Neighborhood unit

According to one widely accepted concept of planning, the neighborhood unit should be the basic building block of the city. It is based on the elementary school, with other community facilities located at its center and arterial streets at its perimeter. The distance from the school to the perimeter should be a comfortable walking distance for a school-age child; there would be no through traffic uses. Limited industrial or commercial would occur on the perimeter where arterials intersect. This was the model for American suburban development after World War II.

New urbanism

A design philosophy intended to create a strong sense of community by incorporating features of traditional small towns. Compact, walkable neighborhoods with active streets are a few of the hallmarks of new urbanism.

Nexus requirement

In order to impose a fee, there must be a rational relationship between the cost of the service paid for by the fee and/or the cost of mitigating the circumstance to which the fee is related. A study proving the relationship and valuing the cost is required prior to adoption of the fee.

NIABY (See also BANANA, LULU, NIMBY, and NIMTOO)

Not In Anyone's Back Yard.

NIMBY (See also BANANA, LULU, NIABY, and NIMTOO)

Not In My Back Yard.

NIMTOO (See also BANANA, LULU, NIMBY and NIABY)

Not In My Term Of Office.

Noise element

One of the seven state-mandated elements of a local general plan, it assesses noise levels of highways and freeways, local arterials, railroads, airports, local industrial plants, and other ground stationary sources, and adopts goals, policies, and implementation programs to reduce the community's exposure to noise.

Nonconforming use

A use that was valid when brought into existence but does not meet current zoning requirements. Any use lawfully existing on any piece of property that is inconsistent with a new or amended general plan, and that in turn is a violation of a zoning ordinance amendment subsequently

adopted in conformance with the general plan, will be a nonconforming use. Typically, nonconforming uses are permitted to continue, but may not be expanded or enlarged.

Notice (of hearing)

A legal document announcing the opportunity for the public to present their views to an official representative or board of a public agency concerning an official action pending before the agency.

Objective

A specific statement of desired future condition toward which the city or county will expend effort in the context of striving to achieve a broader goal. An objective should be achievable and, where possible, should be measurable and time-specific. The State Government Code section 65302 requires that general plans spell out the “objectives,” principles, standards, and proposals of the general plan. “The addition of 100 units of affordable housing by 1995” is an example of an objective.

Open space element

One of the seven state-mandated elements of a local general plan, it contains an inventory of privately and publicly owned open-space lands, and adopted goals, policies, and implementation programs for the preservation, protection, and management of open space lands.

Open space land

Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.

Overlay

A set of zoning requirements that is superimposed upon a base zone.

Overlay zones are generally used when a particular area requires special protection (as in an historic preservation district) or has a special problem (such as steep slopes, flooding or earthquake faults). Development of land subject to overlay zoning requires compliance with the regulations of both the base and overlay zones.

Parcel

A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

Parcel map

A minor subdivision resulting in fewer than five lots. The city or county may approve a parcel map when it meets the requirements of the general plan and all applicable ordinances. The regulations governing the filing and processing of parcel maps are found in the state Subdivision Map Act and the local subdivision ordinance.

Parking management

An evolving TDM technique designed to obtain maximum utilization from a limited number of parking spaces. Can involve pricing and preferential treatment for HOVs, non-peak period users, and short-term users. (See *High-occupancy vehicle* and *Transportation demand management*.)

Parking ratio

The number of parking spaces provided per unit of housing or 1,000 square feet of floor area, e.g., 2:1 or “two per thousand.”

Parks

Open space lands whose primary purpose is recreation. (See *Open space land*; *Community park*; and *Neighborhood park*.)

Parkway

An expressway or freeway designed for noncommercial traffic only; usually located within a strip of landscaped park or natural vegetation.

Parkway strip

A piece of land located between the rear of a curb and the front of a sidewalk, usually used for planting low ground cover and/or street trees, also known as “planter strip.”

Peak hour/Peak period

For any given roadway, a daily period during which traffic volume is highest, usually occurring in the morning and evening commute periods. Where “F” levels of service are encountered, the “peak hour” may stretch into a “peak period” of several hours’ duration.

Performance standards

Zoning regulations that permit uses based on a particular set of standards of operation rather than on particular type of use. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of a use.

Physical diversity

A quality of a site, city, or region in which a variety of architectural styles, natural landscapes, and/or land uses are found.

Plan line

A precise line that establishes future rights-of-way along any portion of an existing or proposed street or highway, one that is depicted on a map showing the streets and lot line or lines and the proposed right-of-way lines, and the distance thereof from the established centerline of the street or highway, or from existing or established property lines.

Planned community

A large-scale development whose essential features are a definable boundary; a consistent but not necessarily uniform character; overall control during the development process by a single development entity; private ownership of recreation amenities; and enforcement of covenants, conditions, and restrictions by a master community association.

Planned unit development (PUD)

Land use zoning that allows the adoption of a set of development standards that are specific to the particular project being proposed. PUD zones usually do not contain detailed development standards; these are established during the process of considering the proposals and adopted by ordinance if the project is approved.

Planning and Research, Office of (OPR)

A governmental division of the state of California that has among its responsibilities the preparation of a set of guidelines for use by local jurisdictions in drafting general plans.

Planning area

The planning area is the land area addressed by the general plan. For a city, the planning area boundary typically coincides with the sphere of influence that encompasses land both within the city limits and potentially annexable land.

Planning commission

A body, usually having five or seven members, made up of residents appointed by the city council, the mayor, or the board of supervisors to consider land use matters. The commission's duties and powers are established by the local legislative body and might include hearing proposals to amend the general plan or rezone land, initiating planning studies (road alignments, identification of seismic hazards, and so on), and taking action on proposed specific projects and subdivisions. Planning commissions have broad discretionary power; their decisions can be appealed to the legislative body within the jurisdiction (the city council or board of supervisors).

Plat map

A map of a lot, parcel, subdivision, or development area where the lines of each land division are shown by accurate distances and bearings.

Police power

Broad power held by government to legislate for the purpose of preserving the public's health, safety, morals, and general welfare. The authority that localities have to adopt zoning and land use regulations and general plans is derived from the police power.

Policy

A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program. (See *Program*.)

Principle

An assumption, fundamental rule, or doctrine that will guide general plan policies, proposals, standards, and implementation measures. The State Government Code (section 65302) requires that general plans spell out the objectives, "principles," standards, and proposals of the general plan. "Adjacent land uses should be compatible with one another" is an example of a principle.

Program

An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the who, how, and when for carrying out the what and where of goals and objectives.

Pro rata

Refers to the proportionate distribution of the cost of something to something else or to some group, such as the cost of infrastructure improvements associated with new development apportioned to the users of the infrastructure on the basis of projected use.

Recreation, Active

A type of recreation or activity that requires the use of organized play areas including but not limited to softball, baseball, football and soccer fields, tennis and basketball courts, and various forms of children's play equipment.

Redevelop

To demolish existing buildings, increase the overall floor area existing on a property, or both, irrespective of whether a change occurs in land use.

Regional

Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

Regional housing needs plan

A quantification by a COG or by HCD of existing and projected housing need, by household income group, for all localities within a region. The identified housing need is one of the bases for development of a jurisdiction's housing element.

Regional park

A park typically 150-500 acres in size focusing on activities and natural features not included in most other types of parks and often based on a specific scenic or recreational opportunity.

Regulation

A rule or order prescribed for managing government.

Regulatory taking

A taking of private property for a public purpose that results from extensive regulation of land.

Residential

Land designated in the city or county general plan and zoning ordinance for buildings consisting only of dwelling units. May be improved, vacant, or unimproved. (See *Dwelling unit*.)

Rezoning

An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Right-of-way

A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines.

Safety element

One of the seven state-mandated elements of a local general plan, it contains adopted goals, policies, and implementation programs for the protection of the community from any unreasonable risks associated with seismic and geologic hazards, flooding, and wildland and urban fires. Many safety elements also incorporate a review of police needs, objectives, facilities, and services.

Setback

A minimum distance required by zoning to be maintained between two structures or between a structure and property lines.

Significant effect

A beneficial or detrimental impact on the environment. May include but is not limited to significant changes in an area's air, water, and land resources.

Site

A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street. (See *Lot.*)

Smart growth

A broad concept that describes a series of principles that encourage development that better serves the economic, environmental and social needs of communities than do many of the principles that have guided development in the post-World War II period. The U.S. Environmental Protection Agency identified the following ten principles of smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development toward existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

Specific plan

A plan addressing land use distribution, open space availability, infrastructure and infrastructure financing for a portion of the community. Specific plans put the provisions of the local general plan into action.

Speed, Average

The sum of the speeds of the cars observed divided by the number of cars observed.

Speed, Critical

The speed that is not exceeded by 85 percent of the cars observed.

Sphere of influence

A planning area usually larger than, although sometimes contiguous with, a city's municipal limits. Spheres of influence are assigned by each county's local agency formation commission (LAFCO) and typically indicate the probable ultimate physical boundaries and service area of a city.

Spot zoning

Rezoning of a lot or parcel of land to permit a use incompatible with surrounding zoning and land uses. Spot zoning confers special privileges and benefits upon the owner of the rezoned parcel, and is inconsistent with comprehensive planning and with zoning. Because zoning must be consistent with a community's general plan, spot zoning is legally vulnerable.

Sprawl

The process in which the spread of development across the landscape far outpaces population growth. The landscape sprawl creates has four characteristics: a population that is widely dispersed in low-density development; rigid separation of uses, so that homes, commerce and workplaces are segregated from one another; a network of roads laid out to separate land into huge blocks and offering poor access; and a lack of well-defined, thriving activity centers, such as downtowns and town centers. Most of the other features usually associated with sprawl – a lack of transportation choices, relative uniformity of housing options, and difficulty walking from place to place – result from these conditions.

Standards

(1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied. The State Government Code (section 65302) requires that general plans spell out the objectives, principles, "standards," and proposals of the general plan. Examples of standards might include the number of acres of parkland per 1,000 residents that the community will attempt to acquire and improve, or the traffic level of service (LOS) that the plan hopes to attain. (2) Requirements in a zoning ordinance that govern building and development as distinguished from use restrictions – for example, site-design regulations such as lot area, height limit, frontage, landscaping, and floor area ratio.

Street furniture

Features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, and newspaper racks.

Street tree plan

A comprehensive plan for all trees on public streets that sets goals for solar access, and standards for species selection, maintenance, and replacement criteria, and for planting trees in patterns that will define neighborhood character while avoiding monotony or maintenance problems.

Streets, Local

See *Streets, Minor*.

Streets, Major

The transportation network that includes a hierarchy of freeways, arterials, and collectors to service through traffic.

Streets, Minor

Local streets not shown on the circulation plan, map, or diagram, whose primary intended purpose is to provide access to fronting properties.

Streets, Through

Streets that extend continuously between other major streets in the community.

Strip development

Commercial and high-density residential development located adjacent to major streets. Characteristics include shallow depth, street-oriented layout, lack of unified design theme, and numerous points of street access. It impedes smooth traffic flow.

Structure

Anything constructed or erected that requires location on the ground (excluding swimming pools, fences, and walls used as fences).

Subdivision

The division of a tract of land into defined lots, either improved or unimproved, which can be separately sold or leased, and which can be altered or developed.

Subdivision Map Act

Division 2 (sections 66410 *et seq.*) of the California Government Code, this act vests in local legislative bodies the regulation and control of the design and improvement of subdivisions, including the requirement for tentative and final maps. (See *Subdivision*.)

Subregional

Pertaining to a portion of a region.

Sustainability

Community use of natural resources in a way that does not jeopardize the ability of future generations to live and prosper.

Sustainable development

Development that maintains or enhances economic opportunity and confers well-being while protecting and restoring the natural environment upon which people and economies rely. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Taking

A real estate term traditionally used to mean acquisition by eminent domain but broadened by the U.S. Supreme Court to mean any government action that denies economically viable use of property. More recent federal and state legislative proposals would consider any government program causing a “substantial” reduction in property values to be a taking.

Target areas

Specifically designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by very low-and low-income households.

Tax increment

Additional tax revenues that result from increases in property values within are development area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community’s supply of very low-and low-income housing.

