

## **CSAC New Supervisors Institute**

### **UNDERSTANDING LAND USE:** *What You Really Need to Know to Be Successful as a New Board Member in the Land Use Arena*

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February 2017

## **What We Will Accomplish Today**

- Provide you with an overview of land use including CEQA, the General Plan, Zoning, and the entitlement process and then –
- Have a frank conversation about land use and the various challenges you are likely to face
- Understand that Land Use is “local”
- Let you ask us anything you would like

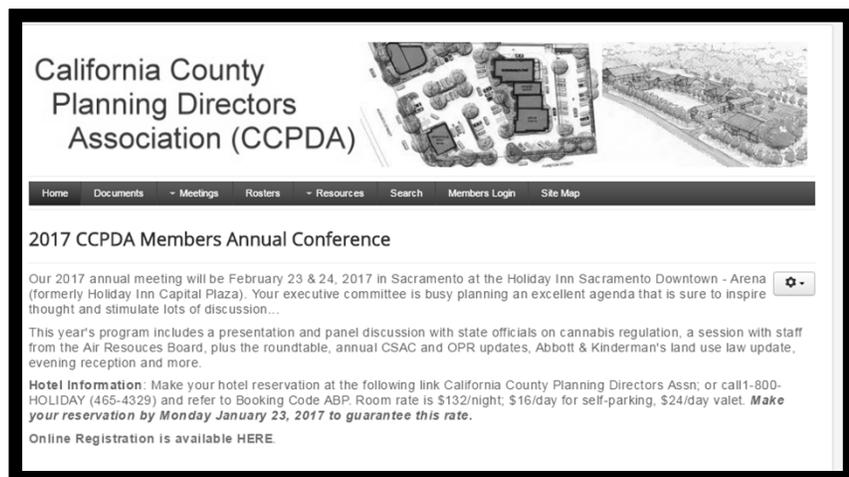
## Straight Talk

- ...With input from the 58 County Planning Directors who are a part of a group known as the California County Planning Directors Association
- More details online at [ccpda.org](http://ccpda.org)

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## Your Planning Director Should Sign Up for the CCPDA Annual Conference on February 23-24, 2017

More information and online registration is available at [ccpda.org](http://ccpda.org)



The screenshot shows the CCPDA website with the following content:

- Header: California County Planning Directors Association (CCPDA)
- Navigation: Home, Documents, Meetings, Rosters, Resources, Search, Members Login, Site Map
- Title: 2017 CCPDA Members Annual Conference
- Text: "Our 2017 annual meeting will be February 23 & 24, 2017 in Sacramento at the Holiday Inn Sacramento Downtown - Arena (formerly Holiday Inn Capital Plaza). Your executive committee is busy planning an excellent agenda that is sure to inspire thought and stimulate lots of discussion..."
- Text: "This year's program includes a presentation and panel discussion with state officials on cannabis regulation, a session with staff from the Air Resources Board, plus the roundtable, annual CSAC and OPR updates, Abbott & Kinderman's land use law update, evening reception and more."
- Text: "Hotel Information: Make your hotel reservation at the following link California County Planning Directors Assn. or call 1-800-HOLIDAY (465-4329) and refer to Booking Code ABP. Room rate is \$132/night; \$16/day for self-parking, \$24/day valet. **Make your reservation by Monday January 23, 2017 to guarantee this rate.**"
- Text: "Online Registration is available [HERE](#)."

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## **Your Planning Director Wants You To Know...**

If you don't like the current local rules or plans, then you should work to change them and not criticize the staff for enforcing the ordinances and polices as they are currently written (we would also agree that some need changing so take up the challenge!)

It a common belief of newly elected officials that the staff decides the rules and has the power to "interpret" them.

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## **The Board of Supervisors Role in Land Use & Development**

- Every county has a "planning agency"
- Counties can organize their planning agencies the way they want:
  - Planning commissions, area planning commissions
  - Community development/planning departments
  - Zoning administrators & hearing officers
  - Other commissions
- All counties appoint planning commissions – certain things require a Planning Commission recommendation (GPA, CIP, etc)
- Supervisors adopt policies & hear appeals

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## **The Board of Supervisors Role in Land Use & Development**

### **You Wear Two Hats**

- Legislative – You will adopt “laws”. That makes you a legislative body.
- Quasi-Judicial – You will hear “appeals” and your decisions will be final unless there is litigation in the Courts.



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## **The Board of Supervisors Role in Land Use & Development**

- Make time to get to know your Planning Director
- Request a briefing on what the Department does, their areas of responsibility and all of the programs that they implement. Does your Planning Department:
  - *Staff the Cultural Heritage Board?; Issue film permits?; Conduct periodic reviews of land use permits once issued?; Williamson Act Program?; Mining Program?*
- Ask for presentation and additional training on issues of interest – from CEQA to short-term rentals the topics are endless.



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## The California Environmental Quality Act (CEQA)

- Love it or hate it, CEQA is the law of the land.
- Here is what the law says:
  - “Every citizen has a responsibility to contribute to the preservation and enhancement of the environment”
- Here is what Governor Brown says:
  - “CEQA reform is the Lord’s work” and “I’ve never seen a CEQA exemption I don’t like.”

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## Which environmentalist governor signed CEQA into Law?

- Originally enacted and signed into law by then Governor Ronald Reagan in 1970, the CEQA statute contains detailed rules governing the content of environmental documents and the environmental review process by state and local agencies. The statute also provides definitions of key terms, exemptions, and special rules affecting litigation of challenges to projects based on CEQA. Changes to the CEQA statute are introduced nearly every legislative session. OPR will describe new laws affecting CEQA on this page as they are signed into law by the Governor.
- Guidelines interpreting the CEQA statute, known as the CEQA Guidelines, are contained in Sections 15000 and following of Title 14 of the California Code of Regulations. OPR developed, and the Secretary for the Natural Resources Agency adopted, the CEQA Guidelines as administrative regulations. The CEQA Guidelines provide additional detail regarding the requirements contained in the CEQA statute, and also reflect interpretations of the statute contained in published court decisions. The CEQA Guidelines are binding on all public agencies in California. OPR and the Natural Resources Agency periodically update the CEQA Guidelines to address recent changes in the law.

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## Where to start the CEQA conversation? *Is It A “Project”?*

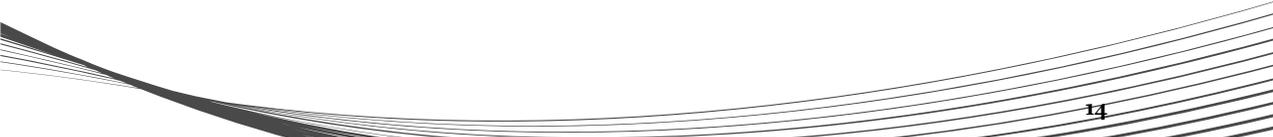
A project is a discretionary proposal (or any part of a proposal) which might result in physical changes to the environment. Some examples of projects are applications to change adopted plans, road development projects, use permit requests, and subdivisions of property.



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## Ministerial vs. Discretionary???

- **Ministerial** – Example: A Building Permit for a single family residence...you meet the code, we **MUST** issue you your Permit...some cities may not agree...
- **Discretionary** – the Hearing Body may say ‘no’...



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## CEQA Has 6 Objectives

**Inform** decision-makers about environmental effects

**Identify** ways to avoid environmental damage (Avoidance)

**Prevent** avoidable environmental damage (Mitigation)

**Disclose** to the public why a project is needed, even if it results in environmental damage

**Foster** intergovernmental cooperation (local, state, fed)

**Enhance** public participation (early and often (Constant Contact))

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## Understand the CEQA Process in 4 Easy Questions

- What kind of environmental document?
- How is that document prepared?
- How is that document completed?
- What happens after completion?

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## Understanding CEQA Exemptions

### Statutory Exemptions

- Exemptions from CEQA granted by the legislature. Some exemptions are complete exemptions from CEQA. Other exemptions apply to only part of the requirements of CEQA, and still others apply only to the timing of CEQA compliance. (*CEQA Guidelines, Section 15260*)

### Categorical Exemptions

- A list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. (*CEQA Guidelines, Section 15300*)

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## Different Types of Environmental Docs

- I. Negative Declaration** – A Negative Declaration should be prepared for a project when there is no substantial evidence that the project or any of its aspects could result in significant adverse impacts (See *CEQA Guidelines Section 15063(b)(2)*).

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## Different Types of Environmental Docs

### 2) Mitigated Negative Declaration – Shall be prepared when the Initial Study shows that:

- a) (1) there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment; or
- b) (2) the Initial Study identifies potentially significant effects, but revisions to the project agreed to prior to public review would avoid the significant effects, or reduce them to a less-than-significant level; and there is no substantial evidence that the revised project would result in a significant environmental effect (See CEQA Guidelines Section 15070).

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## Different Types of Environmental Docs

### 3) Environmental Impact Report (EIR) -

According to case law, the environmental impact report (EIR) is at "the heart of CEQA".<sup>[44]</sup>

- An EIR serves to inform governmental agencies and the public of a project's environmental impacts.<sup>[45]</sup>
- Further, an EIR proposes mitigations and alternatives which may reduce or avoid the environmental impacts; as the EIR is considered the heart of CEQA, mitigation and alternatives are also considered the heart of the EIR.
- NOP, Draft EIR, Final EIR...lawsuit???

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## **After The EIR Review You Have 5 Options...** *Choose Carefully*

- Deny the Project
- Approve an Alternative Project
- Approve the Project, with Mitigation
- Approve the Project, with Overriding Considerations
- Send back to the Planning Commission or staff for additional analysis

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## **NEXUS NEXUS NEXUS...** *You have to have it!*

The concepts of “nexus” and “rough proportionality” are critical.

- Boards of Supervisors do not have unlimited powers to require applicants to do whatever they want, regardless of how noble the cause or how much public pressure there may be.
- If you want additional concessions that don’t address a specific impact related to the project, you need to negotiate those with the applicant through a Development Agreement or other arrangement.

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## **The California Environmental Quality Act (CEQA)**

- We have done EIRs in < 9 months on large, non controversial projects. It can be done. That took a lot of public outreach in advance of the public hearing process to explain the project to the community...Jobs, Recreation, Environmental, Hotel, Restaurant, Golf Course, Community Walking Trails, etc.
- I've also seen a Mitigated Negative Declaration on a Subdivision get challenged and become an EIR that has taken 4 years and counting...the public doesn't like the project...
- In my opinion, the problem is NOT ALWAYS CEQA, the problem is trying to jam a project down a community's throat that doesn't want it...that's where problems happen.

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## **Why Does It Take So Long?**

Land use projects and related CEQA reviews need to move along efficiently but have to follow all legal requirements.

- Failure to do so jeopardizes the objective to move projects forward because it subjects them to risk of challenge
- Shortcuts in process risk prolonging the ultimate approval as environmental documents are redone to withstand legal challenges
- Some new Board members who did not come up from the Planning Commission ranks sometimes do not realize all that goes into these key areas

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## EIR or MND?

*Depends on the facts...and facts matter*

There is a widespread assumption that an EIR involves better science or reduces environmental impacts more than a Negative Declaration or Mitigated ND. In fact, it's just the opposite.

An agency can only use a Negative Declaration when there is no substantial evidence that the project might have a significant environmental impact.

However, with an EIR, the agency can adopt a Statement of Overriding Considerations, which allows the agency to decide that the benefits of the project outweigh its impacts, and then approve the project even though it may still have significant environmental impacts.

## What Is “Mitigation”?

- If the initial study shows that the project will not cause a "significant" impact on the environment or when it has been revised to eliminate all such impacts, a "negative declaration" is prepared.
- The **negative declaration** describes why the project will not have a significant impact and may require that the project incorporate a number of measures (called "mitigation measures") ensuring that there will be no such impact.
- “**conditions of approval**” – Mitigations, Regulatory, Code, best practices

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## I Can't Do What???

The BOS does not have the authority to simply eliminate a required mitigation measure because they don't like it or think it is unfair to the applicant or the applicant has decided that they no longer want to implement it after the Mitigated Negative Dec was circulated

- Some of our veteran BOS members still occasionally ask if they can eliminate a mitigation measure after a developer has asked for relief from it even though the BOS members have previously heard staff's response about recirculation of the Neg Dec or substitution of measures that are equivalent or more effective.
- Given our current economic climate and the desire to help out developers, this may come up...

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## Why Prepare a General Plan?