Tax increment financing

A redevelopment agency’s powerful tool to issue bonds against the anticipated additional revenue of the tax increment.

Tentative map

The map or drawing illustrating a subdivision proposal. The city or county will approve or deny the proposed subdivision based upon the design depicted by the tentative map. A subdivision is not complete until the conditions of approval imposed upon the tentative map have been satisfied, and a final map has been certified by the city or county and recorded with the county recorder.

Tract map

See *Final map subdivision*.

Traffic calming

The process of increasing pedestrian safety by decreasing automobile traffic speed and volume.

Traffic model

A mathematical representation of traffic movement within an area or region based on observed relationships between the kind and intensity of development in specific areas. Many traffic models operate on the theory that trips are produced by persons living in residential areas and are attracted by various nonresidential land uses. See *Trip*.

Transfer of development rights (TDR)

See *Development rights, Transfer of*.

Transit-dependent

Refers to persons unable to operate automobiles or other motorized vehicles, or those who do not own motorized vehicles. Transit-dependent residents must rely on transit, paratransit, or owners of private vehicles for transportation. Transit-dependent residents include the young, the handicapped, the elderly, the poor, and those with prior violations in motor vehicle laws, as well as those who choose not to drive.

Transit-oriented development (TOD)

Moderate or high-density housing concentrated in mixed use developments with convenient access to, or centered around, public transportation.

Transit, Public

A system of regularly scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called *mass transit*.

Transportation demand management (TDM)

A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses and trains, walking, and biking. TDM can be an element of TSM (see below).

Transportation systems management (TSM)

A comprehensive strategy developed to address the problems caused by additional development, increasing trips, and a shortfall in transportation capacity. TSM coordinates many forms of transportation (car, bus, carpool, rapid transit, bicycle, walking, etc.) in order to distribute the traffic impacts of new development. Rather than emphasizing road expansion or construction, TSM examines methods of increasing the efficiency of road use. TSM measures are characterized by their low cost and quick implementation time frame, such as computerized traffic signals, metered freeway ramps, and one-way streets.

Trees, Street

Trees strategically planted – usually in parkway strips, medians, or along streets – to enhance the visual quality of a street.

Trip

A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one “production end” (or origin – often from home, but not always) and one “attraction end” (destination). (See *Traffic model*.)

Trip generation

The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system. Trip generations of households are correlated with destinations that attract household members for specific purposes.

Underutilized parcel

A parcel that is not developed to its full zoning potential.

Undevelopable

Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants and a liability to the city or county are designated as “undevelopable” by the city or county.

Undue

Improper, or more than necessary.

Uniform building code (UBC)

A national, standard building code that sets forth minimum standards for construction.

Uniform housing code (UHC)

State housing regulations governing the condition of habitable structures with regard to health and safety standards, and which provide for the conservation and rehabilitation of housing in accordance with the uniform building code (UBC).

Universal design

There are seven generally acknowledged basic principles of universal design:

1. Equitable use (design it fair)
2. Flexibility in use (design it adjustable)
3. Simple and intuitive use (design it elegant)
4. Perceptible information (design it obvious)
5. Tolerance for error (design it safe)
6. Low physical effort (design it easy)
7. Size and space for approach and use (design it reasonable)

Upzone

The rezoning of land to a less restrictive zone (for example, from industrial to residential). Upzoning generally increases the economic value of land.

Urban design

The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning, architecture, and landscape architecture.

Urban limit line

A boundary, sometimes parcel-specific, located to mark the outer limit beyond which urban development will not be allowed. It has the aim of discouraging urban sprawl by containing urban development during a specified period, and its location may be modified over time.

Urban service area

An area designated by a county's local agency formation commission (LAFCo) as eligible to receive urban infrastructure (sewer and/or water service) in the short term.

Urban sprawl

Haphazard growth or outward extension of a city resulting from uncontrolled or poorly managed development.

Use

The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the city or county zoning ordinance and general plan land use designations.

Use, Nonconforming

See *Nonconforming use*.

Use permit

The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.

Vacant

Lands or buildings that are not actively used for any purpose.

Variance

A departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. Variances are granted as limited waivers from the requirements of the zoning ordinance. Variances may only be granted under special circumstances, usually upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district. They require a public hearing, usually before a zoning administrator or board of zoning adjustment.

Vehicle miles traveled (VMT)

A key measure of overall street and highway use. Reducing VMT is often a major objective in efforts to reduce vehicular congestion and achieve regional air quality goals.

Volume-to-capacity ratio

A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as v/c. At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See *Peak hour* and *Level of service*.)

Williamson Act

Known formally as the California Land Conservation Act of 1965, it was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a ten-year contract between the city or county and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

Zero lot line

A detached single family unit distinguished by the location of one exterior wall on a side property line.

Zone, Interim

A zoning designation that temporarily reduces or freezes allowable development in an area until a permanent classification can be fixed; generally assigned during general plan preparation to provide a basis for permanent zoning.

Zone, Study

See *Zone, Interim*.

Zone, Traffic

In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.

Zoning

The division of a city or county by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the general plan.

Zoning adjustment board

A body appointed by the local legislative body to consider minor zoning adjustments such as conditional use permits and variances. It is empowered to conduct public hearings and to impose conditions of approval. Its decision may be appealed to the local legislative body. Not all jurisdictions utilize this model.

Zoning administrator

A planning department staff member responsible for hearing minor zoning permits. Typically, the zoning administrator considers variances and conditional use permits and may interpret the provisions of the zoning ordinance when questions arise. His/her decision may be appealed to the local legislative body.

Zoning bonus

See *Zoning, Incentive*.

Zoning district

A designated section of a city or county for which prescribed land use requirements and building and development standards are uniform.

Zoning, Exclusionary

Development regulations that result in the exclusion of low- and moderate-income and/or minority families from a community.

Zoning, Incentive

The awarding of bonus credits to a development in the form of allowing more intensive use of land if public benefits – such as preservation of greater than the minimum required open space, provision for low- and moderate-income housing, or plans for public plazas and courts at ground level – are included in a project.

Zoning, Inclusionary

Regulations that increase housing choice by providing the opportunity to construct more diverse and economical housing to meet the needs of low- and moderate-income families. Often such regulations require a minimum percentage of housing for low- and moderate-income households in new housing developments and in conversions of apartments to condominiums.

Zoning map

Government Code section 65851 permits a legislative body to divide a county, a city, or portions thereof into zones of the number, shape, and area it deems best suited to carry out the purposes of the zoning ordinance. These zones are delineated on a map or maps called the *zoning map*.

Appendix 2 Resources

What follows is an alphabetical list of reputable organizations and publications that are useful for land use and planning work. While this list is certainly not comprehensive, it should help you find the information you need to achieve your goals.

Use the index as a quick reference to identify the listings most relevant to your interests.

Advocacy

Organizations that advocate

Alliance for a New Transportation Charter
American Community Gardening Association
American Institute of Architects
American Planning Association
America Walks: National Coalition of Walking Advocates
Bicycle Friendly Community Campaign
California Association of Local Agency Formation Commissions (CALAFCO)
California Infrastructure Coalition
California Transit
Center for Neighborhood Technology
Community Food Security Coalition
EcoCity Cleveland
The Food Trust (Philadelphia)
League of California Cities
National Center for Biking and Walking
National Neighborhood Coalition
Non-Profit Housing Association of Northern California
Rails-to-Trails Conservancy
Smart Growth America
Southern California Association of Non-Profit Housing
Strategic Alliance for Healthy Food and Active Environments
Transportation and Land Use Coalition (TALC)
Thunderhead Alliance

How-to/resources for

Alliance for a New Transportation Charter
America Walks: National Coalition of Walking Advocates

Bicycle Friendly Community Campaign
Center for Neighborhood Technology
Civic Engagement Curricula
Community Food Security Coalition
EcoCity Cleveland
The Food Trust (Philadelphia)
Governor's Office of Planning and Research (OPR),
Legislative Process: A Citizen's Guide to Participation
National Center for Biking and Walking
National Neighborhood Coalition
Neighborhood Link
Power Mapping
Project for Public Spaces
Smart Communities Network
Strategic Alliance for Healthy Food and Active Environments
Wikipedia

Agriculture

Community supported agriculture

Alternative Farming Systems Information Center
Sustainable Agriculture Research and Education

Cooperatives and farms

CityFarmer.org
Food Policy Marketing Center @ U. Connecticut
Greensgrow Farms

Financial support for

Foundation Center
Grants.gov

Policy and statistics

Agricultural Marketing Service @ USDA
American Planning Association
California Department of Health Services (DHS) Prevention Services (organic products laws)
Smart Growth America

Preserving land

American Planning Association
California Association of Local Agency Formation Commissions (CALAFCO)
Center for Urban Education about Sustainable Agriculture
Governor's Office of Planning and Research (OPR)
Planning Commissioners Journal Planners Web
Smart Communities Network
Smart Growth America
Urban Gardening Help

Urban agriculture

See Community and Urban Gardens

Bicycling

American Planning Association
Bicycle Friendly Community Campaign
Bicycle Master Plans (samples, California)
California Blueprint for Biking and Walking
California Center for Physical Activity
California Department of Transportation (CDOT) Bicycle Facilities Unit
EcoCity Cleveland
Local Government Commission
National Center for Biking and Walking
Planning Commissioners Journal Planners Web
Project for Public Spaces
Rails-to-Trails Conservancy
Smart Communities Network
Smart Growth Gateway
Thunderhead Alliance
Wikipedia

California Environmental Quality Act (CEQA)

California Coastal Commission
California Environmental Quality Act (CEQA)
CEQAnet Database
California Environmental Protection Agency (Cal/EPA)
California Environmental Resources Evaluation Systems (CERES)
CEQA Technical Advice Series
Guide to California Planning

Governor's Office of Planning and Research (OPR)

Cities

Charter cities

League of California Cities
Official California Legislative Information, *California Constitution*
Curtin's California Land Use and Planning Law Guide to California Planning

General law cities: CA Constitution, Government Code

League of California Cities
Guide to California Planning

Community and Urban Gardens

Financial support for

Foundation Center
Grants.gov

How-to

American Community Gardening Association
California Department of Health Services (DHS) Prevention Services (organic products laws)
CityFarmer.org
Greensgrow Farms
Urban Gardening Help

Urban agriculture

American Community Gardening Association
EcoCity Cleveland
Greensgrow Farms
CityFarmer.org
National Neighborhood Coalition
Project for Public Spaces
San Francisco League of Urban Gardeners (SLUG)
Smart Communities Network
Sustainable Agriculture Education (SAGE)
Urban Gardening Help
Wikipedia

Economics

Food Policy Marketing Center @ U. Connecticut
Knowledgeplex
Wikipedia

Development

Knowledgeplex

League of California Cities
Local Initiatives Support Corporation
Local Government Commission
San Francisco League of Urban Gardeners (SLUG)
Wikipedia

Nutrition

Centers for Disease Control and Prevention (CDC)

Obesity, Effect on economy

Centers for Disease Control and Prevention (CDC)

Environmental Planning

American Planning Association
California Coastal Commission
California Environmental Quality Act (CEQA)
California Environmental Protection Agency (Cal/EPA)
California Environmental Resources Evaluation Systems (CERES)
Center for Neighborhood Technology
CEQAnet Database
CityFarmer.org
Governor's Office of Planning and Research (OPR)
League of California Cities

Financial support for

Foundation Center
Grants.gov

Farmers' Markets

Agricultural Marketing Service @ USDA
California Department of Health Services (DHS) Prevention Services (organic products laws)
Center for Urban Education about Sustainable Agriculture
The Farmers Market Coalition (NAFDMA)
The Food Trust (Philadelphia)
Greensgrow Farms
Planning Commissioners Journal Planners Web
Project for Public Spaces
Wikipedia

Financial support for

Agricultural Marketing Service @ USDA
Foundation Center
Grants.gov
Project for Public Spaces

Lists of

Agricultural Marketing Service @ USDA

Food Security

California Department of Health Services (DHS) Prevention Services
California Nutrition Network Geographic Information System (GIS)
CityFarmer.org
Community Food Security Coalition
EcoCity Cleveland
Food Policy Marketing Center @ U. Connecticut
The Food Trust (Philadelphia)
National Neighborhood Coalition
Strategic Alliance for Healthy Food and Active Environments
USDA Food and Nutrition Service
Wikipedia
Zoning and Obesity Project

Financial support for

Community Food Security Coalition
Foundation Center
Grants.gov

Grocery Stores

California Nutrition Network Geographic Information System (GIS)
Food Policy Marketing Center @ U. Connecticut

Industry/grocers' associations

National Grocers Association

Health Data

California Department of Health Services (DHS) Prevention Services
California Health Interview Survey
Centers for Disease Control and Prevention (CDC)
CityFarmer.org
King County Comprehensive Plan
National Institutes of Health
Program on Health, Equity and Sustainability (PHES) at the San Francisco Department of Public Health
Smart Communities Network
Strategic Alliance for Healthy Food and Active Environments

Financial support for data and research

California Department of Health Services (DHS) Prevention Services
Centers for Disease Control and Prevention (CDC)
Foundation Center
Grants.gov
National Institutes of Health

Health Impact Assessments

Health Impact Assessments
National Institutes of Health

Housing

American Planning Association
California Department of Housing & Community Development
California Infrastructure Coalition
DataPlace by Knowledgeplex
EcoCity Cleveland
HUD User
Knowledgeplex
League of California Cities
Local Government Commission
Local Initiatives Support Corporation
National Low Income Housing Coalition
Non-Profit Housing Association of Northern California
Program on Health, Equity and Sustainability (PHES) at the San Francisco Department of Public Health
Southern California Association of Non-Profit Housing
Transportation and Land Use Coalition (TALC)
U.S. Department of Housing & Urban Development
Wikipedia

Financial support for

California Department of Housing & Community Development
California Housing Finance Agency
Enterprise Community Investment
Fannie Mae
Foundation Center
Local Initiatives Support Corporation
Southern California Association of Non-Profit Housing
U.S. Department of Housing & Urban Development

Land Use

American Institute of Architects
American Planning Association
Bicycle Master Plans (samples, California)
California Association of Local Agency Formation Commissions
California Blueprint for Biking and Walking
California Coastal Commission
California Environmental Quality Act (CEQA)
California Environmental Resources Evaluation Systems (CERES)
California Infrastructure Coalition
California Planning Information Network (CalPIN)

CityFarmer.org
Councils of Government (COGs)
Curtin's California Land Use and Planning Law
Cyburbia: The Planning Portal
Governor's Office of Planning and Research (OPR)
Guide to California Planning
EcoCity Cleveland
Greensgrow Farms
King County Comprehensive Plan
Knowledgeplex
League of California Cities
Local Government Commission
National Center for Biking and Walking
National Neighborhood Coalition
Pedestrian Master Plans (samples)
Program on Health, Equity and Sustainability (PHES) at the San Francisco Department of Public Health
Planning Commissioners Journal Planners Web
Project for Public Spaces
Rails-to-Trails Conservancy
Smart Communities Network
Smart Growth America
Smart Growth Gateway
Transportation and Land Use Coalition (TALC)
Trust for Public Land
Urban Ecology
Urban Land Institute
Wikipedia

Legislation

Curtin's California Land Use and Planning Law
Governor's Office of Planning and Research (OPR), *Legislative Process: A Citizen's Guide to Participation*
Guide to California Planning
Official California Legislative Information (pending & active legislation)
Smart Growth America
Rough and Tumble

Enforcement, Tips for

Bicycle Friendly Community Campaign

National Transportation Equity Act 3 (TEA-3)

Alliance for a New Transportation Charter
America Walks: National Coalition of Walking Advocates

State (California)

California Blueprint for Biking and Walking
California Department of Transportation (CDOT) Bicycle Facilities Unit

California Environmental Protection Agency (Cal/EPA)
California Environmental Quality Act (CEQA)
California Planning Information Network (CalPIN)
Curtin's California Land Use and Planning Law
Governor's Office of Planning and Research (OPR), *State of California General Plan Guidelines*
Official California Legislative Information (pending & active legislation)
Rough and Tumble

City

California Planning Information Network (CalPIN)
League of California Cities
Local Government Commission

Nutrition

California Nutrition Network Geographic Information System (GIS)
Center for Science in the Public Interest
Centers for Disease Control and Prevention (CDC)
National Institutes of Health
Strategic Alliance for Healthy Food and Active Environments
United States Department of Agriculture (USDA)

Financial support for

Centers for Disease Control and Prevention (CDC)
Foundation Center
Grants.gov
National Institutes of Health
United States Department of Agriculture (USDA)

Guidelines

California Department of Health Services (DHS) Prevention Services
The Food Trust (Philadelphia)
Centers for Disease Control and Prevention (CDC)
National Institutes of Health
United States Department of Agriculture (USDA)

Obesity

California Health Interview Survey
Centers for Disease Control and Prevention (CDC)
National Institutes of Health
Zoning and Obesity Project

Planning

Agencies and commissions

American Planning Association

California Association of Local Agency Formation Commissions (CALAFCO)
California Coastal Commission
Councils of Government (COGs)
Governor's Office of Planning and Research, *California Planners' Book of Lists*
Program on Health, Equity and Sustainability (PHES) at the San Francisco Department of Public Health

General plans, California

California Blueprint for Biking and Walking
California Coastal Commission
California Planning Information Network (CalPIN)
Governor's Office of Planning and Research, *California Planners' Book of Lists*
Governor's Office of Planning and Research, *State of California General Plan Guidelines*
Local Government Institute

How-to guides

American Planning Association
Bicycle Friendly Community Campaign
Community Food Security Coalition
Curtin's California Land Use and Planning Law
Cyberburbia: The Planning Portal
Governor's Office of Planning and Research *The Planning Commissioner's Handbook*
Governor's Office of Planning and Research *A Citizen's Guide to Planning*
Governor's Office of Planning and Research, *State of California General Plan Guidelines*
Guide to California Planning
Knowledgeplex
Local Government Commission
National Center for Biking and Walking
Planners Network
Planning Commissioners Journal Planners Web
Project for Public Spaces
Smart Growth Gateway
Trust for Public Land
Urban Ecology
Wikipedia

Pedestrians

America Walks: National Coalition of Walking Advocates
California Center for Physical Activity
EcoCity Cleveland
Local Government Commission
National Center for Biking and Walking
Pedestrian Master Plans (samples)

Project for Public Spaces
Rails-to-Trails Conservancy
Smart Communities Network
Smart Growth Gateway
Transportation and Land Use Coalition (TALC)
Thunderhead Alliance
Urban Ecology

Financial support for

California Blueprint for Biking and Walking
Foundation Center
Grants.gov
Local Government Commission
Smart Communities Network

Smart Growth

King County Comprehensive Plan

Financial support for

California Infrastructure Coalition
Foundation Center
Smart Communities Network
Smart Growth Gateway

Organizations

American Institute of Architects
California Association of Local Agency Formation Commissions (CALAFCO)
California Infrastructure Coalition
Center for Neighborhood Technology
Councils of Government (COGs)
EcoCity Cleveland
National Neighborhood Coalition
Smart Growth America
Smart Communities Network

Planning for

American Planning Association
California Infrastructure Coalition
Curtin's California Land Use and Planning Law
Governor's Office of Planning and Research (OPR)
Guide to California Planning
Planning Commissioners Journal Planners Web
Project for Public Spaces
Schools for Successful Communities: An Element of Smart Growth
Smart Growth Gateway
Wikipedia

Statistics

Agriculture

Agricultural Marketing Service @ USDA
American Community Gardening Association
California Environmental Resources Evaluation Systems (CERES)
California Environmental Protection Agency (Cal/EPA)

Demographics

Alliance for a New Transportation Charter
Bicycle Friendly Community Campaign
California Association of Local Agency Formation Commissions (CALAFCO)
California Department of Health Services (DHS) Prevention Services
California Environmental Resources Evaluation Systems (CERES)
California Health Interview Survey
California Nutrition Network Geographic Information System (GIS)
DataPlace by Knowledgeplex
League of California Cities
U.S. Census Bureau

Food policy

California Department of Health Services (DHS) Prevention Services
Food Policy Marketing Center @ U. Connecticut

Health

California Blueprint for Biking and Walking
California Department of Health Services (DHS) Prevention Services
California Environmental Protection Agency (Cal/EPA)
California Health Interview Survey
California Nutrition Network Geographic Information System (GIS)
Centers for Disease Control and Prevention (CDC)
DataPlace by Knowledgeplex
Health Impact Assessments
National Institutes of Health

Quality-of-life indicators

California Health Interview Survey
California Nutrition Network Geographic Information System (GIS)
Smart Communities Network
Telling our Story, Measuring our Progress: California's Regional Quality of Life Indicator Projects

Transportation

Alliance for a New Transportation Charter
California Blueprint for Biking and Walking
California Department of Transportation (CDOT) Bicycle Facilities Unit
California Infrastructure Coalition
California Transit
Local Government Commission

Transportation**Financial support for**

Foundation Center
Grants.gov

Plans

Alliance for a New Transportation Charter
American Planning Association
Bicycle Friendly Community Campaign
Bicycle Master Plans (samples, California)

California Blueprint for Biking and Walking
California Infrastructure Coalition
California Transit
Center for Neighborhood Technology
EcoCity Cleveland
League of California Cities
National Center for Biking and Walking
Pedestrian Master Plans (samples)
Planning Commissioners Journal Planners Web
Project for Public Spaces
Rails-to-Trails Conservancy
Smart Communities Network
Smart Growth America
Smart Growth Gateway
Transportation and Land Use Coalition (TALC)

Traffic

Alliance for a New Transportation Charter
EcoCity Cleveland
League of California Cities

Agricultural Marketing Service (U.S. Department of Agriculture)

www.ams.usda.gov/farmersmarkets

Describing itself as “an integral part in the urban/farm linkage,” the AMS dedicates several pages of its website to farmers’ markets. Here you can find an extensive, though not comprehensive, directory listed by state and city. The AMS also provides facts and statistics about the rising popularity of farmers’ markets from 1994–2000, tips for finding funding, and a link to the Farmers’ Market Coalition, which is also listed in this guide.

Alliance for a New Transportation Charter (ANTC)

www.antic.net

The Alliance is a national network “dedicated to using transportation as a tool to build livable, healthy, prosperous and just communities.” It advocates for the use of federal transportation funding for:

- ▶ public health safety and security
- ▶ social equity and livable communities
- ▶ sustained economic prosperity
- ▶ improved energy use and environmental protection

The Alliance website offers a breadth of information and transportation advocacy resources. Network with other advocates using the online discussion forum. In the Your State section, research state-by-state statistics on traffic congestion, federal transportation spending, household transportation expenditures, pedestrian safety, and other topics. Visit the Tools for Advocates section for targeted fact sheets, links to effective programs, and tips on generating media exposure.

Alternative Farming Systems Information Center

www.nal.usda.gov/afsic

The AFSIC is a project of the National Agricultural Library that identifies and accesses “information related to alternative agricultural enterprises and crops as well as alternative cropping systems.” Its website is a portal to organizations, databases, publications, and other resources that are useful for advocates working on organic foods and sustainable or community supported agriculture. Specific resources include:

- ▶ **Organic Roots:** The Organic Agriculture Information Access (OAIA) is an electronic collection of historic U.S. Department of Agriculture (USDA) publications related to organic agriculture.
- ▶ **Community Supported Agriculture (CSA):** The CSA section includes a directory of CSA farms (searchable by state or zip code); a glossary of terms and concepts; nutrition information and research about local food systems; a definition and introduction to CSA; and links to organizations,

books, and “CSA Across the Nation,” a comprehensive overview of the CSA movement published in October 1999.

- ▶ **Organic Food Production** offers a basic introduction to concepts, links to USDA publications from 1977 to the present, online databases, and a glossary of terms and concepts.
- ▶ **Sustainable Agriculture:** In addition to an introduction to sustainable agriculture and links to organizations across the country, AFSIC provides a list of more than 25 online searchable sites and databases.