- State law requires it
- Outlines Vision, Goals, Policies & Actions
- Identifies important community issues
- Basis for local land use decisions
- Promotes community participation
- Sets the ground rules

In short, a general plan is the  
*“constitution for all future developments”*

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## A Short History of General Plans

- 1927 Master plans authorized
- 1929 Master plans required for cities & counties with planning commissions
- 1937 Master plans required for all cities & counties
- 1955 State law mandates land use & circulation elements
- 1965 Master plans renamed as general plans
- 1971 By now, state law mandates 9 elements
- 1971 Vertical consistency required for zoning & subdivisions
- 1980 Vertical consistency required for public works projects
- 1984 Vertical consistency required for use permits
- 1984 9 mandated elements consolidated into 7 elements
- 2002/04 General plans must focus on military facilities & operating areas
- 2003 Air quality required for San Joaquin Valley cities & counties
- 2004 General plans must focus on California Native American tribal sites
- 2007 Safety elements must focus on flood plain hazards
- 2012 Safety elements must focus on wildland fire hazards & SRA
- 2016 Must include an environmental justice element

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## **General Plan Amendments**

- When to amend?
  - The “implied duty” to be current
  - Regular revisions to the housing element
  - To restore internal consistency
  - When county policies change
  - When state laws change
- You can only amend it 4 times a year, so proceed with caution...watch out for the General Plan Police...
- OPR extensions

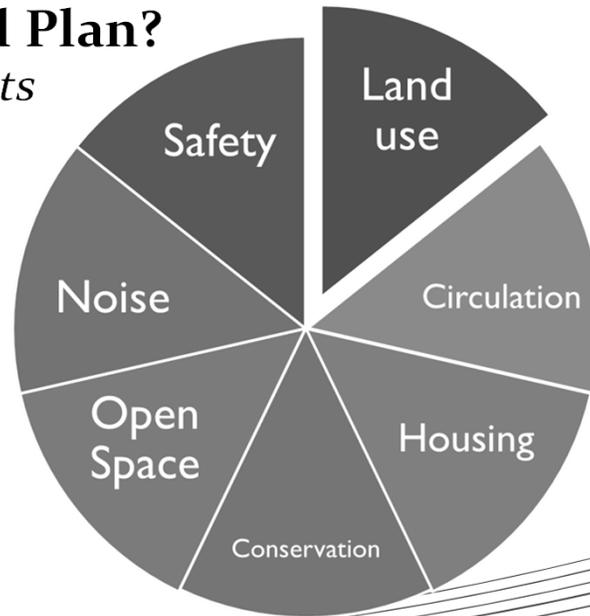
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## **Characteristics of a General Plan**

- It is a legislative act by a legislative body
- It must be comprehensive
- It must be long-term – typically 20-30 years
- It relates to physical development
- It relates to the community’s planning area
- It must be internally consistent and consistent with the Zoning Ordinance

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## What's In A General Plan? State Mandated Elements



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-  Economic Development (152)
-  Parks & Recreation (109)
-  Design (83)
-  Public Facilities (82)
-  Public Services (64)
-  Historic Preservation (58)
-  Transportation (49)

## What's In A General Plan?

Examples of  
Optional  
Elements in  
California

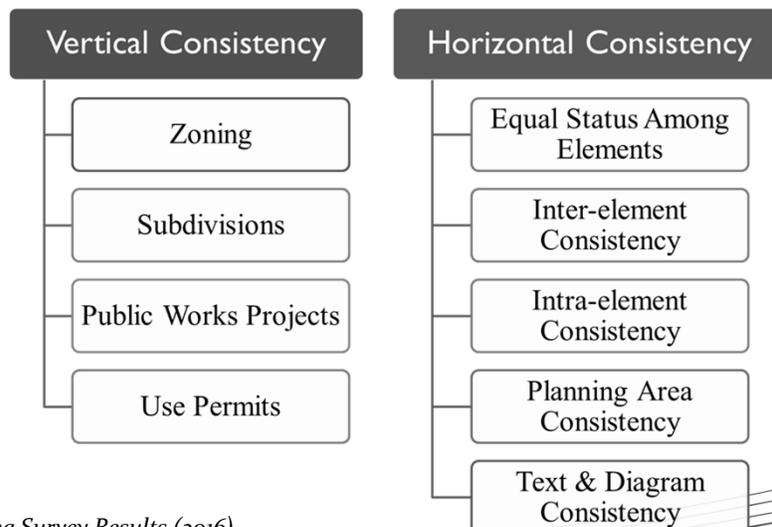
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## What's In A General Plan?

### *Special Statutory Requirements*

- Local Coastal Plans
- Surface Mining & Reclamation Act
- Integrated Waste Management Act
- Alquist-Priolo Earthquake Fault Zones
- Seismic Hazards Zones
- Flood Hazard Zones
- Very High Fire Hazard Zones & SRA
- Airport Land Use Plans
- Military facilities & operating areas
- Air quality (San Joaquin Valley cities & counties)
- California Native American tribal sites

## General Plan Consistency



## The County's Role in Land Use Planning & Development

- **Planner:** general plans & specific plans.
- **Regulator:** zoning, subdivisions, & use permits.
- **Builder:** public works & amenities.
- **Provider:** countywide & unincorporated areas.

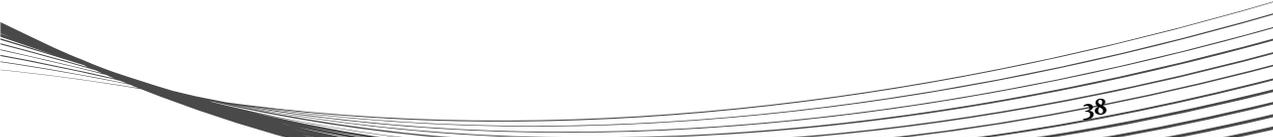


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## Zoning Is Not In Your General Plan

Zoning is not the same as the General Plan Designation.

- Most people are generally familiar with their zoning, since that dictates their allowed uses, setbacks, and height restrictions.
- As a result, they often confuse it with the General Plan designation.
- It's much more difficult to change the General Plan designation than it is to change the zoning.



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## Up is down, Down is up

**Downzone:** This term refers to the rezoning of land to a more restrictive or less intensive zone (for example, from multi-family residential to single-family residential or from residential to agricultural).

- Another Example: On an Ag Zone, go from one unit per 5 acres to one unit per 20 acres
- Typically, property owners do not want to be downzoned...but there are exceptions

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## Climate Change/GHG

Your jurisdiction will have to deal with climate change, whether you personally agree with it or not.

- The State government is moving forward on implementing it through the Metropolitan Planning Organizations, and it has to be addressed through CEQA.
- Has your County adopted a Climate Action Plan?
- You can either get ahead of the curve and deal with it now, or wait and let the State dictate to your jurisdiction what it has to do.
- While planning to reduce carbon emissions remains important, planning for adaptation to the effects of climate change is increasingly urgent.
- Lots of activity in the area of Cap & Trade at the State Level
- Even if you don't believe in climate change, it is the Law that we must address it/plan for it.

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## **We Are Not In This Alone...**

California has 58 counties, 482 cities, 3,200 special districts, and more than 1,100 school districts.

- Plus, a State government with 40+ agencies, departments, and commissions, with more than 300,000 employees.
- Each of these entities exercises powers that are largely separate from the others and can be at odds with one another.
- Planning's job is to try to find solutions that satisfy all of these competing mandates and interests. It takes a lot of discussions and time to find solutions.
- Don't expect complicated inter-jurisdictional issues to be resolved immediately – CalTrans, CDFW, ACE

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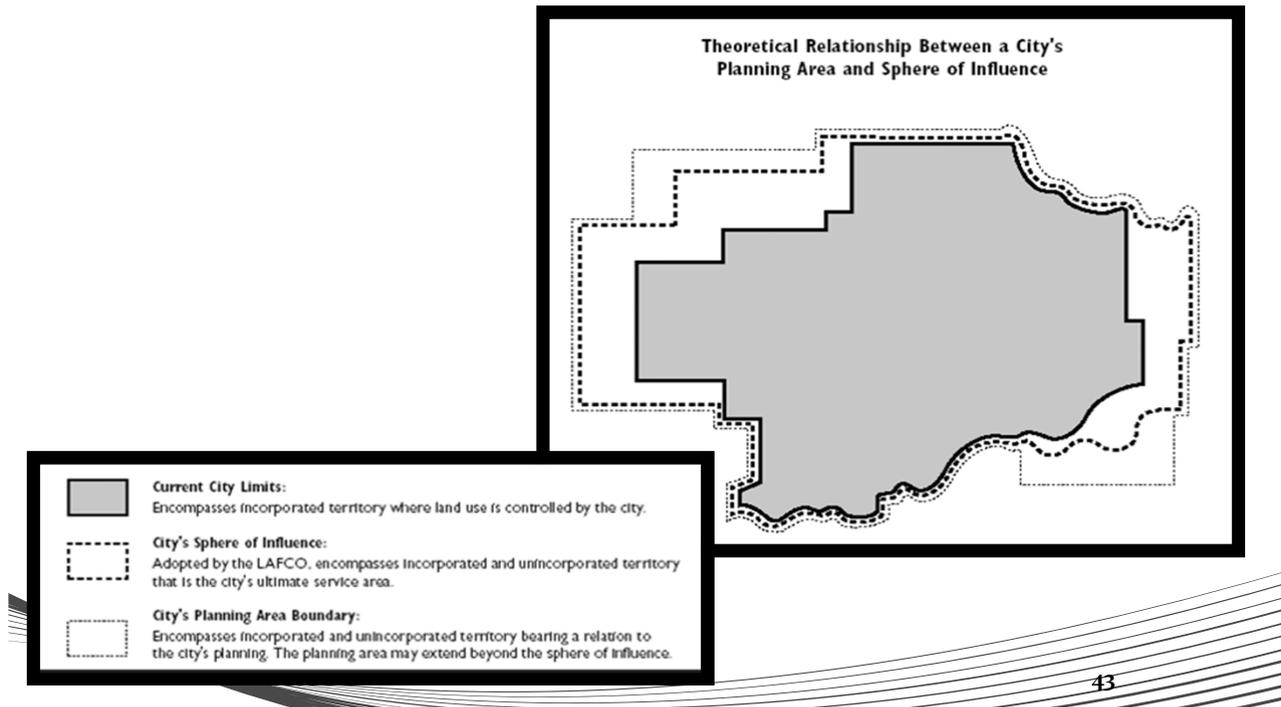
## **Ensure That Your County and the Cities in the County Work Together**

Spheres of Influence promote orderly growth and urban development.

They also promote cooperative planning efforts among cities, the county and special districts to address concerns regarding land use and development standards, premature conversion of agriculture and open space lands, efficient provision of services, and discouragement of urban sprawl.

Avoid "Fiscalization of Land Use" through Tax Sharing Agreements

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## Staffing In A Boom Or Bust Economy

The economic cycle exists. Booms will not last forever, so be careful about staffing up too much in planning and building when times are good, because you're just going to have to lay people off.

Busts will also not last forever, so don't cut your planning and building staff to the core as a part of budget cuts and destroy the institutional knowledge that is going to be needed to deal with the next boom. Plan ahead – a slow time for permitting is a great time to update your out of date ordinances and general plan.

## **Grants Are Only Part Of The Budget Solution...**

State/federal grants often involve an enormous amount of work (and associated costs) to comply with the red tape associated with them.

They are not the sole solution to limited local resources.

Be careful you don't allow your staff to work on projects solely on what grants can fund – instead have your staff work on what needs to be done to serve your community.

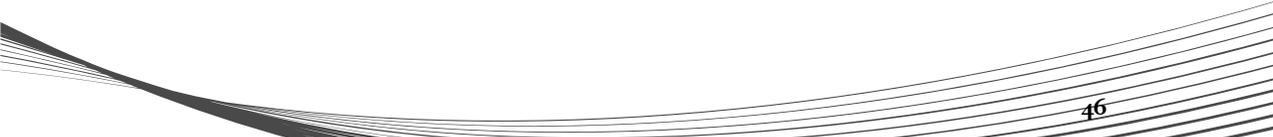


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## **Provide Your Planning Staff With Clear Direction**

When providing direction as a Board to staff, be clear about what you want changed, what you want to achieve, and when you want it. It's hard to hold staff accountable if you aren't clearly communicating your expectations.

Confirm with staff that they understand your direction and ask the Clerk to read back the motion when there is a complicated item.



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## **We Can't Do It All** *But We Really Want To*

The demand for work projects, such as general plan updates and legislation revising development codes and addressing current problems, is more than what your Planning Department can reasonably accomplish.

- Prioritization of work projects is a necessity.
- If you want to assign additional work to the Planning Department, then you need to also allocate additional funding unless you concurrently remove other work from their plate.

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## **Your Planning Commission Is Critically Important**

A Planning Commission is often seen as an entity to handle inconsequential or low-priority matters so that they don't clog up the Board agenda. However, the Commission can be used to fully explore options, dig deeper into technical studies, hold public forums and workshops, take field visits, etc.

In other words, the Commission can do all of the work that the Board doesn't have the time to do. A good Commission can be a think tank, an idea incubator, a place to float trial policy balloons, an investigative body, or a place where policies can be subject to rigorous debate.

Assign your Commission responsibilities and give them the leeway to carry them out as they see fit. Take good care to appoint great Commissioners. It doesn't have to be someone with a knowledge of land use, real estate, environmental science, or law. It just has to be someone who is thoughtful, intelligent, civic minded, and skeptical.

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## **Explain Your Decisions**

- Public hearings are incredibly valuable for staff. It is the only time when all five Board members can openly debate the merits and problems of a proposal.
- It is these debates that flavor and give depth to how policies should be interpreted and implemented. They also allow insights into how the Board may feel about related issues that are not directly under consideration.
- When you talk about why you do or do not support a position, it gives staff the context they need for trying to better anticipate the Board's needs on similar issues in the future.