American Community Gardening Association

www.communitygarden.org

The ACGA approaches community gardening as a means for catalyzing “neighborhood and community development, stimulating social interaction, encouraging self-reliance, beautifying neighborhoods, producing nutritious food, reducing family food budgets, conserving resources, and creating opportunities for recreation, exercise, therapy and education.” Its website features information about starting and maintaining community gardens, as well as research monographs and a 1996 community gardening survey of more than 40 U.S. cities.

American Institute of Architects (AIA)

www.aia.org

Architects can be useful allies in land use planning or advocacy efforts. In addition to providing networking opportunities with the architectural community, the AIA website publishes a detailed Governmental Advocacy section that describes how architects are involved in and advocating for public policy change. Also visit its “Center for Communities by Design” site for architectural perspectives on smart growth and sustainable communities.

American Planning Association

www.planning.org

The American Planning Association is an international nonprofit public interest and research organization that focuses on planning in urban, suburban, regional, and rural areas. While its website offers myriad resources that may be useful for local organizing efforts, we especially recommend the following sections:

- ▶ Look to **Knowledge Exchange** for articles, research, and news in easily searchable sections: Smart Growth Reader, Affordable Housing Reader, Planning & Environmental Law, and Planning & Land Use Law.
- ▶ Search **Your Community** for Resources and the Neighborhood Planning Initiative (“Neighborhood-Related Resources”), which offer links to useful resources and organizations.

- ▶ In the **Legislation & Policy** section, the Effective Advocacy link provides a toolbox for email, fax and letter writing campaigns, as well as tips for working with media. You will also find Planning Guides on topics including housing, sustainability, smart growth, agricultural land, and surface transportation.
- ▶ Under **Research**, the Projects link lists a wealth of information about healthy communities, brownfields, “growing smart,” state laws, energy, and planning and urban design standards. In the past the City Parks Forum has provided grants; as of November 2005 the program is inactive, but information about past activities is still available.

America Walks: National Coalition of Walking Advocates

www.americawalks.org

America Walks is a network of community groups in the United States who advocate for walkable communities. Explore the Advocacy section for information about Transportation Equity Act 3 (TEA-3), anti-Segway, and other efforts. The Resources area provides thorough introductions, toolkits and “essentials” for pedestrian advocacy, as well as a practical how-to guide for conducting a pedestrian crossing action. Find contact information for local pedestrian coalitions in the Member Groups section.

Bicycle Friendly Community Campaign

www.bicyclefriendlycommunity.org

The Bicycle Friendly Community Campaign program offers awards to communities that encourage their residents to bike for transportation and recreation. In addition to describing and linking to bicycle-friendly communities across the country, the website’s Technical Assistance section offers resources to help communities become more bicycle-friendly, including:

- ▶ demographic, average climate, and census data
- ▶ best practices for bicycle-use education
- ▶ guidelines for accommodating bicycles on roads, bridges and public transportation
- ▶ how to run a “Bike to Work Day” and other programs that encourage bicycle use
- ▶ tools for evaluating a community’s bicycle-friendliness
- ▶ enforcing bicycle-related laws and policies

Bicycle Master Plans (samples, California)

- ▶ Oakland
www.oaklandpw.com/bicycling/bikeplan.htm
- ▶ Davis
www.ci.davis.ca.us/topic/bicycles.cfm

- ▶ Calabasas
www.cityofcalabasas.com/pdf/agendas/council/2005/04-20-05/item7-bicycle-master-plan.pdf
- ▶ Petaluma
www.cityofpetaluma.net/cdd/pdf/bikeplan.pdf

California Association of Local Agency Formation Commissions
www.calafco.org

LAFCOs work to preserve agricultural lands, discourage urban sprawl, and encourage the orderly growth of government agencies. The Association's website provides a complete directory of LAFCOs, position papers on pending state legislation, and resource links to statewide organizations, "spheres of influence" studies, and legislative reports.

California Blueprint for Biking and Walking

www.dot.ca.gov/hq/tpp/offices/bike/bikesites.htm (click on Maps and Other Publications, and visit all links under "Non-Motorized Program Reports")

By 2010 this *Blueprint* calls for a 50% increase in bicycling and walking trips, and a 50 percent decrease in bicycle and pedestrian fatality rates in California. The *Blueprint* calls for achieving these improvements by increasing funding for bicycle and pedestrian programs, and by encouraging the consideration of bicycling and walking in land-use and community planning decisions, all phases of transportation planning, and all project designs. Governor Gray Davis and the California Department of Transportation (CDOT) submitted the *Blueprint* to the California Legislature in May 2002 as a required Supplemental Report of the 2001 Budget Act. See also the CDOT Bicycle Facilities Unit, listed in this guide.

California Center for Physical Activity
www.caphysicalactivity.org

The Center helps develop more walkable and bikeable communities through public programs, education, and technical assistance for local officials. Its Resources area offers fact sheets and recommendations on physical activity guidelines. Of special note: its trained team of walkability experts, who work with communities to improve walkability. Visit the Our Projects section for more information about Walkable Community workshops, Walkable Communities for Seniors, Active Aging Community Task Force, and Walkable Neighborhoods for Seniors. Two of the Center's projects also have their own websites:

- ▶ Healthy Transportation Network
www.healthytransportation.net
- ▶ Walk to School programs
www.cawalktoschool.com

California Coastal Commission

www.coastal.ca.gov

The Coastal Commission, an independent, quasi-judicial state agency composed of 12 voting members, works with coastal cities and counties to plan and regulate the use of land and water in the coastal zone. Its activities are broadly defined by the California Coastal Act of 1976; they include “construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters.” The Coastal Commission website provides:

- ▶ maps of coastal areas
- ▶ comprehensive listings of laws pertinent to planning within the California coastal area
- ▶ permit application information
- ▶ public meeting notices
- ▶ description of water quality and other ongoing Coastal Commission programs

California Department of Health Services (DHS) Prevention Services

www.dhs.ca.gov/ps

The DHS Prevention Services is a government umbrella that supports community-based prevention activities, among others, that “create measurable improvements in community health.” Prevention Services is composed of nine divisions. Programs within two of these divisions are especially useful for land use efforts:

Chronic Disease and Injury Control (CDIC) Cancer Prevention & Nutrition Services Section (CPNS)

California Nutrition Network – Visit the Resources area on CNN’s website for links to:

- ▶ CA County Food Assistance Binder, which contains rankings for each California county relating to food security, hunger, use of federal food assistance programs, and body weight status of low-income children
- ▶ Nutrition and Physical Activity Resource List of nearly 200 nutrition and physical activity education materials compiled by CNN partners and grantees
- ▶ The Geographic Information System (GIS), which is also listed in this guide

Food, Drug & Radiation Safety (FDRA) Food and Drug Branch

Organic Processed Products Program – “Every person in California who processes, packages, stores, distributes or handles” organic food must

register with the Food and Drug Branch, according to the California Organic Products Act of 2003. Visit the OPPP website for more information.

California Department of Housing & Community Development **www.hcd.ca.gov**

The Department of Housing and Community Development is the state's principal housing agency, providing "leadership, policies, and programs to expand and preserve safe and affordable housing opportunities and promote strong communities for all Californians." The following programs and online resources are especially useful for land use advocates:

- ▶ **Affordable Housing Preservation:** Approximately 149,000 California homes are privately owned, federally assisted multifamily rental housing occupied by elderly persons and families with lower incomes who cannot afford to pay market-rate rents. When subsidies or regulatory agreements expire, many of these will convert to market rate housing. To help manage this critical problem, HCD provides legal regulations and information about this process.
- ▶ **Financial Clearinghouse:** The Clearinghouse for Affordable Housing and Community Finance Resources is an online database of more than 200 housing programs, government, private lenders, and foundation grants. Though designed to assist private and nonprofit developers and units of government, individuals are also permitted access.
- ▶ More than 20 HCD Loans and Grants programs provide funds for construction, acquisition, rehabilitation, and preservation of affordable rental and ownership housing; homeless shelters and transitional housing; public facilities and infrastructure; and the development of jobs for lower-income workers. HCD provides these funds to local public agencies, service providers, and nonprofit and for-profit housing developers, some of which can, in turn, be awarded to individuals.

California Department of Transportation (CDOT) **www.dot.ca.gov**

Caltrans publishes government studies and information about mass transit on its website, as well as programs to improve bicycle- and pedestrian-friendly transportation options in local communities. From the homepage, click on News & Public Information Center, then Traffic Congestion Relief Plan, then:

- ▶ The Local Programs link will direct you to the Division of Local Assistance, which provides funding opportunities and how-to guides to support bicycle- and pedestrian-friendly transportation options.

- ▶ The Mass Transportation Program section links to state transit grants, transit-oriented development, links to DMT reports and studies, and information about rural transit options.

California Department of Transportation (CDOT) Bicycle Facilities Unit

www.dot.ca.gov/hq/tpp/offices/bike/bicycle_prm.htm

Self-identified as CDOT's "bicycle advocate," the Bicycle Facilities Unit provides policy, funding, planning and technical expertise to promote bicycle transportation. The Unit's website includes California codes, laws & regulations, tips for bicycle commuting safety, and contact information for CDOT officials who can address issues related to bicycle transportation. The site provides links to local, state and national bicycle-related sites. (See also the *California Blueprint for Biking and Walking* in this guide.)

California Environmental Protection Agency (Cal/EPA)

www.calepa.ca.gov

Created in 1991 under executive order of the governor, Cal/EPA is a cabinet level department that coordinates state resources "to restore, protect and enhance the environment, [and] to ensure public health, environmental quality and economic vitality." Search Cal/EPA's website for publications and research, as well as lists of all Laws & Regulations pertaining to air, water, waste management, toxic substances, health hazards, and other environmental topics. Cal/EPA also maintains a library in Sacramento with books, journals, microfiche, and research dating to the 1960s. The library is open to the public from 10 am–2 pm or by appointment, and librarians will answer inquiries from the public made in person, by phone, or by email.

California Environmental Resources Evaluation System (CERES)

<http://ceres.ca.gov>

CERES is a portal website and database that allows readers to search a variety of environmental data by organization, geographic area, theme, or type. It was designed to provide access to information about California's natural environments, to make it easier to analyze environmental information for planning efforts.

California Environmental Quality Act (CEQA)

<http://ceres.ca.gov/ceqa>

The California Environmental Quality Act requires state and local agencies to identify the significant environmental impacts of their actions and, if feasible, to avoid or mitigate those impacts. This website provides full texts of the Act and its amendments, searchable by keyword, as well as case law, supplemental materials, and general CEQA reference.

California Health Interview Survey

www.chis.ucla.edu

Every two years, researchers from UCLA, DHS, and the Public Health Institute survey more than 40,000 California households, in multiple languages, about their health and health care. They compile this information into a CHIS database, available online, that offers statewide information on the overall population, including many racial and ethnic groups, and local-level information on most counties for health planning and important comparison purposes.

California Housing Finance Agency

www.calhfa.ca.gov

The California Housing Finance Agency (CalHFA) provides financing and programs to “create safe, decent, and affordable housing opportunities” for renters and first-time homebuyers with low to moderate income. CalHFA is a completely self-supported state agency; it is funded by tax-exempt bonds, which it repays through mortgage loan revenues. The CalHFA website provides detailed information about its homeownership, multifamily (rental properties), and mortgage insurance programs.

California Infrastructure Coalition

www.calinfrastructure.org

The CIC uses media and legislative advocacy tactics to encourage the designation of public funds for infrastructure projects. Its primary efforts frequently address transportation, smart growth, development of parks, jobs and housing, and other land use and planning-related topics. Many local governments and prominent members of the state business community are CIC members.

California Nutrition Network Geographic Information System (GIS)

www.cnngis.org

This online database tool allows you to search for nutrition data and display it as a visual, geographical map. For example, it could enable you to create a map that displays grocery store locations on a county map, as well as the race and language demographics of residents who live nearby. The tool includes data on:

- ▶ nutrition and school health programs
- ▶ WIC grocery stores
- ▶ other local food and nutrition resources
- ▶ demographics of general and at-risk populations
- ▶ various Department of Health Services regions
- ▶ political (senate and assembly) districts

See also Knowledgeplex, listed in this guide.