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## **We Work For You...**

**Remember that staff serves the institution of the Board, not individual Board members.**

- Yes, you are our bosses and are the directly elected representative of your constituents.
- You are not able to direct staff as an individual when there are Policy issues or public funds involved.
- For constituent issues, let us help you. Send the e-mail to us or call us for a response.

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## **You Have To Make Tough Decisions...**

In a public hearing, staff sets the table with options and recommendations.

- There are times when a Board can become stymied or deadlocked.
- Staff can suggest ways of trying to break the stalemate, but ultimately the responsibility is up to the elected officials to put together that package of choices and compromises that will gather a three-vote majority.
- So come into the hearing with an open mind, but knowing what it is you want to accomplish and what you may be willing to compromise on.
- Then make those positions known so that your colleagues can respond in kind and the search for common ground can begin.

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## **Controversy and Land Use?**

*Get Comfortable With It...*

- Ask for a briefing from staff on complex issues – you don't have to go it alone... that is what we are here for.
- If staff asks to brief you on the issues involved in a controversial or complex project prior to a hearing, please make the time to meet.
- When you do meet, ask questions and let staff know if there are any particular issues that need to be more fully addressed prior to the hearing.
- Briefings can be a great resource to better understand the deep background on a project.

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## **This And That...**

- Findings – if you disagree with staff, you need to put an alternative set of findings on the record. We recommend that if it is controversial, you let staff redraft the findings and come back at an upcoming hearing to a “time and date certain”.
- Know when a Board directs staff to look into what may be a “one off” issue, that new assignment now takes them off task...when this occurs often enough, delays on projects are inevitable.
- Ask your staff to educate you – as a full Board - at least once a year on what is on staff’s plate. Your Board should take an active role in prioritizing all long range planning projects and understand the timing and cost for each project.

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## **This And That...**

- Most Planning Directors will tell you it’s easier to permit a landfill than a wedding venue – immediately begin to understand what is controversial in your jurisdiction.
- And please do not wait until the public hearing to let staff know you wanted to hear from a particular speaker or found a flaw in the report. You need to call your Planning Director in advance to ensure the hearing goes smoothly and you have all of the information you need to make an informed decision. Public Hearings are expensive and resource intensive - we try to avoid extra hearings whenever possible.

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## This And That...



- In 2 minutes or less, let's discuss how each County plans to deal with Medical and NonMedical Marijuana growing, Commercial Growing, the industrial production of Oils, Edibles and Dispensaries.
- Every City/County is going to have to address these issues
- T or F – Every residence in CA is allowed to legally grow 6 marijuana plants on their property?
- T or F – You can grow 6 plants of Marijuana as a personal grow and sell them this year to a dispensary and make a bunch of money?
- LOTS MORE DISCUSSION AHEAD OF YOU ON THIS TOPIC

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## And Remember...

Your Planning Director and Planning Department are there to support you – your success is the success of the community you serve.

*“A hundred years after we are gone and forgotten, those who never heard of us will be living with the results of our actions.”*

- Oliver Wendell Homes, U.S. Supreme Court Justice

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## Helpful Tools...

*Guide to California Planning, 4th edition.*  
William Fulton & Paul Shigley, Solano Press Books, 2012.

*General Plan Guidelines.*  
Governor's Office of Planning & Research, 2003.

OPR's publications are online:  
[http://opr.ca.gov/s\\_publications.php](http://opr.ca.gov/s_publications.php)

Institute for Local Government has great web resources:  
<http://www.ca-ilg.org>

Solano Press Books (land use, fees, CEQA, water, finance):  
[www.solano.com](http://www.solano.com)

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- Better yet, contact YOUR Planning Director ☺

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**UNDERSTANDING THE BASICS OF**

# LAND USE AND PLANNING

**Guide to Local Planning**

The Institute is grateful to the following firms for their support for the Land Use and Environment program:



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Additional support for this publication provided through a grant from The California Endowment to the Institute's Healthy Neighborhoods Project.

Special thanks to the following individuals whose time and effort contributed to this publication:

Tom Brown, *Attorney*, Hanson Bridgett

Kathy Garcia, *Principal*, Wallace Roberts & Todd Inc.

Ted Holzem, *Project Manager*, Mintier Harnish Planning Consultants

Marco Martinez, *Attorney*, Best Best & Kreiger, LLP

Robert E. Murphy, *Attorney*, Kronick, Moskovitz, Tiedemann & Girard

Robert Sherry, *Planning Director*, County of Sacramento

Wendy Strimling, *Deputy County Counsel*, County of Monterey

Eric Vail, *Attorney*, Burke Williams & Sorensen, LLP

Al Zelinka, *Planning Manager*, City of Fullerton

*All decisions regarding the final content of this guide were made by the Institute for Local Government*

Additional thanks to Bill Higgins, Senior Staff Attorney for the League of California Cities and former director of the Institute's Land Use Program, for his role in preparing the 2004 edition of the *Planning Commissioners Handbook* upon which some of the material in this guide is based.

Prepared by the Land Use and Environment Program, Steve Sanders, Director

*Remember to always consult a knowledgeable attorney when confronted by legal issues.*

UNDERSTANDING THE BASICS OF LAND USE AND PLANNING: Guide to Local Planning

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# UNDERSTANDING THE BASICS OF LAND USE AND PLANNING

## GUIDE TO LOCAL PLANNING

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# About This Guide

County and city officials have many responsibilities. Among the most important is determining how the physical configuration of their communities will change, develop and adapt to meet the present and future needs of their residents.

Communities guide their physical growth and development through *local planning*. Planning covers a broad spectrum of activities, ranging from new development on vacant land, to adaptation of existing structures for new uses, to more sweeping redevelopment of individual parcels and whole neighborhoods with new buildings and facilities.

This guide is designed to provide a basic overview of the planning process for local elected and appointed officials and the general public. The

guide describes the typical participants in the planning process and the major plans and policies that comprise the framework of local planning. Following the description of the planning framework, the guide presents some of the emerging issues in local planning, and outlines important legal issues that local officials should consider when they make land use and planning decisions. The tab divider that accompanies the guide presents the “nuts and bolts” of the process of reviewing a typical application for development.

Resources to learn more about particular topics are highlighted throughout the guide. The endnotes include information on important legal citations and other references for those who wish to explore issues in more detail.

## Planning – a Process and Profession

Planning, at its most fundamental level, refers both to a process and a profession:

- Local officials and residents use a *collaborative process* to determine the location, character, level and intensity of development that will be permitted or encouraged throughout their community, as well as the areas to be conserved and protected from development.
- Planning is also a *professional discipline*, whose practitioners possess technical information, analytical tools and problem-solving approaches informed by both research and practice.

### ▶ THE POWER TO PLAN

Local agencies derive their authority to shape their communities through planning and land use from the “police power.”<sup>1</sup> The source of this power is both the federal and California constitutions. The police power is broad and elastic and entitles cities and counties to take actions to protect the public’s general health, safety, and welfare. However, in most cases local regulations may not conflict with overriding state law.<sup>2</sup>

Local authority to regulate land use can expand to meet the changing conditions or priorities of society. Thus, actions that might not have been thought of as part of the general welfare a century ago (for example, curbing sprawl or promoting affordable housing) can fall within its purview today.<sup>3</sup>

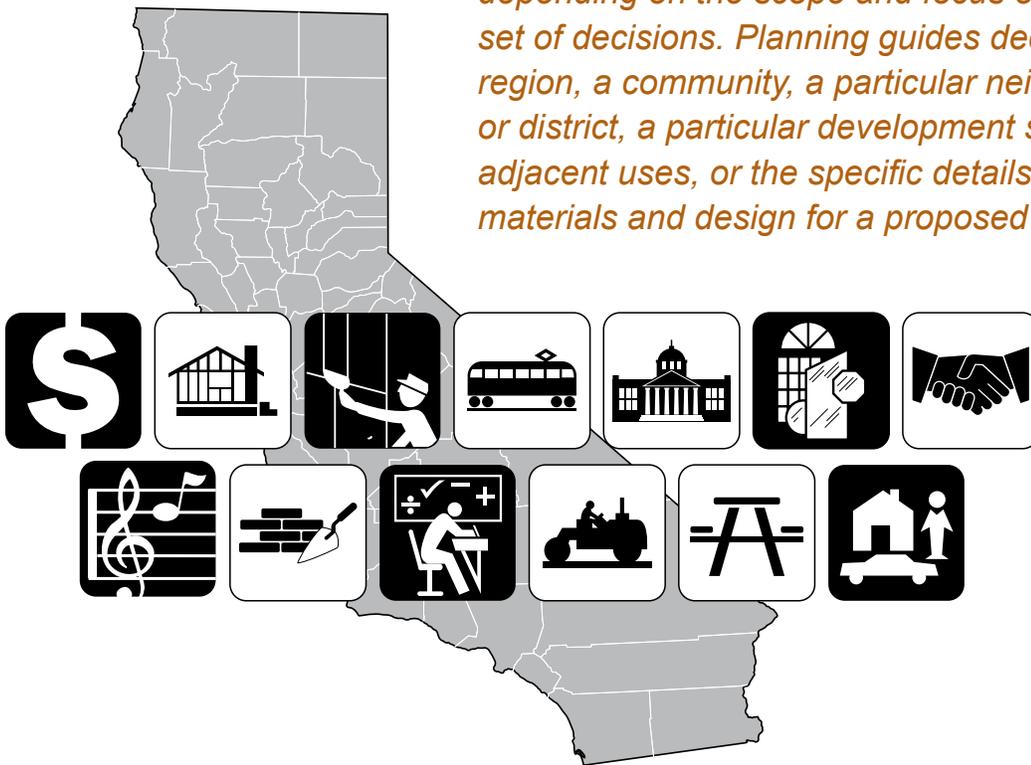
Courts have found that a wide variety of local concerns fall within this authority, including maintaining socio-economic balance, aesthetic values, property values, residential character, and growth management.<sup>4</sup>

## The Local Planning Framework

Cities and counties, when they plan, need to be able to consider a range of issues, from the big picture issues of how the community as a whole should grow and develop to the fine details of how particular buildings and facilities will fit in with other uses that share space on a neighborhood street.

Different planning tools have been developed to address the unique issues and considerations that occur at each of these levels. Taken together, these tools comprise a framework of local planning that officials can draw upon to manage the development and realize the collective vision for the future of their community and its residents.

*The planning framework works along a continuum depending on the scope and focus of a particular set of decisions. Planning guides decisions for a region, a community, a particular neighborhood or district, a particular development site and its adjacent uses, or the specific details of building materials and design for a proposed project.*





# Why Plan?

Planning establishes goals and policies for directing and managing the future growth and development of a community or region. For example, cities and counties use planning to address fundamental issues such as the location and rate of growth, the character of development, transportation and housing needs, economic vitality, sustainability and environmental protection.

Proper planning offers the opportunity to:

- **Save Money.** Good planning can save on infrastructure and essential service costs by avoiding duplication, sizing facilities properly, and promoting efficient and cost-effective investments.
- **Create a Sense of Place and Reinforce a Sense of Community.** Planning can ensure that architectural, environmental and aesthetic elements are incorporated into projects to connect people to their community and establish a sense of place – the features and characteristics that define the unique identity of the community.
- **Protect and Enhance Property Values.** Property values are enhanced when a community plans for parks, trails, playgrounds, transit, and other amenities. Planning also protects property and property values by separating conflicting land uses.
- **Safeguard Public Health.** The way places are built, rebuilt, and maintained affects people’s behavior and, as a result, their health. Good planning can provide opportunities for all residents to improve their health through greater physical activity and access to healthy foods and living situations, while reducing their exposure to air pollution and other health hazards.

- **Promote Public Safety.** Proper planning and design can make communities safer places to live, work and travel. Planning safe routes for bicycles, pedestrians and motorists can reduce accidents. Building codes and other regulations can reduce the risk of fire, flooding or collapse in the event of an earthquake. Buildings, parking lots, streets, and neighborhoods can all be designed to reduce opportunities for crimes to occur.
- **Increase Fairness and Opportunity.** Planning can help ensure that the burdens and benefits of development are fairly shared by all members of a community. Planning can also increase opportunities for all residents to attend quality schools, access good jobs, and participate in community life on an equal footing.
- **Provide Public Facilities and Infrastructure.** Planning helps communities prepare to meet future demands for public services and facilities, such as water and sewer systems, roads and transit lines, fire and police stations, schools, parks and libraries. Planning can ensure that transportation and other public facilities meet the needs of all members of the community and are safe, efficient, reliable and environmentally sound.
- **Improve Economic Development and Quality of Life.** Economic development and quality of life issues go hand in hand because businesses want to locate in communities where their employees want to live. Well-planned communities offer residents and businesses a range of convenient and affordable choices – for business locations, transportation, housing, schools, parks, open space and other services and amenities.

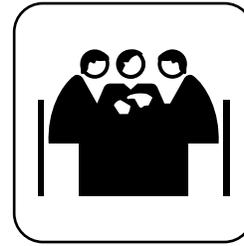
- **Protect the Environment and Conserve Resources.** Planning helps identify important natural and cultural resources and can direct development in a way that protects or enhances these resources. Planning can help communities reduce energy use, promote waste reduction and recycling, lower emissions of greenhouse gases that contribute to climate change, and otherwise conserve resources and protect the environment.
- **Provide a Forum for Resolving Conflicts and Reaching Agreement.** Planning processes provide a forum for developing a common vision, seeking community consensus and resolving disagreements about issues.
- **Set Clear Expectations.** Planning establishes the ground rules for decision-making regarding development. A comprehensive general plan, for example, sends a clear signal what standards and procedures will apply to development. Planning also signals which parties will be responsible for the various costs associated with development. This will not eliminate conflicts entirely, but does set expectations that can help minimize conflict – particularly when a jurisdiction has a practice of adhering to its plans.

### **MORE RESOURCES ON PLANNING**

As a supplement to this guide, the Institute has published a handy glossary of the sometimes complex terminology that is used in the planning process: *Understanding the Basics of Land Use and Planning: Glossary of Land Use and Planning Terms* (see [www.ca-ilg.org/planningterms](http://www.ca-ilg.org/planningterms)).

To assist local agencies in helping the public understand common planning decisions, the Institute has also developed a series of plain-language, one-page descriptions of common land use actions. These can be attached to public hearing notices, made available at planning counters and through agency websites. Copies are available in PDF and Word formats in both English and Spanish. (See [www.ca-ilg.org/onepaggers](http://www.ca-ilg.org/onepaggers))

# Participants in the Land Use Decision-Making Process



## The Role of Local Officials in Planning

Decisions regarding planning and land use are a shared responsibility among local decision-makers. While local elected officials typically have ultimate decision-making authority, planning is a very participatory process.

Other key participants include members of the planning commission and other advisory boards and commissions, agency professional staff and legal advisors, as well as officials from other public agencies who may be affected by a land use decision. Important stakeholders include property owners and project applicants, neighbors, business owners, and other members of the public.

Local officials play a number of roles in land use matters. Within their jurisdictions, local officials typically act in three capacities:

- **Legislative:** Adopting broad policies governing development, such as general plans, zoning ordinances, and fee schedules.
- **Quasi-adjudicatory:** Applying these policies and state law to specific projects.
- **Enforcement:** Taking steps to assure that projects, once approved, comply with the applicable laws and conditions of approval.

Local officials also play an important role in regional planning activities. A number of regional agencies have been established to make plans for transportation, housing, open space, and other issues that transcend local agency boundaries. Local officials are typically selected or appointed to serve on the governing boards of these regional agencies. In some cases the members of the governing board may be directly elected by voters.

## WHO DOES WHAT IN THE PLANNING PROCESS?

### City Council or County Board of Supervisors

- Evaluates staff analyses, recommendations and decisions by advisory bodies, and agency goals in making final decisions on land use plans and proposals
- May act as appellate body on entitlement decisions

### Planning Commission and Other Planning Advisory Bodies

- Considers staff analyses, including agency goals and policies, along with community input
- Makes recommendations and decisions based on findings of fact when applying general policies to specific situations such as use permits and tentative maps
- Makes recommendations to the governing body on policy matters such as the general plan, zoning ordinances, and development agreements
- May act as appellate body on entitlement decisions

### Planning Staff

- Acts as technical staff to the governing body, planning commission, or other planning advisory bodies
- Prepares and maintains local plans and ordinances
- Identifies relevant local regulations for plans and project applications
- Organizes hearings and meetings on plans and project proposals as authorized by local officials
- Works with applicants to ensure that a project complies with community policies and standards and state and federal law
- Coordinates with other professional departments and agencies to incorporate comments and technical recommendations into a proposed plan or project
- Ensures that all appropriate procedures are followed during the planning process
- Prepares a professional analysis and recommendation
- Monitors project implementation and compliance with planning policies and conditions of approval

### Agency Counsel (City Attorney or County Counsel)

- Advises officials on legal process requirements for decision-making (for example, public notice obligations)
- Answers questions about applicable law and how the law applies in particular situations
- Distinguishes between legal advice and policy advice, providing the latter only when asked
- Represents local government in legal issues and disputes

## City Council Members and County Supervisors

Primary responsibility for making land use and planning decisions rests with the individuals elected by the voters to serve on the governing boards of cities and counties. In the case of cities, the mayor and city council members make the decisions. The members of the county board of supervisors – five officials elected by district from throughout the county – make decisions for counties. While they may delegate some functions to staff or advisory bodies, final authority rests with the representatives elected by the public.

## The Planning Commission

The planning commission is a permanent committee made up of five or more individuals who have been appointed by the governing body (the city council or board of supervisors) to review and act on planning and development matters.<sup>5</sup>

While the governing body may choose to keep this function,<sup>6</sup> many cities and counties have chosen to establish separate planning commissions.

Commissions have authority to oversee the development and review of the local general plan and other plans, policies and ordinances related to land use. They also review (and sometimes decide) land use and development applications and proposals in the same manner as a board of zoning adjustments (described in the following section).<sup>7</sup>

Commissioners serve at the will of the city council or board of supervisors, so commission membership may change in response to changes in those bodies.<sup>8</sup> Planning commission actions can be appealed to the governing body, which can uphold the commission's decision, overturn it, modify it, or send it back for further study.



### ► THE ROLE OF THE PLANNING COMMISSION

1. Acts as an advisory board to the governing body on all planning and development issues.
2. Reviews development applications and makes factual findings on a case-by-case basis to assure consistency with the provisions of the general plan and other local plans, policies and ordinances.
3. Functions as the primary decision-making body for many proposals (subject to appeal to the governing body, which retains final authority).
4. Through public hearings and other means, provides a key venue for residents and other community stakeholders to learn about planning issues and project proposals and provide their views.

## Other Local Planning Bodies and Officials

Many cities and counties have established other advisory boards or commissions or assigned officials to assist the agency in making decisions on planning and land use issues. In larger jurisdictions, these bodies and appointees bring additional expertise into the decision-making process while allowing the planning commission and elected officials to focus on broad planning issues. They also provide an additional way to engage the public in planning and land use decisions, both through service as an appointee and through public meetings and hearings conducted by the body.

Some of these other advisory bodies and appointed officials include:

- **Board of Zoning Adjustment or Zoning Administrator.** A local body or hearing officer authorized to consider requests for variances to zoning requirements, created by ordinance and appointed by the governing body.<sup>9</sup>
- **Zoning Appeals Board.** An optional appointed body that hears and decides matters relating to the application of the zoning ordinance and considers appeals of the zoning administrator's decisions.<sup>10</sup>
- **Building Official.** An appointed agency official responsible for the administration and enforcement of building, housing, plumbing, electrical and related codes.
- **Design Review Commission or Architectural Review Board.** An optional commission appointed by the governing body to review development proposals to determine consistency with local adopted design goals, policies, guidelines, standards, and ordinances.<sup>11</sup>
- **Historic Preservation Commission or Architectural Heritage Commission.** An optional commission appointed by the governing body charged with determining consistency with local historic and cultural resource preservation goals, policies, standards and ordinances.<sup>12</sup>

## RESOURCES FOR FURTHER INFORMATION

*The Planning Commissioner's Book* is both a training tool for new planning commissioners as well as a handy general reference on planning. Originally published by the Governor's Office of Planning and Research, it is available on the ILG website at [www.ca-ilg.org/opr](http://www.ca-ilg.org/opr).

## The Role of the Public

There are many reasons to involve the public in planning and land use decision-making. Perhaps most importantly, participation enhances a sense of community. Individuals feel more connected when they are involved in the process of developing solutions to community problems.

Other benefits of public engagement in planning and land use decision-making can include:

- Better planning policies and documents that reflect issues flagged by a members of the public, particularly if a broad segment of the public participates in the decision-making process

- Enhanced community buy-in and support for policies ultimately adopted and less need to revisit the same planning issues repeatedly
- More knowledgeable residents that understand the trade-offs sometimes involved in planning and land use decisions

Public participation in local decision-making is fundamental to democracy. The public often evaluates the service of local officials based not only on the wisdom of their decisions, but also on their commitment to involving the public in decision making.



### ▶ ENGAGING THE PUBLIC IN PLANNING

The Institute for Local Government has developed a number of tools to help local officials foster greater public participation in land use and planning decisions. See [www.ca-ilg.org/cgipubs](http://www.ca-ilg.org/cgipubs).

For more information on these and other resources for involving the public, visit the Institute's website at [www.ca-ilg.org](http://www.ca-ilg.org).



# The General Plan

The general plan is the foundation for local land use planning. When an agency adopts a general plan, it creates a vision for the foreseeable planning horizon — usually 10 to 20 years — and translates the vision into objectives, goals, policies and implementation programs for the physical development of the community.

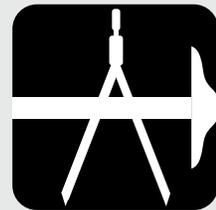
The general plan covers all of the land within the jurisdiction and any additional land that, in the agency’s judgment, bears a relationship to its planning.<sup>13</sup>

Cities and counties may also prepare one or more community plans as part of their general plan to provide more detailed attention to particular areas of the locality.

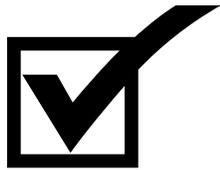
## COMPONENTS OF PLANNING

### ✓ The General Plan

- Zoning
- Subdivisions
- Design Review
- Environmental Review
- Development Agreements
- Dedications and Fees



All other land use ordinances and policies flow from the general plan and must be consistent with the general plan.<sup>14</sup> Projects will not be able to proceed unless they are found to be consistent with the general plan.<sup>15</sup>



## Mandatory Elements

General plans are usually a combination of goals, policies, programs, diagrams, and maps. Every general plan at a minimum must address seven mandatory elements:<sup>16</sup>

- **Land Use Element.** Designates and provides a diagram or map illustrating the general type, intensity, and distribution of various land uses.<sup>17</sup>
- **Circulation Element.** Describes and provides a circulation diagram or map illustrating the location and extent of existing and proposed transportation routes, terminals, and other local public utilities and facilities.<sup>18</sup>
- **Housing Element.** Identifies and analyzes the existing and projected housing needs for all economic segments of the community, consistent with the regional “fair share” allocation of housing needs established through a regional planning process.<sup>19</sup>
- **Conservation Element.** Provides for the conservation, development and use of natural resources.<sup>20</sup>
- **Open Space Element.** Details how open space, recreational areas and natural resources will be preserved and managed.<sup>21</sup>
- **Noise Element.** Establishes noise contours and standards, identifies and appraises noise sources and problems and includes implementation measures to address them.<sup>22</sup>
- **Safety Element.** Addresses protection from any unreasonable risks associated with hazards such as fire, flood, and earthquakes.<sup>23</sup>

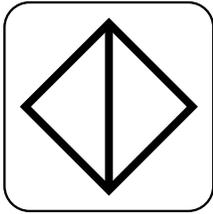
## Optional Elements

Any number of optional elements may also be included in a general plan if, in the judgment of the city or county, they relate to the physical development of the area.<sup>24</sup> Optional elements frequently incorporated in general plans include: public facilities, economic development, design, historic preservation, air quality, growth management, agriculture, recreation, and scenic highways. More recent additions to this list include climate change, energy, water, and health. Once adopted, mandatory and optional elements have equal legal status and must be consistent with each other.<sup>25</sup>

Local agencies can tailor general plans to fit community needs.<sup>26</sup> Individual elements may be combined so long as all legally required issues are addressed.

### RESOURCES FOR FURTHER INFORMATION

The Governor's Office of Planning and Research has produced many useful resources on planning. See [www.ca-ilg.org/opr](http://www.ca-ilg.org/opr).



## Consistency Requirements

Land use and planning decisions require a finding that a land use action is consistent with the general plan.<sup>27</sup>

Perfect conformity is not required, but the project must be found to be consistent with the general plan map and the general plan's objectives, goals, policies, and implementation programs.

The individual elements within a general plan must be integrated, internally consistent, and compatible.<sup>28</sup> In other words, the plan cannot contradict itself. This requirement is commonly referred to as “horizontal consistency” and has three primary components:<sup>29</sup>

### ■ **Consistency among Elements.**

All elements of the general plan must be consistent with one another. For example, if the land use element contains proposals that would increase population but the circulation element does not provide for ways to deal with traffic related to the population increase, the general plan would be inconsistent.<sup>30</sup>

### ■ **Consistency within Each Element.**

Each individual element must be consistent with itself. For example, if the circulation element presents data and analysis indicating insufficient road capacity while also stating that current roads and other transportation alternatives can handle increased development, the element would be inconsistent.<sup>31</sup>

### ■ **Consistency between Language and Maps.**

The text of the general plan must be consistent with accompanying maps and diagrams. For example, if the text of the general plan includes a policy of conserving prime farmland while at the same time a map designates all or most of existing prime farmland as an area for housing development, the plan would be internally inconsistent.<sup>32</sup>

In addition, all other plans, ordinances and policies must be consistent with the general plan. This is often called “vertical consistency.” For example, subdivision and development approvals must be consistent with the general plan.<sup>33</sup> In counties and general law cities, zoning and specific plans must also be consistent with the general plan.<sup>34</sup> Charter cities can require consistency through their own charter or by ordinance, but otherwise are exempt from the consistency rule.<sup>35</sup>

## Relationship of the General Plan to Other Local Plans

**Community Plans.** A community plan is part of a general plan, focusing on a particular neighborhood or community within the larger jurisdiction

Community plans allow a city or county to concentrate on the most salient issues and develop planning strategies and actions best suited for particular communities without going through the time and expense involved in revising or updating the general plan as a whole.