California Planners Information Network (CalPIN)

www.calpin.ca.gov

CalPIN is an online, searchable database of general plans and planning agencies in California. Use this website to find the names and contact information for key planning officials and LAFCOs, regional plans, the current status of a local general plan, and more. CalPIN also includes a bulletin board discussion for local planners. The information published on CalPIN is also printed in an annual guide called the *California Planners' Book of Lists*. This online service is maintained by the Governor's Office of Planning and Research, which is also listed in this guide.

California Transit

www.catransit.com

California Transit provides a portal to transit-related resources throughout California. Search the Transit Links area to find local and statewide transit government agencies, intercity bus and train lines, transit advocacy groups, and a list of public transportation services and organizations grouped by California region.

Center for Neighborhood Technology

www.cnt.org

The Center for Neighborhood Technology develops tools and strategies to promote sustainable development and healthy urban communities. Its website provides information about car sharing, shared energy, air quality, and smart growth in older communities.

Center for Science in the Public Interest

www.cspinet.org

The Center for Science in the Public Interest advocates for nutrition and health, food safety, and alcohol policy by researching and publishing reliable information and policy guidelines. Read the Nutrition Policy section of the website to learn why policy is an important aspect of nutrition work, and to find extensive research and information about policy options such as improving school foods or reducing the marketing of low-nutrition foods to children.

Center for Urban Education about Sustainable Agriculture (CUESA)

www.cuesa.org

CUESA is a Bay Area nonprofit organization that educates urban consumers about sustainable agriculture and “creates links between urban dwellers and the farmers who practice sustainable agriculture.” CUESA publishes one of the most extensive farmers’ market websites.

- ▶ The **Sustainable Agriculture** section includes an A to Z overview (from “Animals Grazing” to “Zones that Buffer”), glossary, and list of links related

to the section's namesake. Also visit "Issues in a Nutshell" for information about how far your food travels to get to your plate, and what determines food quality.

- ▶ The **Seasonality** section includes a recipe archive and "Vegetable Calendar" that explains when specific vegetables are in season.
- ▶ The **Farmers' Market** section lists the more than 100 participating farmers and artisans that participate in CUESA's Ferry Plaza Farmers' Market, which is held Saturdays in downtown San Francisco.

Centers for Disease Control and Prevention (CDC)

www.cdc.gov

The Centers for Disease Control and Prevention (CDC), a branch of the U.S. Department of Health and Human Services, conducts research, publishes up-to-date information, and funds or manages "public health efforts to prevent and control infectious and chronic diseases, injuries, workplace hazards, disabilities, and environmental health threats." The CDC website is an extensive resource for data and guidelines on health and health promotion, updated daily. Land use advocates may be especially interested in the following sections:

- ▶ **Environmental Health:** Visit "Urban Planning for Healthy Places" for information about accessibility for people with physical impairments, children's health, and the built environment. Also see the Physical Activity page for research and guidelines on reducing obesity and diabetes.
- ▶ The *Guide to Community Preventive Services* reports evidence-based recommendations on effective population-level interventions to promote physical activity:
www.cdc.gov/nccdphp/dnpa/physical/recommendations.htm
- ▶ The **Overweight and Obesity** section identifies health and economic consequences of obesity on local and national levels, provides recommendations and state-based programs for combating obesity, and clearly defines obesity and its contributing factors:
www.cdc.gov/nccdphp/dnpa/obesity
- ▶ **Improving Nutrition and Increasing Physical Activity** provides comprehensive obesity statistics and links poor nutrition and inactivity to health and the economy:
www.cdc.gov/nccdphp/bb_nutrition

CEQA Technical Advice Series

<http://ceres.ca.gov/planning/ceqa/circulation>

The CEQA Technical Advice Series offers CEQA practitioners – particularly at the local level – specific and concise information about the California Environmental Quality Act.

CEQAnet Database

www.ceqanet.ca.gov

CEQAnet is a database of all environmental documents that public agencies submit to the State Clearinghouse (SCH) of the Governor's Office of Planning and Research, which is also listed in this guide. The database publicly displays brief descriptions of these documents, and allows public agencies to electronically submit environmental notices to the SCH. This database contains over 100,000 records that date to the early 1980s.

City Farmer (Vancouver, BC)

www.cityfarmer.org

Published online since 1994 by the Canadian Office of Urban Agriculture, CityFarmer.org publishes extensive information on tactics urban gardeners are using around the world to improve their cities through agriculture and green technologies. The site publishes a long list of links and article descriptions in a loose format. Scroll down the listing to find useful search options: by continent, topic (e.g., allotments/community gardens, entrepreneurs, policy/planning, urban forestry, etc.), or keywords. CityFarmer.org also offers an urban agriculture discussion forum in English or Spanish.

Civic Engagement Curricula

Originally written to help college students hone their community organizing and advocacy skills, these curricula are equally educational for adults of all ages. They are designed as group activities, but many can be used for individual learning as well. For land use and nutrition advocates, we recommend these selections:

COOL/Idealist.org Civic Engagement Curriculum

www.idealistoncampus.org/ioc/learn/curriculum/index.html

- ▶ *Building a Personal Network*
- ▶ *Cover Story: A Fun Shared Vision Exercise*
- ▶ *Creating Asset Inventories for Service and Engagement*
- ▶ *Creating a Shared Vision*
- ▶ *Developing a Solid Foundation for Managing Peers*
- ▶ *Games and Icebreakers*
- ▶ *Mapping Connections: A Tool for Forming a Network*
- ▶ *Meeting With Your Congressperson*
- ▶ *Planning Effective Meetings*
- ▶ *Recruiting Volunteers: A Total Approach*
- ▶ *Setting Objectives*

- ▶ *Utilizing Community Assets*
- ▶ *Who Wants To Be a Coalitionist?*

Bonner Civic Engagement Training Modules

www.bonner.org/resources/modules/home.htm

- ▶ *Action Planning: Developing a Plan*
- ▶ *Advocacy 101: Tools for Political Engagement*
- ▶ *Advocacy 201: Meeting with An Elected Representative*
- ▶ *Building Coalitions*
- ▶ *Community Asset Mapping: A Critical Strategy for Service*
- ▶ *Lobbying 101*
- ▶ *Recruitment*
- ▶ *Shared Vision*

See also Power Mapping, listed in this guide.

www.idealists.org/ioc/learn/curriculum/pdf/Power-Mapping.pdf

Community Food Security Coalition

www.foodsecurity.org

The CFSC is a coalition of 325 social and economic justice, environmental, nutrition, sustainable agriculture, community development, labor, anti-poverty, anti-hunger, and other groups that work together to ensure access to “affordable, nutritious, and culturally appropriate food to all people, at all times.” Their extensive combined efforts provide useful resources for land use advocates. Find a definition and six basic principles of food security in the What Is CFS? section. Many of CFSC’s activities, listed in the Programs section, provide resources and networking opportunities that may be valuable for land use advocates:

- ▶ The California Food and Justice Coalition is a statewide membership coalition that collaborates with community-based food security efforts in California.
- ▶ Farm to School and Farm to College programs incorporate produce into school lunches, snacks and salad bars. The programs’ web pages provide organizing tools, case studies, publications & links, and a list of possible funding sources.
- ▶ The CFSC is currently advocating for national policy efforts that may be relevant to local California efforts. Among other topics, CFSC already successfully advocated to create and reauthorize the Community Food Projects grant program, which funds more than 100 projects, and to reinstate the WIC and Senior Farmers’ Market Nutrition Programs, which

provide vouchers for WIC recipients and low-income seniors to use at farmers' markets.

- ▶ Training and technical assistance resources cover topics including evaluations and community food assessments.

Visit the Funding section of the CFSC website to learn about food security grants and other funding opportunities. In 2004, CFSC granted \$4.6 million to community efforts.

Councils of Governments (COGs)

Councils of Governments coordinate planning activities among local governments in a region. California is divided into 25 regions, each represented by an independent COG that addresses funding, long-range planning, affordable housing, transportation, and other issues important to its region:

- ▶ Assn. of Bay Area Govts. (ABAG)
www.abag.ca.gov
- ▶ Assn. of Monterey Bay Area Govts. (AMBAG)
www.ambag.org
- ▶ Butte County Assn. of Govts. (BCAG)
www.bcag.org
- ▶ Central Sierra Planning Council and Economic Development District
- ▶ Council of Fresno County Govts.
www.fresnocog.org
- ▶ Eastern Sierra Council of Govts.
- ▶ Humboldt County Assn. of Govts. (HCAG)
www.hcaog.net
- ▶ Kern Council of Govts. (KernCOG)
www.kerncog.org
- ▶ Kings County Assn. of Govts. (KCAG)
www.co.kings.ca.us
- ▶ Lake County-City Areawide Planning Council
- ▶ Mendocino Council of Govs. (MCOG)
www.mendocinocog.org
- ▶ Merced County Assn. of Govts. (MCAG)
www.mcag.cog.ca.us
- ▶ Sacramento Area Council of Govts. (SACOG)
www.sacog.org
- ▶ San Benito County Council of Govts.
www.sanbenitocog.org

- ▶ San Diego Association of Governments (SANDAG)
www.sandag.org
- ▶ San Joaquin Council of Govts. (SJCOG)
www.sjocog.org
- ▶ San Louis Obispo Council of Govts. (SLOCOG)
www.slocog.org
- ▶ Santa Barbara County Assn. of Govts.
www.sbcag.org
- ▶ Sierra Planning Organization and Economic Development District
www.sedd.org
- ▶ Siskiyou Assn. of Governmental Entities (SAGE)
www.co.siskiyou.ca.gov
- ▶ Southern California Assn. of Govts. (SCAG)
www.scag.ca.gov
 - ▶ Coachella Valley Assn. of Govts. (CVAG)
www.cvag.org
 - ▶ Imperial Valley Assn. of Govts. (IVAG)
 - ▶ San Bernardino Assn. of Govts. (SANBAG)
www.sanbag.ca.gov
 - ▶ Ventura Council of Govts.
 - ▶ Western Riverside Council of Govts. (WRCOG)
www.wrcog.cog.ca.us
- ▶ Stanislaus Council of Govts. (StanCOG)
www.stancog.org
- ▶ Tahoe Regional Planning Agency (TRPA)
www.trpa.org
- ▶ Tri-County Area Planning Council
- ▶ Tulare County Assn. of Govts. (TCAG)
www.tularecog.org

Curtin's California Land Use and Planning Law, 25th edition

by Daniel J. Curtin, Jr., and Cecily T. Talbert

(Solano Press Books, 2005)

Designed to thoroughly explain land use and planning law, Curtin's book can provide guidance and answers to detailed questions on CEQA, federal and state wetland regulation, endangered species, initiatives and referendums, land use litigation, and more. It makes a useful companion to the *Guide to California Planning*, which is also listed in this index.

Cyberbia: The Planning Portal

www.cyberbia.org

Cyberbia is a portal website to existing online land use and urban planning resources across the United States and Canada. Portal websites constantly evolve; as of November 2005, its more prominent links included:

- ▶ **Cyberbia Forums:** Claiming to be “the Internet’s most active urban/town planning-related bulletin board,” participants include professional and avocational planners, planning and zoning board members, and neighborhood activists.
- ▶ **Cyberbia Gallery,** free images of best practices, worst-case scenarios, cities and places, and “planning humor.”
- ▶ **Resource Directory,** a categorized resource index.
- ▶ **PlanningWiki,** an online encyclopedia of planning, zoning and land use topics that is expanded and revised by its readers. PlanningWiki is integrated with Wikipedia, which is also listed in this guide.

DataPlace

www.dataplace.org

DataPlace is an extensive and simple-to-use database of housing and demographic data. In addition to assembling a variety of data from multiple sources, DataPlace provides cutting-edge tools that let you display information using charts, profiles, and even satellite-rendered images and maps. The site also assists you with analyzing, interpreting, and applying the information, so you can make more informed decisions. As of November 2005, DataPlace compiles data from the following sources:

- ▶ 1990 Census
- ▶ 2000 Census
- ▶ Home Mortgage Disclosure Act
- ▶ Section 8 Expiring Use Database
- ▶ Consolidated Plan special tabulations

We highly recommend DataPlace for all land use efforts. It is a project of KnowledgePlex, which is also listed in this guide. DataPlace will soon include data from the U.S. Department of Housing and Urban Development and from the Census Bureau’s ZIP Business Patterns Database.