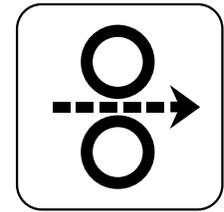
**Specific Plans.** Unlike general plans, specific plans are optional.<sup>36</sup> They are a flexible planning tool often used for larger areas, such as a downtown or a major transportation corridor, to encourage comprehensive planning.<sup>37</sup>

A specific plan may present broad policy concepts, focus on a particular planning or development issue, or provide detailed direction as to the type, location, intensity or design, financing, or infrastructure needed for development.

Many local agencies find specific plans to be a powerful and flexible planning tool. They often function as a macro-scale planning document similar to a community plan, but with the added power of a zoning ordinance coupled with a capital improvement program.

While not technically a part of the general plan as are community plans, specific plans must be consistent with the general plan.<sup>38</sup> All zoning, subdivisions, public works projects, and future development agreements within an area covered by a specific plan must be consistent with the plan once it is adopted.<sup>39</sup> A specific plan may be amended as often as necessary.<sup>40</sup>

**Redevelopment Plans.** Cities and counties may create a redevelopment agency to act as a catalyst for the revitalization of “blighted” areas.<sup>41</sup> Often the city council or board of supervisors acts as the governing board of the redevelopment agency,<sup>42</sup> although some redevelopment agencies have a separate governing board.<sup>43</sup> Redevelopment agencies create a redevelopment plan outlining the programs and strategies the agency will employ to redevelop the area included in the agency’s purview.<sup>44</sup> Redevelopment plans must be consistent with the general plan.<sup>45</sup>





## Amending the General Plan

The general plan is a living document, meaning that it should change as conditions in the community change.<sup>46</sup>

At the same time, it is also meant to provide some certainty for local planning. “General law” cities and counties (those operating under state law without a voter-approved local charter) may amend mandatory elements of the general plan up to four times per year.<sup>47</sup> Charter cities and counties may amend the general plan as often as necessary.<sup>48</sup> Many local agencies regulate how often they will consider general plan amendments to ensure that specific amendments are considered in the larger context of other proposed amendments and the general plan as a whole.

Amendments are adopted by resolution after a public hearing.<sup>49</sup> Optional elements can be amended as often as the local agency chooses. Project proponents may propose general plan amendments to fit the needs of a proposed development.

## Updating the General Plan

While there are no hard-and-fast rules as to when a community should update its general plan, frequent piecemeal amendments can indicate that the general plan is dated or out of step with current conditions.<sup>50</sup> In such cases, an overhaul of the general plan may be needed to ensure that it remains an adequate basis for land use decision-making.

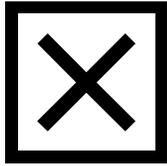
Periodic updates ensure that the long-term vision presented in the plan reflects the current needs or goals of the community. A general plan update can be quite expensive — often exceeding several hundred thousand dollars in mid- to large-size communities. A well thought-out plan update with broad public involvement and support usually pays dividends by reflecting current economic and development trends and reducing conflict over land use decisions.

The general plan does not have to be completed or updated on a fixed schedule (although new cities must adopt a plan within 30 months of their formation).<sup>51</sup> The main exception to this rule is the housing element, which must be updated every eight years, to coincide with the schedule for regional planning for transportation mandated by SB 375.<sup>52</sup>

## Implementation and Follow-Through

The adoption of a general plan by itself does not guarantee orderly development. An agency can adopt a very good general plan only to find the original vision distorted by frequent amendments. City council members or county supervisors play a critical role in seeing that the plan's vision materializes, assisted by the planning commission and other advisory bodies.

State law provides for an annual reporting process on general plan implementation. These reports must be shared with a number of state agencies.<sup>53</sup> The reports enable the local agency to correlate recent land use decisions with the overall goals in the general plan, to assess how the plan is being implemented, and to identify modifications that will improve implementation.



## Effects of a Deficient General Plan

In order to proceed, a development project must be found to be consistent with the general plan.<sup>54</sup> This is a difficult finding to make when the general plan is internally inconsistent, invalid, or insufficient (for example, because it fails to address a statutorily required issue). A court can invalidate any land use action if it determines that a plan is deficient in any of these respects.<sup>55</sup> Typically courts will limit such actions to instances where the specific general plan deficiency is related to the nature or circumstances of the project – for example, a residential subdivision proposed in a jurisdiction with a housing element that has been found to be deficient.<sup>56</sup>

### RESOURCES FOR FURTHER INFORMATION

#### Institute for Local Government

*Land Use One-Pager: About Specific Plans* (2007) ([www.ca-ilg.org/onepagers](http://www.ca-ilg.org/onepagers))

*Land Use One-Pager: About General Plan Amendments* (2007) ([www.ca-ilg.org/onepagers](http://www.ca-ilg.org/onepagers))

#### Governor's Office of Planning and Research

The Governor's Office of Planning and Research has produced many useful resources on planning. See [www.ca-ilg.org/opr](http://www.ca-ilg.org/opr).

*California Planning Guide: An Introduction to Planning in California* (December 2005)

*General Plan Guidelines* (October 2003)

*The Planner's Guide to Specific Plans* (January 2001)

#### Other Resources

Government Code Section 65350 and following (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

Government Code Section 65450 and following (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

# Zoning

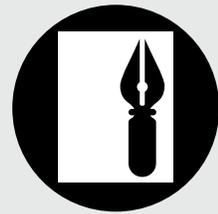
Historically, zoning is the separation of a community into districts, or “zones,” that regulate land uses and the intensity of development.<sup>57</sup> A zoning designation is assigned to every legally defined parcel within a zone in the community. An accompanying map shows officials and the public 1) the boundaries between zones, 2) which uses are permitted, and 3) the standards that apply to that use.

The goal of zoning is to assure that neighboring land uses are compatible.<sup>58</sup>

Residential uses, for example, are generally incompatible with heavy industrial uses. Most agencies have multiple zones in which similar uses are permitted but with differing development standards. For example, a minimum residential density might be 12 units to the acre in one zone and 16 units to the acre in another.

## COMPONENTS OF PLANNING

- The General Plan
- ✓ Zoning
- Subdivisions
- Design Review
- Environmental Review
- Development Agreements
- Dedications and Fees



Before approving or denying a project, a local agency must determine whether the project complies with the provisions of local ordinances regulating development. Examples include the zoning ordinance, requirements for a conditional use permit, or an historic preservation ordinance.

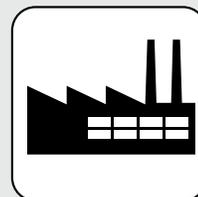
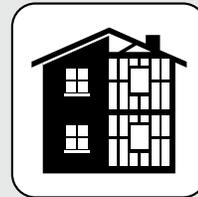
## Zoning Ordinances

A traditional zoning ordinance will list land uses that are allowed “by right” for each zone. The term “by right” does not mean that the zoning ordinance confers an unconditional right to develop for a particular use.<sup>59</sup> Zoning is merely a legislative planning designation.<sup>60</sup> As such, zones are always subject to change and do not confer an entitlement. Instead, the term “by right” means that the permit is not subject to the discretionary review that is typical of the conditional use permit process.<sup>61</sup>

Form-based zoning codes have recently emerged as an alternative to traditional zoning. Under this type of zoning, the form of a development project (like height, footprint, materials or relationship to other buildings) is regulated rather than the specific uses (such as residential or commercial). The idea is to use zoning to ensure compatibility while allowing a greater mix of uses than traditional zoning affords.

### WHAT TRADITIONAL ZONING ORDINANCES DO

- Divide a jurisdiction into various land use categories, such as heavy and light industrial, commercial, residential, open space, agricultural, recreational, scenic corridor, natural resource, and other purposes.
- List permitted uses within each category and provide for conditional and accessory uses.
- Regulate the intensity of use (for example, 18 residential units per acre).
- Establish development standards, such as building height and bulk, setbacks, lot coverage, parking, signage, and landscaping.
- Provide for administrative procedures for variances, conditional use permits, design review, and zone changes.



Cluster zoning is another variation on traditional zoning, allowing applicants to cluster uses on a portion of a site in order to preserve open space and natural areas or reduce infrastructure costs.

Zoning ordinances must be consistent with the general plan and, except in some charter cities, are invalid if inconsistent.<sup>62</sup> Typically the planning commission is responsible for making zoning decisions on discretionary applications under the zoning ordinance.<sup>63</sup> Some agencies have appointed a board of zoning adjustment or a zoning administrator to consider requests for use permits and variances from zoning conditions.<sup>64</sup> Building design may also be subject to approval by a design review board or architectural review board.<sup>65</sup>

## **RESOURCES FOR FURTHER INFORMATION**

### **Institute for Local Government**

*Land Use One-Pager: About Zone Changes (Rezoning)* (2007) ([www.ca-ilg.org/onepagere](http://www.ca-ilg.org/onepagere))

### **Governor's Office of Planning and Research**

*Planning, Zoning, and Development Laws* (February 2009), available at [www.ca-ilg.org/opr](http://www.ca-ilg.org/opr)

### **Other Resources**

Form-Based Codes Institute,  
[www.formbasedcodes.org](http://www.formbasedcodes.org)

Government Code Section 65800 and following (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))



## Conditional Use Permits

Conditional uses are land uses that may be approved under the zoning code but only upon meeting specific conditions.<sup>66</sup> The conditional use permit (also called a “special use permit”) allows a local agency to more closely review individual projects that could negatively affect neighboring land uses. Staff and the planning commission (or other review body) can then develop a set of conditions to minimize the impact before authorizing the development.

Common conditions on approval include limited hours of operation, road improvements, soundproofing, additional landscaping, and additional parking. The permit is granted on the land, not to the property owner, and will remain valid even if the property changes owners.<sup>67</sup> The original permit may provide that the agency can modify the permit terms in the future, subject to providing notice and a hearing.<sup>68</sup> A conditional use permit may be revoked for noncompliance or other reasons cited in the permit, subject to notice and a hearing.<sup>69</sup>

## Variiances

A variance is a limited waiver of zoning standards for a use that is already permitted within a zone.<sup>70</sup> Variances are considered only in extraordinary circumstances when the physical characteristics of a property, (such as size, shape, topography, location, or surroundings) or its use pose a unique hardship to the property owner.<sup>71</sup> A variance can only be granted in special cases where the strict application of zoning regulations deprives the owner of a use enjoyed by other property owners in the same zone.<sup>72</sup>

Economic hardship alone is an insufficient justification to approve a variance. A variance may not be used to permit a land use that is not otherwise allowed in a zone, such as a heavy industrial use within a residential zone. This would require a zoning change.

## Floating and Overlay Zones

A zoning ordinance may include regulations for a type of zone that is not tied to any piece of property on the zoning map. This is referred to as a floating zone. The zone “floats” until such time that a property owner requests to have it applied to his or her land through rezoning. A common example is a mixed-use district. The zoning conditions associated with mixed-use development “attach” as soon as the proposal is approved.

An overlay zone, on the other hand, places additional regulations on existing zones within areas of special concern. Their boundaries are fixed and usually encompass all or part of multiple zones. Overlay zones are often used in floodplains, hillsides, near fault lines, around airports, and in other areas where additional regulations are necessary to ensure public safety. Overlay zones are also commonly applied to downtowns and historic districts to ensure a certain aesthetic character.

## Planned Unit Developments

A planned unit development (“PUD”) is both a zoning classification and a type of development. Also sometimes referred to as “planned communities,” planned unit developments normally consist of individually owned lots with common areas for open space, recreation and street improvements. Conventional zoning standards are often set aside to permit a more imaginative use of undeveloped property, such as clustering residential uses or integrating compatible commercial and industrial uses. Any substantial alteration in the physical characteristics of the development usually requires that rezoning procedures be followed.<sup>73</sup>

## Nonconforming Uses

There are two types of nonconforming uses: illegal and legal. Legal nonconforming uses — sometimes called grandfathered uses — are lawful uses that were in place prior to the adoption of the current zoning ordinance.<sup>74</sup> Such uses are generally permitted for as long as they operate lawfully.<sup>75</sup> However, the use typically is not allowed to expand or be replaced if voluntarily abandoned or accidentally destroyed.<sup>76</sup> The idea is to strike a balance between the notion of fairness (the use was lawful at the time of development) and the changed circumstances of the community (the use is no longer compatible with the character of the area).

A local agency may require that a legal nonconforming use terminate after a reasonable period of time (for example, after the investment has been amortized).<sup>77</sup> This allows the owner enough time to recoup the value of the investment in developing the property while also addressing the needs of the community.

On the other hand, *illegal* nonconforming uses are those that were built or started in violation of an existing zoning ordinance. Such uses are not allowed. Local agencies have the right to require that such uses be terminated immediately, regardless of the property owner's investment. Illegal nonconforming uses are usually addressed through code enforcement.

### RESOURCES FOR FURTHER INFORMATION

#### Institute for Local Government

*Land Use One-Pager: About Conditional Use Permits* (2007) ([www.ca-ilg.org/onepagers](http://www.ca-ilg.org/onepagers))

*Land Use One-Pager: About Variances* (2007) ([www.ca-ilg.org/onepagers](http://www.ca-ilg.org/onepagers))

#### Governor's Office of Planning and Research

*The Conditional Use Permit* (August 1997), available at [www.ca-ilg.org/opr](http://www.ca-ilg.org/opr)

*The Variance* (July 1997), available at [www.ca-ilg.org/opr](http://www.ca-ilg.org/opr)

#### Other Resources

Government Code Section 65901 (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

Government Code Section 65906 (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

# Subdivisions

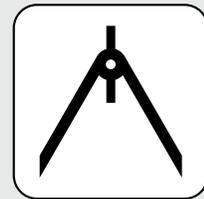
A subdivision is any division of contiguous land into separate parcels for sale, lease, or financing.<sup>78</sup> Any land transaction that legally separates property into distinct ownership units in which long-term ownership rights can be vested is a subdivision. California’s Subdivision Map Act<sup>79</sup> governs how local agencies oversee the subdivision of land. The process encourages orderly development and also protects against fraud by assuring that all subdivisions are recorded with the county recorder.<sup>80</sup>

Each city, charter city, and county must adopt an ordinance that designates a local process for subdivision approval.<sup>81</sup> Local ordinances can be more restrictive than the Map Act so long as they are consistent with its provisions.

The Map Act contains two procedures to process subdivision applications based on project size. “Major subdivisions” — those with five or more parcels — require more formal procedures that involve filing both a tentative map and a final map for approval.<sup>82</sup> On the other hand, “minor subdivisions” — those that involve four or fewer parcels — require only a single parcel map (unless the local ordinance specifies that tentative

## COMPONENTS OF PLANNING

- The General Plan
- Zoning
- ✓ Subdivisions
- Design Review
- Environmental Review
- Development Agreements
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maps be filed for minor subdivisions as well).<sup>83</sup> The reasoning for this distinction is that minor subdivisions are less likely to raise complex issues, such as traffic and infrastructure needs.

A tentative map depicts the design and improvement of the proposed subdivision and the existing conditions that surround it.<sup>84</sup> The local agency reviews the tentative map to see if it meets local subdivision and zoning requirements. The local agency may impose conditions of approval to ensure that the development of the project is consistent with the general plan, zoning, public works and building standards, and any environmental mitigation measures adopted for the project.<sup>85</sup>

Once the tentative map is approved, the applicant will then prepare a final map that is more technically correct and incorporates any conditions imposed by the local agency. All conditions must either be performed or guaranteed — by agreement, bond, letter of credit, or other financial security — before the final map can be approved.<sup>86</sup> An engineer usually reviews the final map.<sup>87</sup>

Approval of the final map is a ministerial act — meaning there is no discretion to reject the final map if all the conditions are met.<sup>88</sup> The approved final map is then recorded with the county and the applicant can proceed with the development.<sup>89</sup>

## **RESOURCES FOR FURTHER INFORMATION**

### **Institute for Local Government**

*Land Use One-Pager: About Subdivisions (2007)* ([www.ca-ilg.org/onepagere](http://www.ca-ilg.org/onepagere))

### **Other Resources**

Government Code Section 66411 and following (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

## **TYPES OF SUBDIVISION MAPS<sup>90</sup>**

### **Parcel Maps**

Procedures and approvals for parcel maps are left to local ordinance.<sup>91</sup> The primary difference between parcel maps and tentative maps is the number of conditions that can be applied. With a parcel map, a city or county can only impose requirements for the dedication of rights-of-way, easements, and the construction of reasonable off-site and on-site improvements for the parcels that are being created.<sup>92</sup>

### **Tentative Maps**

Tentative maps typically illustrate the proposed design of the lots, public streets, sidewalks, parks, utilities, and other improvements. After a public hearing, the local agency may approve, conditionally approve, or deny the map. The agency may impose additional conditions that are consistent with the general plan and the zoning ordinance when approving a tentative map.<sup>93</sup>

### **Vesting Tentative Maps**

Some tentative maps are filed as “vesting tentative maps.”<sup>94</sup> This type of map confers a vested right to proceed with the development in accordance with the local ordinances, policies, and standards in effect when the local agency deemed the map application complete. Vesting tentative maps must be processed just like a standard tentative map. However, local agencies may impose additional application requirements and almost all do, which is why developers do not always use vesting tentative maps.

# Design Review

Design review is often used to ensure that new development is compatible with the aesthetic character of a community or individual neighborhood. Whereas the zoning code usually focuses on the type and intensity of a use, design review focuses on aesthetic and architectural standards.<sup>95</sup> Design review procedures usually rely on deeply held values and beliefs about what is beautiful and what is ordinary.

In many communities, the planning commission functions as the design review board. In some communities, particularly larger communities or those with a concentration of architecturally significant structures or neighborhoods, the local agency may appoint a separate “design review board” or an “architectural review committee” to conduct design review.

## COMPONENTS OF PLANNING

- The General Plan
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- ✓ Design Review
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Local design review ordinances are usually integrated into the zoning process. The amount of information included in a design review application will vary. An application for a small addition, for example, will probably not have as much information as an application for a large subdivision.

Design review can make it more difficult for the landowner or developer to determine whether the proposed project will be acceptable. Accordingly, the more specific the design standards are, the greater the certainty will be from the perspective of both the developer and neighborhood residents.

Design review can also breed monotony (or even mediocrity) to the extent that all buildings must conform to a narrow set of guidelines. The challenge is to develop design guidelines that leave enough room for creativity. Finally, in some instances, the design review process may be abused by those who are looking for an opportunity to stop a development.

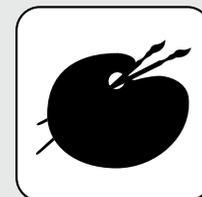
## RESOURCES FOR FURTHER INFORMATION

*Land Use One-Pager: About Design Review*, Institute for Local Government (2007) ([www.ca-ilg.org/onepagers](http://www.ca-ilg.org/onepagers))

*Curtin's California Land Use and Planning Law* addresses design review issues, available from Solano Press, ([www.solano.com](http://www.solano.com))

### TYPICAL INFORMATION FOR DESIGN REVIEW

- Color boards showing the site plan, including the shape and size of the buildings, their relationship to the site, landscaping, and parking.
- Conceptual color elevations of each wall, especially those seen by the public or from off-site.
- Models showing building mass, form, relationship to the landscape, and effects caused by grading. These can range from simple hand-built models to sophisticated computer-generated analyses.
- Design details, such as plazas, pavement design, window treatments (sills, awnings, etc.), entry gateways, building top and base treatment, screening details, pedestrian walkways, and lighting.
- Colored landscape plans illustrating how landscaping will be used to soften the building's impact on its environment.
- Controls to ensure that signage will fit in with the rest of the development.
- Summary data, including facts on adjacent properties and sight lines.



# Environmental Review

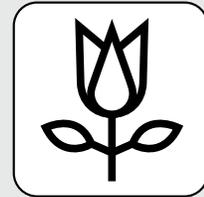
Requiring measures to protect the long-term health of the state’s environment has become an integral element of land use planning and project approvals. The environmental protection law most frequently applied to land use decisions is the California Environmental Quality Act (CEQA).

The California Environmental Quality Act is a complex law with a simple purpose: to assure that decision-makers understand and account for the environmental consequences of a project.<sup>96</sup> A key purpose of the California Environmental Quality Act is informational, since it gives decision-makers information on what the environmental impacts of a project will be and how to minimize those impacts.

What gives the environmental review process its “teeth” is a prohibition against approving projects as proposed if there are feasible alternatives or mitigation measures that would substantially lessen significant environmental effects.<sup>97</sup> In other words,

## ▶ COMPONENTS OF PLANNING

- The General Plan
- Zoning
- Subdivisions
- Design Review
- ✓ **Environmental Review**
- Development Agreements
- Dedications and Fees



agencies are not required to eliminate all potential harm to the environment, but they must reduce the risk of harm whenever they determine it is feasible to do so. Thus, a project with significant environmental impacts may be approved if the local agency finds that all alternatives or mitigation measures are infeasible and discloses the reasons for its findings, or adopts a “statement of overriding considerations” that particular social or economic factors override the environmental concerns.<sup>98</sup>



## Determining the Level of Review

The environmental review process involves three possible levels of analysis:

- Negative declaration,
- Mitigated negative declaration, and
- Environmental impact report (often known by the acronym EIR).

In addition, some projects are exempt from review.<sup>99</sup> Other projects may be subject to more limited environmental

review because they are consistent with standards that were previously subjected to environmental review.<sup>100</sup>

An example is a 2008 law designed to promote reductions in greenhouse gas emissions from vehicle trips. The law allows projects that are consistent with an adopted regional sustainable communities strategy or alternative planning strategy to undergo less rigorous environmental review than other projects.<sup>101</sup>

### WHAT TYPE OF REVIEW IS APPROPRIATE?

- **Is the Action a “Project?”** Only “projects” are subject to environmental review. A project is any discretionary governmental action that could directly or indirectly result in a physical change in the environment, such as a general plan amendment, rezoning, public works project or development permit.
- **Does an Exemption Apply?** A project may be exempt from the California Environmental Quality Act under state law or regulations.
- **Initial Study.** For projects that are not exempt, an initial study is completed to determine whether the project may have a significant effect on the environment.
- **Negative Declaration.** If the initial study shows that the project will not have a significant effect on the environment, a negative declaration is prepared that describes why the project will not have a significant effect.
- **Mitigated Negative Declaration.** If the initial study shows that the project may cause significant environmental effects, a mitigated negative declaration may be prepared. A mitigated negative declaration is appropriate if revisions can be made to the project that would clearly avoid or mitigate the significant effects.
- **Environmental Impact Report.** If the initial study identifies potential significant environmental effects that cannot be eliminated through redesign or other mitigation measures, then an environmental impact report must be prepared.<sup>102</sup>

## The Environmental Impact Report

For projects not exempt from environmental review, the general rule is that an environmental impact report must be prepared if substantial evidence shows that there is a fair argument that a project may have a significant environmental effect.<sup>103</sup> This is the case even when there is an equal amount of evidence suggesting that an environmental impact report may not be necessary. This is called the “fair argument” standard.<sup>104</sup>

After determining that an environmental impact report is required, the agency with primary authority to approve the project (known as the “lead agency”) must solicit the views of other agencies with some level of authority over the project (called “responsible agencies”) regarding the scope of the environmental analysis.<sup>105</sup> The lead agency should also consult with individuals and organizations that have an interest in the project.<sup>106</sup> This early consultation is called scoping.

The lead agency then directs the drafting of an environmental impact report based on this information and other data it has collected. When the draft environmental impact report is completed, the lead agency files a notice of completion with the appropriate state agency.<sup>107</sup>

The draft environmental impact report is then made available for public review and comment for a minimum period of 30 to 45 days.<sup>108</sup> The lead agency must evaluate and respond in writing to all comments it receives during the review period.<sup>109</sup> If significant new information is added to the draft environmental impact report after it has been released for public review, the agency must re-circulate the report for additional public review and comment.<sup>110</sup>

Once the public review period ends, the lead agency prepares a final environmental impact report, usually consisting of the draft report together with responses to public comments received during the review period.<sup>111</sup> The lead agency then reviews the project in light of the environmental impact report and other applicable standards and policies.

A key goal of the California Environmental Quality Act is to ensure that the decisions made by local officials regarding environmental impacts are as well informed as possible. The environmental impact report must provide enough information to allow decision-makers to analyze the environmental consequences of a project. Thus, the adequacy of an environmental impact report is usually not judged on perfection or correct conclusions, rather on completeness and whether the level of analysis is reasonable and done in good faith.<sup>112</sup>

## BASIC ELEMENTS OF AN ENVIRONMENTAL IMPACT REPORT

**Table of Contents and Summary.** Required elements that assist in making environmental impact reports—which are sometimes hundreds of pages long—more accessible to the public.

**Project Description.** An accurate description of the project, including any reasonably foreseeable future phases of the project.

**Environmental Setting.** A description of the environment on the project site and in the vicinity of the project.

**Evaluation of Impacts.** An identification and analysis of each significant impact expected to result from the project. Any potential significant effect—such as incompatible land uses, air pollution, water quality, or traffic congestion—will have its own discussion.

**Mitigation Measures.** A detailed description of all feasible measures that could minimize significant adverse impacts. Any potential environmental consequences of the mitigation measures must also be addressed.