EcoCity Cleveland

www.ecocitycleveland.org

EcoCity Cleveland fosters environmentally friendly redevelopment by educating and advocating land use planning and transportation policy issues that “promote a smarter balance of growth in the metropolitan area.” The website

describes theories, initiatives, and case studies of successful projects.

Extensive online resources are organized in the following categories:

- ▶ **Ecological Design:** Read case studies of successful initiatives and projects in “What Cities Can Do” and “Green Building” sections, including EcoVillage, a neighborhood redevelopment project built around a transit stop. The Sustainability section includes information on sustainable food systems. See the Ecological Design homepage for links to Energy, Green Landscape Design, and ecological design guidelines written by the Ecological Design Society (*Big Sur Declaration*), a City of Hannover, Germany report (*Hannover Principles*), and *The Earth Charter*.
- ▶ **Smart Growth:** EcoCity discusses the relationship of smart growth to race, regionalism, sprawl, watersheds, farmlands, tax policy, open space and more. Visit the Introduction page for descriptions of sample policy advocacy efforts, as well as links to smart growth research.
- ▶ **Transportation Choices:** Find information on car sharing, all-purpose trails, initiatives to calm traffic and improve bicycle-friendliness, and urban rail transit.
- ▶ **Health & Home:** Created with the idea that “environmental change begins at home,” this section provides practical information to help individuals and families improve their health. Topics include food safety, biking and walking to school, gardening, traffic calming, and “restoring your backyard.”

Enterprise Community Investment

www.enterprisecommunity.com

Using tax credits, financing, and other investment means, Enterprise Community Investment develops and acquires affordable housing and other community development initiatives in underserved neighborhoods across the country.

Fannie Mae

www.fanniemae.com

Fannie Mae is a private, shareholder-owned company that operates under a congressional charter to provide financial products and services – including mortgages – that help low-, moderate-, and middle-income families purchase homes. Fannie Mae does not lend money directly to homebuyers but works with lenders to make sure they don’t run out of mortgage funds. In 2000, Fannie Mae announced its “American Dream Commitment” to provide “\$2 trillion in private capital for 18 million minority and underserved Americans to own or rent a home by the end of the decade.” At least two initiatives of this plan, detailed on the company’s website, are of special interest to land use advocates:

- ▶ **America’s Living Communities Plan** (located in the Initiatives section): The ALCP will invest up to \$3 billion over ten years in 300 communities to help local lenders, developers, government entities, and nonprofit organizations “achieve their affordable housing goals and invest in their communities.”
- ▶ **Affordable Housing and Community Development:** By developing mortgage products, services, investments, national partnerships, and local initiatives, the HCD program works to expand homeownership and affordable rental housing. Specifically, the American Communities Fund (ACF) “invests debt or equity in housing developments that support neighborhoods and community revitalization efforts,” and Community Development Financial Institutions (CDFI) provides investment capital to community-based financial institutions and intermediaries that directly support affordable housing development.

Register to use the Property GeoCoder (in the Tools & Resources section) to find out whether properties being considered for purchase qualify for Fannie Mae mortgage options and community lending products.

The Farmers’ Market Coalition

www.nafdma.com/FMC

The Farmers’ Market Coalition, a program of the North American Farmers’ Direct Marketing Association, provides planning and networking resources to groups across the United States that operate or promote farmers’ markets. The Coalition’s section of the NAFDMA website features press releases, a discussion forum, and a calendar of regional workshops that address topics ranging from liability issues to media marketing.

Food Policy Marketing Center @ U. Connecticut

www.fmpc.uconn.edu

The Food Marketing Policy Center conducts research on food and agricultural marketing and related policy questions. Though primarily an economic research organization, the Center also provides research on selected food access and security issues, including the first national evaluation of “the absence of supermarkets in many urban neighborhoods.” (See “The Urban Grocery Store Gap,” a 1995 study of food access and security, archived on the site.)

The Food Trust

www.thefoodtrust.org

Founded in 1992, the Food Trust responds to “diet-related disease and malnutrition by working to increase access to affordable and nutritious food and helping people to improve their diets.” The website offers an extensive list of reports and publications free for download, and teacher lesson plans. It also details innovative and successful programs, such as:

- ▶ **School Market Program:** Students create and operate fruit and vegetable markets in their schools.
- ▶ **School Food & Beverage Reform:** Promotes policies that prohibit the sale of soda and junk food in schools.
- ▶ **Supermarket Campaign:** Fights obesity and creates jobs by building supermarkets in underserved areas.
- ▶ **Farmers' Market Program:** Food Trust farmers' markets include nutrition education programming and voucher checks that enable low-income patrons to purchase fresh fruits and vegetables.
- ▶ **Corner Store Campaign:** Works to increase demand for healthy snacks, using social marketing and education. This demand serves as the basis for working with the food industry to increase the availability of healthy food choices in stores.

Foundation Center

www.foundationcenter.org

The Foundation Center is a one-stop shop where grant seekers can identify potential funders and learn how to navigate the grantmaking process. The Center maintains a comprehensive library of U.S. philanthropy, which is available online for a subscription fee, or at no charge in their learning center in San Francisco. The publishers of this toolkit highly recommend this resource.

Governor's Office of Planning and Research (OPR)

<http://opr.ca.gov>

The OPR is California's statewide, comprehensive planning agency. It reviews general plans, prepares guidelines, considers general plan extension requests, prepares guidelines for LAFCOs, and provides technical assistance to planning agencies. The OPR also maintains extensive planning resources on its website, including:

Planning Tools

- ▶ **LAFCO Reform:** background information on the 2000 LAFCO reform law and OPR guidelines for the processes of city incorporation and municipal service review.
- ▶ **Planners Links:** links to websites of state and local planning agencies and to statewide professional organizations whose memberships are composed primarily of government representatives.

Planning Publications

- ▶ *California Planners' Book of Lists:* the archived, annual print editions of information available through CalPIN (**www.calpin.ca.gov**), which is described in this guide.

- ▶ *A Citizens' Guide to Planning* (2001): a 14-page introduction to land use planning in California, including a glossary of planning terminology and suggestions for additional reading.
- ▶ *State of California General Plan Guidelines 2003*: California's official guide to general plan legal requirements.
- ▶ *The Planning Commissioners' Book* (1998): A training tool for new planning commissioners as well as a handy general reference on planning, the Book includes overviews of the planning commissioner's role and responsibilities, and the state planning law requirements.
- ▶ *The Legislative Process: A Citizen's Guide to Participation*: a guide to California's legislative process, including how a bill becomes law, a directory of standing senate committees, and a glossary (www.opr.ca.gov/legislative/citizens_guide.pdf)

State Clearinghouse

The State Clearinghouse (SCH) coordinates the state level review and maintenance of environmental documents pursuant to the California Environmental Quality Act (CEQA) and provides technical assistance on land use planning and CEQA matters. The SCH also administers the CEQAnet Database, which is also listed in this guide.

Grants.gov

<http://grants.gov>

Grants.gov is a one-stop shop for finding, learning about, and applying for federal grants. It offers applications for more than \$400 billion in grants each year – every grant announced by the 26 federal grant-making agencies. The database is searchable by program area, agency, RFP date, and keyword.

Greensgrow Farms

www.greengrow.org/index.html

In 1997 two Philadelphia residents converted a vacant lot into a working urban farm and began selling their crops to local gourmet restaurants. Greensgrow Farms, a 501(c)3 nonprofit organization, now includes a nursery, farm market, and a Community Supported Agriculture program. In addition to describing this model of urban farming success, the website offers a down-to-earth FAQ, ten reasons to buy local food, and links to helpful resources.

Guide to California Planning, 2nd edition

by William B. Fulton (Solano Press Books, 1999)

Often used as a college textbook, the *Guide* provides a solid overview of all aspects of land use planning in California.

Health Impact Assessments

Health Impact Assessments (HIAs) are objective processes that can be used to evaluate how a policy, program, or project will affect the health of a population. HIAs can call attention to public health issues in ways that offer helpful insights and recommendations to decision makers. HIAs are often credited with providing the information necessary to increase health benefits and minimize adverse effects of public projects and policies. Learn more about HIAs, and how they may be used in transportation and land use efforts, at:

- ▶ U.S. Centers for Disease Control & Prevention
www.cdc.gov/healthypaces/hia.htm
- ▶ National Association of County & City Health Officials
www.naccho.org/topics/hdp/land_use_planning/LUP_HealthImpactAssessment.cfm
- ▶ World Health Organization (WHO)
www.who.int/hia/en

HUD User

www.huduser.org

HUD User is a portal to federal government information on housing policy and programs, economic development, urban planning, and other topics from the U.S. Department of Housing and Urban Development's (HUD) Office of Policy Development and Research (PD&R). Specific resources available online include:

- ▶ **Regulatory Barriers Clearinghouse:** HUD created this free, searchable database to support state and local governments and local organizations “seeking information about laws, regulations and policies affecting the development, maintenance, availability and cost of affordable housing.” It includes regulatory measures proposed or passed in communities across the United States.
- ▶ **Data Sets** leads to useful housing-related data, as well as a Geographic Information Systems tool that allows you to create a map of your community that integrates this HUD data with environmental, demographic and other data.
- ▶ Search the **State of the Cities Data Systems** (SOCDS), located in the State of the Cities (National Urban Policy Report) section, for housing and other data for individual metropolitan areas, central cities and suburbs.

- ▶ The **Bibliography** link leads to a database of more than 10,000 full-abstract citations to research, books, monographs, and data related to housing and community development issues, including housing policy, urban planning and other topics useful to land use advocates.

King County Comprehensive Plan

www.metrokc.gov/ddes/compplan

The 2004 update to King County’s Comprehensive Plan (WA) links obesity to land use and built environment patterns. Noting that growth patterns in suburban areas have contributed to an increased risk of diabetes, hypertension, and heart disease among its residents, the plan calls for mixed-use developments and “U-126 Urban areas that ... provide necessary services close to residential developments” to promote physical activity as a part of daily life. The plan’s Chapter 2, Section A(1), “Growth in Cities and Urban Centers and the Promotion of Public Health,” is specifically cited in this toolkit.

Knowledgeplex

www.knowledgeplex.org

Created by the Fannie Mae Foundation, Knowledgeplex is a centralized resource for documents, news, discussions, events, and media about the following topics:

- ▶ affordable housing development & finance
- ▶ economic revitalization
- ▶ fair housing
- ▶ homelessness
- ▶ homeownership & mortgage markets
- ▶ land use & housing planning
- ▶ organizational development
- ▶ public housing
- ▶ social & comprehensive development

League of California Cities

www.cacities.org

The LCC advocates for common interests of California cities regarding issues that include environmental quality, housing, economic development, public safety, and transportation. Its website provides news and information on these topics from a municipal perspective and an extensive online advocacy resource for its members. The League also provides a one-stop shop for general information, links to municipal websites, a listing of city officials, ordinances, municipal codes, and city charters.

Local Government Commission

www.lgc.org

The LGC encourages healthy, walkable, and resource-efficient communities by helping local governments develop policies and programs. The LGC provides workshops, guides and publications, an email notification service for available state and federal grants, and an extensive resource library. Chapter 21 of this toolkit highlights its Transportation Tools to Improve Children’s Health and Mobility resource, available at www.lgc.org/freepub/land_use/factsheets/child_transp_tools.html.

Local Initiatives Support Corporation

www.lisc.org

Local Initiatives Support Corporation (LISC) mobilizes private and public support to provide policy guidance, various types of capital, training, and technical assistance to nonprofit community development corporations (CDCs). LISC’s goal is to create affordable housing, businesses, jobs, and commercial, industrial and community facilities. The Public Policy section of this website highlights important federal and state policy developments. The Resources section may be of special interest to advocates. It includes case studies, tools, guides and other information on funding opportunities, affordable housing (including community development, design, housing preservation, and vacant/abandoned properties), and planning and land use (including smart growth and vacant-abandoned properties).