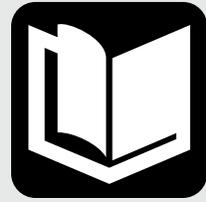
**Cumulative Impacts.** An evaluation of the incremental effects of the proposed project in connection with other past, current, and probable future projects.

**Alternatives.** A proposed range of reasonable project alternatives that could reduce or avoid significant impacts, including a “no project” alternative. This often involves reviewing the location or the intensity of the development, or both. The alternatives need not be exhaustive and should not be speculative.

**Growth-Inducing Impacts.** A description of the relationship of the project to the region’s growth and whether the project removes obstacles to growth.

**Organizations and Persons Consulted.** A list of groups and individuals contacted during the process, including during the scoping and public hearing phases.

**Inconsistencies.** A discussion of any inconsistencies between the proposed project and applicable general plans and regional plans.



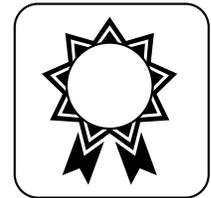
## Certifying the Environmental Document

The first step in making a final determination on a project that has undergone environmental review is for the city council or board of supervisors to approve the negative declaration<sup>113</sup> or certify the environmental impact report.<sup>114</sup>

The environmental review adds to the information decision-makers have about the pros and cons of a project. Just because a project has no significant unmitigated environmental effects does not mean the agency must approve the project. The local agency retains the discretion to reject the project or approve it in a manner that acknowledges any environmental consequences. The local

agency may also change the project, select an alternative project, impose conditions or fees, or take other actions (called “mitigation measures”) to avoid or minimize the environmental impacts of the project.<sup>115</sup> When an agency adopts mitigation measures it must also adopt a program to monitor the implementation of the measures.<sup>116</sup>

In some cases, the environmental impacts of a project cannot be avoided. If decision-makers decide to approve a project with unavoidable significant adverse environmental effects, they must adopt a “statement of overriding considerations” explaining the specific social or economic factors that the agency considered in deciding to approve the project in spite of the environmental concerns.<sup>117</sup>



### ► UNDERSTANDING THE SCOPE AND APPLICATION OF ENVIRONMENTAL LAWS

For California Environmental Quality Act purposes, the term “environment” includes natural and man-made conditions that will be directly or indirectly affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance.<sup>118</sup>

Note that other state and federal environmental laws may also apply to a given project. Examples include the Endangered Species Act,<sup>119</sup> the Clean Water Act,<sup>120</sup> the Clean Air Act<sup>121</sup> and those pertaining to surface mining, timber harvesting and other natural resource issues.

## Findings

Before the local agency can approve a project for which an environmental impact report or other environmental document has been prepared, it must certify the legal adequacy of the document and its review process.<sup>122</sup>

The findings must explain whether the project as approved would have significant impacts on the environment, whether mitigation measures are feasible, why other alternatives were rejected, and in some instances why the project's benefits outweigh its consequences (the statement of overriding considerations).<sup>123</sup> The public is entitled to comment on the adequacy of the final environmental impact report before it is certified by the governing body.<sup>124</sup>

## RESOURCES FOR FURTHER INFORMATION

### Institute for Local Government

Land Use One-Pagers (2007)  
([www.ca-ilg.org/onepagers](http://www.ca-ilg.org/onepagers)):

*About the Environmental Review Process*

*About Environmental Impact Reports*

*About Negative Declarations*

### Other Resources

State of California website on California Environmental Quality Act:  
<http://ceres.ca.gov/ceqa/>

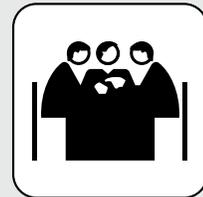
California Public Resources Code Sections 21000 and following (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

Solano Press ([www.solano.com](http://www.solano.com)) has a number of land use-related publications, including the *Guide to CEQA*, available for purchase.

## PUBLIC INPUT INTO THE ENVIRONMENTAL REVIEW PROCESS

Even though the environmental review process draws on scientific information and policy analysis, the process also encourages the public to provide input into the analysis.<sup>125</sup>

Public agencies must also explain their reasoning (typically through findings) when they make a decision on a project.<sup>126</sup>



# Development Agreements

In California, a project that is in the approval process or has been approved but not yet built may be subject to new regulations and fees as they are adopted. Landowners or developers generally do not have an assured (or “vested”) right to develop until they obtain a building permit and have performed substantial work in reliance on that permit.<sup>127</sup> Until then, there is no guarantee that the local land use policies and regulations will remain the same.

To offset this risk, developers sometimes propose that their project be approved through a development agreement — a detailed contract between a developer and a local agency that spells out the rules for a particular project in very specific terms.<sup>128</sup> Development agreements are typically reserved for projects that are likely to be developed in several phases over a number of years.

## ▶ COMPONENTS OF PLANNING

- The General Plan
- Zoning
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- Design Review
- Environmental Review
- ✓ **Development Agreements**
- Dedications and Fees



For developers, the advantage is that they can “lock in” their entitlements and the local regulations that are in effect at the time the agreement is approved, allowing them to obtain financing and get the project underway.<sup>129</sup> For local agencies, the advantage is that the agency and developer may agree to additional conditions — such as extra park land, school facilities, affordable housing, and other public improvements — that go beyond what the agency could require through the normal development process.<sup>130</sup>

A development agreement must describe the project’s land uses, density, design features, and provisions for reserving or dedicating land for public purposes.<sup>131</sup> It also must specify the duration of the agreement.<sup>132</sup> However, most agreements go well beyond these minimums and will include construction and phasing elements, terms for financing public facilities, a description of the scope of subsequent discretionary approvals, and a number of other items.

The development agreement constitutes a negotiated — and thus voluntary — deal. The development agreement is adopted by ordinance, considered “quasi-legislative” in nature, and is subject to referendum.<sup>133</sup>

Once approved, the agreement works like any contract. The developer therefore cannot come back later and challenge the conditions as being excessive. On the other hand, the local agency is also bound to the terms of the deal. If the agency wants to make changes, the developer will likely seek certain concessions if he or she agrees to modify the agreement at all.

#### **RESOURCES FOR FURTHER INFORMATION**

##### **Institute for Local Government**

*Land Use One-Pager: About Development Agreements* (2007)  
([www.ca-ilg.org/onepagers](http://www.ca-ilg.org/onepagers))

##### **Other Resources**

Government Code Section 65864 and following (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

# Dedications and Fees

Dedications of land and development fees are often imposed as conditions on projects to offset new demands on public services and facilities.<sup>134</sup> Dedications and fees are sometimes called “exactions.”

New development usually requires the extension of infrastructure, such as roads, water and sewer lines, parks, pathways, libraries, and schools. Cities and counties use dedications and fees to ensure that new development pays its way.

A dedication occurs when ownership of an interest in real property is transferred to a local agency.<sup>135</sup> Development fees are often imposed in lieu of dedications when the type of infrastructure does not lend itself easily to individual dedications of property, such as with sewers, water systems, affordable housing, libraries, and open space.

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The basic rule when imposing dedications and fees is that they must be reasonably related in purpose and roughly proportional in amount to the impacts caused by the development.<sup>136</sup> This means dedication and fee requirements may be used to fund improvements necessary to address the effects of the project. Thus, a small development that will only generate light traffic cannot be required to cover the cost of an entire freeway interchange.

The legal basis for a dedication or fee is often established in the general plan,<sup>137</sup> but can also be established by a capital improvements plan,<sup>138</sup> the Subdivision Map Act,<sup>139</sup> or the California Environmental Quality Act.<sup>140</sup> When an agency imposes a development fee, it must make several specific findings.<sup>141</sup> The findings are typically based on a detailed fee or “nexus” study.

Once development fees are collected, local agencies must also comply with detailed accounting requirements to ensure that the funds are used appropriately. Agencies must deposit the funds in a separate capital facilities account, and the beginning and ending balances, interest, other income, and expenditures from these accounts must be made public.

### **RESOURCES FOR FURTHER INFORMATION**

#### **Institute for Local Government**

*Land Use One-Pager: About Development Fees* (2007) ([www.ca-ilg.org/onepaggers](http://www.ca-ilg.org/onepaggers))

Development fees and dedications page at [www.ca-ilg.org/fees](http://www.ca-ilg.org/fees)

#### **Other Resources**

Government Code Section 66000 and following (accessible from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html))

# Emerging Topics in Local Planning

Land use planning is a dynamic field. As new issues arise in importance, they are integrated over time into local agency plans and policies. For example, as public concern regarding conservation and pollution heightened over the last several decades, planning policies, tools and approaches evolved to address these concerns.

Two topics in particular have emerged as the focus of advances in the practice of planning, especially in California. Planning is evolving to integrate issues related to the links between health and the built environment, and the role that land use plays in climate change and the generation of greenhouse gases.

Planning is at the forefront of these issues in part because well-planned communities with a balance of housing, jobs, shopping, schools and recreation give people the option of walking, biking, or using transit rather than driving. This results in lower greenhouse gas emissions and also promotes physical activity and more vibrant, healthy and sustainable communities.





## Health and the Built Environment

Because land use decisions affect the physical development of communities, they can have profound impacts on the health of people who live there. Obesity, diabetes, heart disease, asthma and other health conditions are linked to a long-term decline in both healthy eating habits and physical activity.<sup>142</sup> These, in turn, are related to development practices and patterns of land use.<sup>143</sup>

The design and layout of communities can discourage physical activity, restrict access to healthy foods, and disproportionately expose some communities and individuals to environmental pollutants that exacerbate health conditions such as asthma.

With the links between land use and public health established, attention has turned to developing planning policies and strategies to reverse the negative trends related to physical inactivity, unhealthy eating, and environmental hazards. Efforts to educate policymakers, the media, and the public on the problems and potential solutions have begun to take root, as well as efforts to bridge the professional and institutional barriers between the public health and planning and design professions.

### WHAT MAKES FOR A HEALTHY NEIGHBORHOOD?

- Places where walking and bicycling are safe and convenient and where residents of all ages and abilities have the opportunity to be physically active.
- Nutritious, fresh, culturally appropriate food – grown locally whenever possible – is affordable and accessible, promoting health and boosting the local economy.
- Residents aren't exposed to environmental hazards or pollutants that endanger their present or future health or well-being.

Communities are pioneering a range of land use and planning approaches to create physical environments that promote health. Some examples of promising strategies include:

- Adding a health element to the local general plan to articulate policies and actions to improve community health, or incorporating health-related policies throughout the various elements of the general plan when it is updated or revised.
- Planning and developing facilities to accommodate pedestrian and bicycle travel, such as a network of safe bike routes, new and improved sidewalks, and traffic calming measures to reduce conflicts between pedestrians, cyclists and motor vehicles.
- Revising zoning regulations so that neighborhoods can accommodate farmers' markets that support local farmers and community gardens that can provide fresh food for local residents.
- Clustering a mix of new and existing development in areas with a range of good transportation choices, including walking, biking and transit.
- Partnering with schools, recreation districts and others to jointly develop and operate parks, playgrounds, sports fields, swimming pools and other facilities for physical activity.
- Providing incentives for corner stores to provide fresh fruits and vegetables and for full service grocery stores to locate in underserved neighborhoods.
- Adopting zoning policies that restrict fast food establishments near schools and playgrounds and limit the density of fast food outlets in residential communities.
- Preserving and enhancing open space and trails, urban forests and farms, community gardens, paths, and greenways. These amenities provide attractive destinations and recreation spaces that enhance residents' physical activity opportunities.
- Reducing the density of alcohol outlets coupled with incentives to increase healthy food retail at local markets can increase neighborhood safety, reduce violence, and reduce exposure to poor-quality food.
- Promoting "eyes on the street." The way that buildings, sidewalks and parking lots are designed and sited can make it easier for neighbors and passers-by to keep potentially unsafe areas in view, thereby discouraging crime.
- Providing safe routes to school for students to walk and bike. Local agencies can retrofit roadways with sidewalks, curb ramps and features that slow traffic, and strictly control the operation of motor vehicles on and near school sites, at bus stops and along school routes, making it easier and safer to walk.

**RESOURCES FOR  
FURTHER INFORMATION  
Institute for Local Government**

Healthy Neighborhoods Online  
Resource Center at [www.ca-ilg.org/  
healthyneighborhoods](http://www.ca-ilg.org/healthyneighborhoods)

**Other Resources**

*General Plans and Zoning:  
A Toolkit on Land Use and Health*

*Healthy Planning Policies:  
A Compendium from California  
General Plans*

Both publications and other resources  
available from Planning for Healthy

Places at Public Health Law and Policy  
[www.phlpnet.org](http://www.phlpnet.org) and  
[www.healthyplanning.org](http://www.healthyplanning.org)

Center for Civic Partnerships  
[www.civicpartnerships.org](http://www.civicpartnerships.org)

Cities, Counties and Schools Partnership  
[www.ccspartnership.org](http://www.ccspartnership.org)

HEAL Cities Campaign  
[www.healcitiescampaign.org](http://www.healcitiescampaign.org)

Healthy Eating Active Communities  
[www.healthyeatingactivecommunities.org](http://www.healthyeatingactivecommunities.org)

Leadership for Healthy Communities  
[www.leadershipforhealthycommunities.org](http://www.leadershipforhealthycommunities.org)

**HEALTHY NEIGHBORHOODS RESOURCE CENTER**

The Institute for Local Government's **Healthy Neighborhoods Project** provides resources local officials can use to protect and improve community health through planning, land use and other decisions. The Healthy Neighborhoods Resource Center includes information on a variety of topics, including:

- Economic Development and Redevelopment
- Housing
- Community Services
- Planning and Community Design
- Public Safety
- Transportation and Mobility
- Workplaces

See [www.ca-ilg.org/healthyneighborhoods](http://www.ca-ilg.org/healthyneighborhoods).