National Center for Biking and Walking

www.bikewalk.org

A project of the Bicycle Federation of America (BFA), the National Center for Biking and Walking works with government officials and advocates to create bicycle-friendly and walkable communities. The NCBW provides consulting services for land use and facilities planning, policy development, and public involvement. It also offers training programs for public health and transportation agencies. Visit the website for:

- ▶ Down-to-earth descriptions of **The Challenge** for health, transportation, and land use and sprawl that include links to reputable statistics and studies.
- ▶ **Technical assistance:** Beginning with the motto “Everything You Want To Do Has Probably Been Done Before,” this section includes walkable communities workshops, case studies of traffic calming, integrating bicycle and pedestrian facilities with transit, and Reasons Why Bicycling and Walking Are Not Being Used More as Travel Modes.
- ▶ Detailed guides for designing bicycle- and pedestrian-friendly facilities, in the **Bicycling** and **Walking** sections.

- ▶ Activities, case studies, funding sources, data, and more to start a **Safe Routes to School** program.
- ▶ **Contacts and Links** (listed by state) to health officials, state and local transportation contacts, advocacy organizations, consultants and policies/plans/programs.

National Grocers Association

www.nationalgrocers.org

The National Grocers Association (NGA) is the national trade association that represents wholesale and retail grocery and food distribution companies. Its associate members, listed on the NGA website, also include product manufacturers and service suppliers. The following sections of NGA’s website may be useful to help land use advocates understand the industry’s perspectives and tactics:

Government Relations

Find NGA position papers and updates on pending national legislation. Also learn more about NGA’s local policy efforts:

- ▶ The Government Relations Leadership Council advances “the public policy interests of retail and wholesale grocers through an effective grassroots government relations program.”
- ▶ The Grassroots Grocers Action Network is an all-volunteer, grassroots network designed “to create a coalition strong enough to influence legislation pertaining to the food distribution industry.” The GAN communicates directly with members of Congress on industry-related issues.

Marketing

NGA’s Center for Marketing Excellence works, in part, to “enable the retailer, wholesaler, manufacturer and service supplier to better understand the needs and purchasing trends of the American consumer.”

Also visit the About NGA section for a list of items on NGA’s Working Agenda.

National Institutes of Health

www.nih.gov

The National Institutes of Health (NIH) is the primary federal agency for conducting and supporting medical research. Its website offers a clearing-house of health research, nutrition guidelines, up-to-date health news, and grants and funding opportunities. NIH is also home to a variety of research institutes and centers that examine specific areas of health information, such as:

- ▶ National Center on Minority Health and Health Disparities (NCMHD)
<http://ncmhd.nih.gov>
- ▶ National Institute of Child Health and Human Development (NICHD)
www.nichd.nih.gov

National Low Income Housing Coalition

www.nlihc.org

Dedicated “solely to ending America’s affordable housing crisis,” the National Low Income Housing Coalition (NLIHC) works in the areas of public education, organizing, research, and policy advocacy. NLIHC publishes handbooks and research on the housing crisis, such as the *Advocates’ Guide to Housing and Community Development Policy* and *The NIMBY Report*, a monthly report on overcoming “not-in-my-backyard” resistance. Its website also includes:

- ▶ An **Issues and Alerts** section with updates on the State and Local Housing Flexibility Act, the HUD budget, public housing, and other housing-related topics.
- ▶ **Our State Partners:** a list of coalitions in 35 states (including California) that work with NLIHC.

National Neighborhood Coalition

www.neighborhoodcoalition.org

The National Neighborhood Coalition is a support and advocacy network for regional and national organizations that work in low-income, urban communities. Though it is best known for its focus on physical revitalization, the NNC also addresses affordable housing, parks and urban gardens, transportation, and other quality-of-life issues related to smart growth. The Smart Growth section of NNC’s website offers detailed toolkits, policy papers, and research on these and other topics.

Neighborhood Link

www.neighborhoodlink.com

Neighborhood Link can be an effective tool for organizing “wired” neighborhoods. It creates a direct communication network among neighbors and local government by providing neighborhood and community organizations with their own free, interactive website – no programming required. Fill out simple, online forms to create a website for your association. Your site can include contact information, a newsletter and neighborhood history, local school information, community calendar, a discussion area, and links to your city council members, mayor’s office, and community police. The service also allows you to create customized pages that contain any information you choose.

Non-Profit Housing Association of Northern California

www.nonprohthousing.org

NPH works to increase support for affordable housing at the neighborhood, city, region, state, and federal levels, and to build the capacity of the nonprofit housing sector. Its Action Center programs include legislative advocacy, professional development for nonprofit housing corporations, and public education efforts to increase support for affordable housing. Visit the Knowledge Bank section of the NHANC website for federal and state legislative updates; policy memos that offer facts and perspectives on affordable housing issues; links to affordable housing corporations, advocacy groups, and resources; and publications for free download or by mail for a fee.

Official California Legislative Information

www.leginfo.ca.gov

Use this website to search California state laws and bills by keyword, number or date. In addition to providing full texts of existing laws, the legislative information website lists each pending statewide bill and its progress through the legislature, from introduction to enrollment. Bill information includes a description of its purpose, a list of supporters, full text of each revision, and a record of all legislative actions and votes. You can even sign up to receive an email notification each time action is taken on a particular bill.

Pedestrian Master Plans (samples)

- ▶ City of Oakland

www.oaklandnet.com/government/pedestrian/index.html

- ▶ City of Santa Barbara

www.santabarbaraca.gov/Government/Departments/PW/Pedestrian_Master_Plan_Table_of_Contents.htm

Planners Network

www.plannersnetwork.org

Planners Network (PN) is an association of people involved in physical, social, economic, and environmental planning in urban and rural areas. A diverse group of planning professionals, activists, organizers and students, PN is the “voice for progressive[s] concerned with urban planning and social and environmental justice.” The PN website includes planning case studies, publications, and free archives of *Progressive Planning* magazine searchable by issue or keyword.

Planning Commissioners Journal Planners Web

www.plannersweb.com/

As “the nation’s principal publication designed for citizen planners,” the Planning Commissioners Journal offers more than 14 years of articles for free, searchable by keyword. Sample topics and articles include:

- ▶ How to deal with the media
- ▶ Basics of putting together a comprehensive plan
- ▶ Conflicts of interest & ex-parte communications
- ▶ “Public Buildings Keep Town Centers Alive”
- ▶ “Center-ing Our Suburbs”

Visit **Take a Tour of the Planning Universe** for a simple overview of the key players in planning projects.

Power Mapping

Power mapping is a category of techniques that (1) identify resources and challenges that are instrumental to your ability to achieve a goal, and (2) help you strategize a plan for overcoming those challenges by using your identified resources effectively. Power mapping is very useful for group planning. There are many power mapping techniques, but most include the creation of a visual “map.” Here is a simple example:

1. Identify: Clearly state your goal. Think of all possible people, groups, institutions, etc., that will play a role in achieving this goal, regardless of whether they are positive or negative. These are your resources. Place them on a simple graph:

- ▶ The X-axis (horizontal) represents importance to your goal. If you graph certain people close to the X-axis, you can probably achieve your goal without them. Conversely, if you graph them high above the X-axis, their support may be critical to your efforts.
- ▶ The Y-axis (vertical) represents friendliness to your goal. True allies – ones that, for example, state your goal as a part of their mission – should be graphed close to the Y-axis. Enemies should be placed far to the right of the Y-axis.

2. Strategize: Consider the following:

- ▶ What enemies represent the greatest threat to your goal? Probably the resources that are farthest from both axes. How can you either reduce their influence over your goal (i.e., move them closer to the X-axis), or entice them to remain neutral or support you (i.e., move them closer to the Y-axis)?

- ▶ What are your strongest allies for achieving your goal? Probably the ones closest to the intersection of the axes. How can you use them to conquer or win over your enemies?
- ▶ What are your weakest allies? How can you increase their influence?

These resources provide other power mapping techniques:

- ▶ COOL Curriculum
www.idealists.org/ioc/learn/curriculum/pdf/Power-Mapping.pdf
- ▶ FrugalMarketing.com
www.frugalmarketing.com/dtb/powermapping.shtml

Program on Health, Equity and Sustainability (PHES)

at the San Francisco Department of Public Health

www.sfdph.org/phes

The San Francisco Department of Public Health’s PHES initiative is an umbrella of programs through which the SFDPH addresses topics related to healthy living through collaborations with community organizations and government agencies. The PHES website sections on community planning, land use and environmental planning, public housing, and transportation include research, statistics, case studies, and other publications that may be valuable models for land use advocates. This site also documents the Eastern Neighborhoods Community Health Impact Assessment being undertaken by the SFDPH.

Project for Public Spaces

www.pps.org

The Project for Public Spaces provides technical assistance, education, and research to help communities create and sustain parks, buildings, transportation, and public markets. The PPS website offers resources in each of these program areas:

- ▶ **Parks:** Beginning with a description of “Why People Need Parks,” PPS also explains how to find funding, and offers guidelines and case studies for the design and planning process, comprehensive management and maintenance information, and methods for involving the community. This section includes a “community network” of experts who are willing to share advice, a database of speakers ND Teachers, and links to park organizations.
- ▶ **Transportation and Livable Communities:** Search this section for planning guidelines, case studies, research, photos, and other useful information on ways to design public areas to accommodate drivers, bicyclists, transit users, and pedestrians alike.

- ▶ **Markets:** In conjunction with the Ford and W.K. Kellogg Foundations, PPS developed a Public Markets Research and Grants Program to devise new ways of incorporating public markets and community development. Find profiles of successful farmers' markets, trainings and conferences, and grant opportunities in this section.

Rails-to-Trails Conservancy

www.railtrails.org

The Rails-to-Trails Conservancy is a national membership organization that works to convert old railway lines into public recreation trails. The RTC assists local trail builders and advocates by providing information, technical expertise, and training. It also advocates for relevant national and state policy. The Benefits of Trails section of the RTC website discusses trails' importance in terms of recreation, transportation, health, conservation, revitalization, and connectivity. Locate a trail in the U.S. or abroad – by keyword, state, or activity – or participate in online topical discussions using the TrailLink service in the Find a Trail section. RTC operates a field office in San Francisco.

Rough and Tumble

www.rtumble.com

Rough and Tumble is a portal website that provides an up-to-the-minute look at California policy issues and the political environments in which they develop. The site was originally intended to be an in-house television newsroom publication to help reporters better understand California politics. It lists reputable current newspaper and magazine articles – also searchable by topic, publication date, or keyword – as well as polling data, legislators' websites, and other political information. *Rough and Tumble* is a reliable resource for keeping abreast of the statewide California political scene.

San Francisco League of Urban Gardeners (SLUG)

www.slug-sf.org

The San Francisco League of Urban Gardeners is a grassroots organization whose gardening and greening programs foster social justice, economic development, and ecological sustainability. The website offers an overview of SLUG programs and provides membership information.

Schools for Successful Communities: An Element of Smart Growth

by the Council of Educational Facility Planners International and the U.S. EPA (September 2004)

www.cefpi.org/pdf/SmartGrowthPub.pdf

Using case studies and sample state and local policies, *Schools for Successful Communities* shows how smart growth principles and the planning process can improve the quality of education.

Smart Communities Network (U.S. Department of Energy)

www.smartcommunities.ncat.org

A division of the DOE's Energy Efficiency and Renewable Energy Network, the Smart Communities Network website offers overview information, links to financial resources, model codes and ordinances, articles and publications, on topics that include sustainable development, transportation, smart growth, land use planning, and project financing. In the Transportation section, look for planning and advocacy resources specific to pedestrians and bicycles.

Smart Growth America

www.smartgrowthamerica.com

Smart Growth America is a nationwide coalition that works to support “citizen-driven planning that coordinates development, transportation, revitalization of older areas, and preservation of open space and the environment.” SGA works with member organizations to develop policies, publish research, and build support for affordable housing, efficient development, neighborhood schools, preserving and revitalizing urban areas, social equity, “smart transportation” that incorporates public transit and pedestrian and bicycle traffic, and preserving farmland. The SGA website offers general information on each of these issues, as well as updates on federal legislative activity on issues related to smart growth, sustainable development, and environmental protection.

Smart Growth Gateway (New Jersey)

www.smartgrowthgateway.org

Created as a clearinghouse for smart growth information, instruction, and analysis produced in New Jersey, the Smart Growth Gateway is a portal to resources that are useful to land use advocates across the United States.

- ▶ In **Smart Growth Data & Computer Tools**, find extensive links to national environmental, housing, economic and other data.
- ▶ Search **Case Studies and Ordinances** to learn about past efforts to address open space & farmland, housing, environmental protection, traffic calming and other topics.
- ▶ The Gateway lists more than 30 federal and private funding sources in the **Financing Smart Growth Projects** section.
- ▶ Use tools listed in the **How Smart Is Your Development?** section to assess the effectiveness of smart growth efforts, including bikeability, walkability, pedestrian friendliness, and community design.

Southern California Association of Non-Profit Housing

www.scanph.org

SCANPH is a nonprofit membership organization “dedicated to the development, preservation and management of permanently affordable housing for low-income people.” Visit the SCANPH website for:

- ▶ Legislative updates on state and federal housing-related bills
- ▶ Publications such as *Density Guide for Affordable Housing Developers* and *The Importance of HUD*
- ▶ A list of housing grant opportunities – from public and private sources – in the **Funding for You** section.

Strategic Alliance for Healthy Food and Active Environments (Strategic Alliance)

www.eatbettermovemore.org

The Strategic Alliance is a coalition of nutrition and physical activity advocates in California that uses the debate on nutrition and physical activity to examine “corporate and government practices and the role of the environment in shaping eating and activity behaviors.” The Strategic Alliance works in five key sectors: Children’s Environments, Government, Industry Practices, Health Care System, and Media. In each section find research, data, reports, and additional resources. Visit the Environmental Nutrition and Activity Community Tool (ENACT) for more than 60 concrete, detailed strategies designed to help you “improve nutrition and activity environments on a local level.”

Sustainable Agriculture Education (SAGE)

www.sagecenter.org

Sustainable Agriculture Education (SAGE) is a Bay Area nonprofit organization that develops projects, programs, and materials to build support for sustainable regional food and agriculture. SAGE projects have yielded several useful reports and tools, available for free download on their homepage, including:

- ▶ **Farmer’s Market Resource Kit** (June 2005, 62 pp): Written to help advocates create new farmers’ markets in San Francisco, this kit explains applicable state laws and provides insights into the market planning process.
- ▶ **Urban Edge Agricultural Parks Feasibility Study** (February 2005, 102 pp): Agricultural parks are a new concept for urban parks. They would give small farmers access to land and to provide “fresh food and an aesthetic, educational, and environmental amenity for nearby communities.”

Sustainable Agriculture Research and Education

www.sare.org/csa

Sustainable Agriculture Research and Education (SARE) is a national research and education grants program that advances “farming systems that are profitable, environmentally sound and good for communities.” SARE provides competitive grants to researchers, agricultural educators, farmers, and ranchers that are administered by four regional councils: North Central, Northeast, South, and West. The SARE website includes a searchable nationwide database of projects, research, and publications for sale about sustainable agriculture.

Telling Our Story, Measuring Our Progress: California’s Regional Quality of Life Indicator Projects

www.calregions.org/pdf/Ind-Report.pdf

This 79-page report provides an inventory and analysis of the Regional Quality of Life Indicator Projects in California. Indicator projects are tools that identify and track community conditions, measure progress towards shared goals, and mobilize action to improve progress. See the appendix for a list of regional quality of life indicator projects and contact information for their sponsor organizations.

Thunderhead Alliance

www.thunderheadalliance.org

Thunderhead Alliance is a national coalition of state and local bicycle and pedestrian advocacy organizations. In order to “break down the barriers to safe bicycling and walking in North American communities,” the Alliance operates several programs, including:

- ▶ **50 States / 50 Cities:** To ensure that effective, sustainable bicycle and pedestrian advocacy organizations are at work in all 50 states and the 50 highest population U.S. cities.
- ▶ **Complete the Streets:** “Complete streets” are designed and maintained to be safe for pedestrians, bicyclists, motorists and bus riders. This program advocates for complete streets policies in all 50 states by 2008, including ten state-level policies.
- ▶ **Affordable Transportation for Affordable Housing** partners with Community Development Corporations (CDCs) to “bring bicycle and pedestrian access to affordable housing developments.”
- ▶ **Community Bike Programs** are nonprofit organizations that operate through a storefront, are open to the public, and receive, refurbish, and provide donated bicycles to people who otherwise could not find a way to bicycle regularly and safely.

The Alliance also provides links to bicycle coalitions across the United States, searchable by state.

Transportation and Land Use Coalition (TALC)

www.transcoalition.org

TALC is a partnership of over 90 groups that work in the Bay Area toward healthy, walkable communities that provide all residents with transportation choices and affordable housing. TALC analyzes county and regional policies, works with community groups to develop alternatives, and coordinates grassroots campaigns. (Note: this organization is different from the Technical Assistance Legal Center, which provides services to tobacco control advocates.)

Trust for Public Land

www.tpl.org

The Trust for Public Land (TPL) is a national nonprofit organization that conserves land for people to enjoy as parks, community gardens, historic sites, rural lands, and other natural places. TPL helps communities define conservation priorities and identify lands the community wants to protect, develop an acquisition strategy (including helping identify sources of public and private funding for conservation), and mobilize public support for land protection. TPL also independently acquires land from private owners for later purchase by public agencies. Visit the Research section of the CPL website for studies on conservation financing, how parks benefit residents, and how watershed conservation protects clean water and manages storm water.

Urban Gardening Help

www.urbangardeninghelp.com

A self-proclaimed “simple” guide to urban gardening, this website straightforwardly describes trends and techniques in community gardening, urban food production, brownfield restoration, and other useful topics. It also contains links to external resources.

Urban Ecology

www.urbanecology.org

Urban Ecology is a Bay Area nonprofit organization that uses urban design, land use planning, and policy reform to help communities “plan and build neighborhoods that are ecologically healthy, socially just, and economically fair.” The What We Do section of the website features case studies of current and successful planning projects. Visit the Resources section for sample “Neighborhood Plans” in the Bay Area, a toolkit for “Walkable Streets,” and “Links” to organizations that share Urban Ecology’s mission.

Urban Land Institute

www.uli.org

The Urban Land Institute is a nonprofit organization that draws on its network of 28,000 members worldwide to share ideas, problem solve, and develop best practices for land use policy and practice. ULI publishes these best practices, case studies, and research on its website – some available for a fee, others for free. Advocates may find the following sections especially useful:

- ▶ **Research:** ULI Policy Papers, Advisory Services Panel Reports, Trends, and other publications can be downloaded in PDF format. Topics include *Best Practices in the Production of Affordable Housing* (March 2005) and *Involving the Community in Neighborhood Planning* (September 2004).
- ▶ **In the Community:** ULI's Community Outreach Program works with ULI members to help influence policy and practice related to community building and land use, including:
 - ▶ Community Action Grants “to encourage entrepreneurial projects at the state, regional and local levels to build community consensus for action and change.”
 - ▶ The California Smart Growth Initiative, which produced a report entitled *Putting the Pieces Together: State Actions to Encourage Smart Growth Practices in California* (2002) that analyzes ways to promote development that more closely links housing to jobs and preserves open space. (See www.smartgrowthcalifornia.uli.org.)

U.S. Census Bureau

www.census.gov

The Census Bureau website provides information about demographics, economics, housing, income, physical infrastructure, international trade, and myriad other data about the American population and geography. The website provides searchable access to this information by state, county, city, town, political district, and other geographic areas. In addition to surveying the general U.S. population every ten years, the Census Bureau also records economic activity and state and local governments every 5 years, and conducts more than 100 annual surveys. The site includes American Factfinder, a user-friendly interface for creating demographic profiles of census tracts, cities, counties, and states.

USDA Food and Nutrition Information Center (FNIC)

www.nal.usda.gov/fnic

The Food and Nutrition Information Center (FNIC) website is a portal to nutrition “resources for consumers, nutrition and health professionals, educators

and government personnel.” Land use advocates may find the following resources especially useful:

- ▶ The **Dietary Guidelines** section includes the current full version of HHS/ USDA’s Dietary Guidelines for Americans, as well as a summary of the report’s Key Recommendations for physical activity and other nutrition topics.
- ▶ Search the **FNIC Databases** for educational materials, government reports, research papers and more.
- ▶ The Food Guide Pyramid was revised in 2005 to incorporate the Dietary Guidelines for Americans. The result is MyPyramid.gov, an approach to nutrition that addresses both diet and physical activity. Visit the **My Pyramid Tracker** link for online tools that help you assess your food intake and physical activity.

USDA Food and Nutrition Service

www.fns.usda.gov/fsec

In partnership with state and local governments and organizations, the Food and Nutrition Service administers programs that improve food security, which it defines as “access by all people at all times to enough nutritious food for an active, healthy life.” These programs include food stamps, the National School Lunch Program, the Farmers’ Market Nutrition Program, and others that subsidize access to nutritious foods for people with low incomes. The FNS website provides detailed information about these programs. Land Use advocates may also search the Research section for studies on food security, obesity in America, and other topics. Nutrition education materials, programs, and research are also available in the Nutrition Education section.

U.S. Department of Housing & Urban Development

www.hud.gov

HUD’s mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. The HUD website offers information about buying, owning, selling, improving, and renting a home. Each of its sections link to research and publications related to housing and community development. Also useful for Land Use advocates:

- ▶ Search the **Fair Housing** section for federal fair housing laws and HUD activities that help prevent discrimination in housing on the basis of race, color, religion, sex, national origin, age, disability, and familial status.
- ▶ **About Communities** includes maps, histories, census data, statistics, and federal funding opportunities for local projects. Also find links to local community consolidated plans and to local and state government websites.

- ▶ The **Organizing** section includes how-to guides on holding neighborhood meetings, starting a neighborhood organization, and community organizing around an issue or goal.
- ▶ Find out about **Economic Development Programs** that support rural housing projects, help communities redevelop brownfields, create tax incentives for redevelopment, and provide job training.
- ▶ The **Grants** section lists HUD and other federal funding resources for organizations and groups.
- ▶ **Ginnie Mae** (like Fannie Mae, which is also listed in this resource guide) helps expand affordable housing by working with mortgage lenders to obtain a better price for their mortgage loans and by guaranteeing the timely payment of principal and interest. However, unlike its private counterpart, Ginnie Mae is a program of HUD and is fully backed by the U.S. government.

Wikipedia: The Free Encyclopedia

<http://en.wikipedia.org>

Wikipedia is a free, online encyclopedia that is continually maintained, expanded, and updated by its readers. Because anyone can add or edit any article, *Wikipedia* includes information that is often more current, detailed and expansive than traditional encyclopedias. With 14,000 active contributors writing in more than 100 languages, *Wikipedia* contributors sometimes publish biased or otherwise incorrect information; however, their publishers note, “there are so many other people reading the articles and monitoring contributions ... incorrect information is usually corrected quickly.” It already includes entries on land use, NIMBYs, and zoning.

Zoning and Obesity Project

at the Center for Law and the Public’s Health

www.publichealthlaw.net/Research/Affprojects.htm

By examining ways zoning laws can encourage access to nutritious food and limit access to innutritious food, the project’s goal is to educate planners, public health officials, and others that “zoning law has the potential to be an effective tool for addressing obesity as a public health problem.” Two of the project’s publications offer legal analysis and potential strategies for using zoning to combat obesity:

- ▶ *The City Planner’s Guide to the Obesity Epidemic: Zoning and Fast Food* (October 2005)
- ▶ *The Use of Zoning to Restrict Fast Food Outlets: A Potential Strategy to Combat Obesity* (October 2005): A supplement to the City Planner’s Guide, this monograph also discusses zoning’s traditional focus on protecting the public’s health.