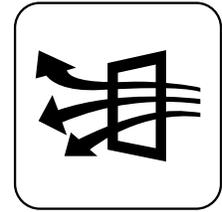
## Land Use and Climate Change

California has embarked on an ambitious course to halt and then reverse the growth in emissions of greenhouse gases that trap infrared radiation, causing average global temperatures to rise and changing the climate.

Assembly Bill 32, California's Global Warming Solutions Act of 2006, gives the California Air Resources Board broad authority to regulate sources of greenhouse gas emissions.<sup>144</sup>

Transportation accounts for 40 percent of greenhouse gas emissions, with cars

and light trucks accounting for almost three-quarters of those emissions (30 percent overall.)<sup>145</sup> With that in mind, another state law (SB 375 (Steinberg), adopted in 2008),<sup>146</sup> aims to reduce greenhouse gas emissions from cars and trucks through changes in regional and local planning for land use and transportation. That law directs the California Air Resources Board to set regional targets for reducing greenhouse gases for each of the eighteen metropolitan planning organizations (MPOs) that plan transportation investments in the larger urbanized regions of the state.



### ► LAND USE AND COMMUNITY DESIGN STRATEGIES TO REDUCE GREENHOUSE GAS EMISSIONS

- Create communities and neighborhoods that are safe and convenient for walkers and bicyclists
- Orient new development to capitalize on transit system investments and services
- Adopt policies that promote compact and efficient development in new and existing communities
- Incorporate greenhouse gas emissions considerations into the general plan and environmental review process
- Establish minimum levels of energy efficiency and green building standards for local agency buildings and facilities
- Establish and implement minimum levels of energy efficiency and green building standards for new and renovated commercial and residential buildings
- Implement sustainable landscaping
- Decrease the carbon footprint of the community's waste and recycling collection system
- Reduce energy use for traffic signals and street lights

Source: Institute for Local Government's California Climate Action Network Best Practices, [www.ca-ilg.org/ClimatePractices](http://www.ca-ilg.org/ClimatePractices)

Because the existing regional transportation planning and housing allocation processes are overseen by local elected officials selected by their peers to serve on regional agency boards, SB 375 is intended to ensure that cities and counties are closely involved in developing an effective plan for the region to achieve the targets.

The new law establishes a collaborative process between regional and state agencies to set regional greenhouse gas reduction targets, and provides CEQA incentives for development projects that are consistent with a regional plan that meets those targets.

Housing and transportation decisions are coordinated through three planning processes. Regional agencies prepare the regional transportation plan and the regional housing needs assessment. Cities and counties are responsible for updating the housing element of the general plan.

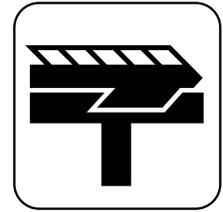
To increase public participation and local government input, the law strengthens several existing requirements for public involvement in regional planning.

#### **SB 375 HAS THREE MAJOR COMPONENTS:**

- Using the regional transportation planning process to achieve reductions in greenhouse gas emissions consistent with California's climate action goals.
- Coordinating the regional housing needs allocation process with the regional transportation process while maintaining local authority over land use decisions.
- Offering California Environmental Quality Act incentives to encourage projects that are consistent with a regional sustainable communities strategy that achieves greenhouse emission reductions.

**The Regional Transportation Plan (RTP).** An RTP is a plan that outlines transportation investments for a region. It is drafted by a Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency (RTPA) every four years (five years in regions that have attained federal air quality standards) and includes a 20-year outlook for likely growth in the region.

The RTP is the basis for state funding of transportation projects. Projects that are not in the RTP cannot be “programmed” for state or federal funding. The provisions of SB 375 apply only to the metropolitan planning organizations in the more urbanized regions of the state, and not to non-metropolitan regional transportation planning agencies typically found in more rural counties.



### ► HOW DOES SB 375 AFFECT THE REGIONAL TRANSPORTATION PLAN?

Under SB 375, the regional transportation plan must incorporate a sustainable communities strategy (SCS), a regional growth strategy that provides the basis for transportation investments in the region. The goal of the SCS is to reduce greenhouse gas emissions from transportation in the region.

To do this, the SCS identifies the “general location of uses, residential densities, and building intensities” within the region, including areas sufficient to house all economic segments of the projected regional population, while meeting the greenhouse gas targets set by the Air Resources Board. SB 375 requires that transportation funding decisions in the regional transportation plan be consistent with the sustainable communities strategy.

If the SCS falls short of meeting the targets, the region must prepare an “alternative planning strategy” (APS) that, if implemented, would meet the targets through a combination of alternative development patterns, infrastructure investments, or additional transportation measures or policies.





**The Regional Housing Needs Assessment (RHNA).** The regional housing needs assessment is a forecast of future household growth prepared by the council of governments (COG) for each region, based on population projections provided by the California Department of Housing and Community Development (HCD).

The RHNA is used to allocate the number of housing units needed to serve all income categories to each individual city and county within the region. The jurisdictions in turn use their regional housing needs allocation to periodically update the housing element of their local general plan.

**The Housing Element of the General Plan.** The housing element is one of seven elements required to be included in a city or county general plan, which governs land use and development within the community.

In general, the jurisdictions within a region where SB 375 applies must update their housing element every eight years (rather than every five years as required prior to SB 375). The updated element must demonstrate how the jurisdiction plans to accommodate its allocation of the regional housing need.

## ▶ HOW DOES SB 375 AFFECT THE REGIONAL HOUSING NEEDS ASSESSMENT AND THE LOCAL HOUSING ELEMENT?

SB 375 affects local planning for housing in two key ways. First, it synchronizes the schedule for the regional transportation plan, the regional housing needs allocation, and the update of the local housing element into a new eight-year planning cycle for each region. Secondly, SB 375 uses the SCS to serve as a common set of land use assumptions for both the regional transportation plan and the RHNA allocation.

The SCS influences RHNA and housing elements through what is essentially a four step process:

1. The California Department of Housing and Community Development (HCD) provides population growth projections to each region every eight years.
2. The MPOs for each region develop an SCS that accommodates that projection and strives to meet the regional greenhouse gas reduction target set by the Air Resources Board.
3. The council of governments for the region then allocates portions of the growth projections to the cities and counties in the region. SB 375 requires the allocation to be “consistent with the development pattern included in the sustainable communities strategy.”
4. The cities and counties then develop their housing elements to accommodate their housing allocation.

In the coming years, local planning efforts to address the causes and impacts of climate change are expected to increase dramatically in number, complexity and cost. By starting now, local communities can get ahead of the curve and guide land use and

development in ways that help reduce greenhouse gases, adapt to the changing climate, and avoid placing people, building, and critical infrastructure in harm’s way.

**RESOURCES FOR  
FURTHER INFORMATION**

**Institute for Local Government**

California Climate Action Network  
website, [www.ca-ilg.org/ClimateChange](http://www.ca-ilg.org/ClimateChange)

SB 375 Web Resource Center,  
[www.ca-ilg.org/SB375](http://www.ca-ilg.org/SB375)

*Understanding the Basics of SB375*,  
a series of publications available at  
[www.ca-ilg.org/SB375](http://www.ca-ilg.org/SB375)

*Balancing Local and Regional Interests  
when You're Asked to Serve Both*,  
at [www.ca-ilg.org/ethicsbalance](http://www.ca-ilg.org/ethicsbalance)

**Other Resources**

The following resources, among others,  
are available through the ILG SB 375  
Resource Center at [www.ca-ilg.org/SB375](http://www.ca-ilg.org/SB375):

*CAPCOA Model Policies for  
Greenhouse Gases in General Plans*  
(2009), California Air Pollution Control  
Officers Association

*CALCOG Guide to Regional Planning  
as Revised by SB 375* (2009), California  
Association of Councils of Government

# Managing the Risk of Land Use Litigation



Land use decision-making can be contentious: developers want entitlements, environmentalists want growth management, and neighborhood organizations want a say in the approval process. Other groups may also take issue with any given decision.

Land use decision-making can therefore become a “Catch-22” for local agencies: the applicant may sue if the project is denied and opposition groups may sue if the project is approved.

Often the best way to avoid litigation is to understand the legal underpinnings of land use regulation and implement good decision-making processes. Just as “walking the beat” prevents more crime than a perfectly executed search warrant, properly managing project review and designing inclusive hearing procedures are better risk management tools than merely assuring the public three minutes of testimony.

## Fair Process

Certain standards relating to fair process apply when an agency acts on a general plan amendment, specific plan,<sup>147</sup> zoning ordinance,<sup>148</sup> or subdivision approval.<sup>149</sup>

The standards vary according to whether decision-makers are acting in a

legislative or quasi-judicial capacity.<sup>150</sup>

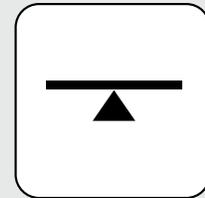
But the essence is the same: affected parties must receive adequate notice of all hearings (written in a way that can be reasonably understood) and have a fair opportunity to air concerns or rebut evidence presented.<sup>151</sup>

### LEGAL ISSUE: EQUAL PROTECTION

The Equal Protection Clause of the federal constitution requires that similarly situated persons be treated in an equal manner.<sup>152</sup> Because land use regulation is a system of classifying property requiring “line drawing,” nearly every regulation will make distinctions and affect different properties differently.<sup>153</sup> Doing so does not offend these protections. Generally, only when a regulation makes an *arbitrary* or *discriminatory* classification that affects a fundamental right will constitutional Equal Protection guarantees be implicated.<sup>154</sup> If it is “fairly debatable” that a regulation is reasonably related to a conceivable legitimate government purpose, it will generally be upheld.<sup>155</sup>

Courts apply a *strict scrutiny* standard when a regulation abridges a fundamental individual right or applies only to a suspect class.<sup>156</sup> Suspect classes include race, national origin, and personal decisions relating to marriage, procreation, family relationships, and child-rearing. In these cases, the government must show that there is a “compelling interest” for the classification.<sup>157</sup>

For example, a regulation that prohibited landlords from renting units to non-traditional couples would be more likely to be judged under the strict scrutiny standard.<sup>158</sup>



## ▶ LEGAL ISSUE: FREEDOM OF SPEECH

When analyzing free speech rights, courts first classify the type of speech or expression being regulated. Courts have drawn a distinction between *political* speech (expressing one's views or engaging in some expressive activities) and *commercial* speech (providing information about goods and services).<sup>159</sup> Regulations that affect political speech will be more strictly scrutinized.<sup>160</sup>



Most zoning regulations, however, affect commercial speech rather than political expression. Sign ordinances are a common example.<sup>161</sup> Zoning regulations (such as licensing requirements for adult businesses) that control the time, place, and manner of speech without prohibiting the speech or activity outright will generally be upheld.<sup>162</sup> To pass legal muster, the restrictions must be content neutral and there must be an alternative location where the speech or activity may take place.<sup>163</sup>

In California, a number of laws require greater notice and public involvement. For example, open meeting law requirements (the Brown Act),<sup>164</sup> the notice and publishing requirements in the Planning and Zoning Law,<sup>165</sup> and the review and comment process in the California Environmental Quality Act<sup>166</sup> (as well as the National Environmental Policy Act<sup>167</sup>) all assure specific notice and participation rights.

Courts accord a degree of deference to local agency decision-makers—particularly when decision-makers are acting legislatively.<sup>168</sup> However, courts increasingly require decisions to be supported by sound data and reasoning.<sup>169</sup> Providing such support reduces local agencies' exposure to liability and the costs of litigation.

## Takings

The Takings Clause of the U.S. Constitution limits the police power, not by prohibiting certain actions but by requiring compensation when those actions impinge too far on private property rights.<sup>170</sup> For example, if a local agency acquires private property for a public road, the local agency must pay the owner the fair market value of the land acquired. This process is known as eminent domain.<sup>171</sup>

Regulations, including land use regulations, can also impinge too far on private property rights. This is known as a regulatory taking.<sup>172</sup> An example would be a regulation that zoned an individual's entire parcel for use only as a public park. The regulation would have the same effect as a taking because it would prevent the owner from excluding others and putting the land to economic use.

There is a great deal of misunderstanding about the relationship between property rights and planning regulations. The Takings Clause is sometimes misunderstood to be a prohibition against any regulation that decreases property value or prevents the owner from "doing what they want with their land." In reality, compensation is required only in a limited set of circumstances. The Constitution permits property to be extensively regulated to protect public health and safety and promote the public's welfare; the courts have recognized that land use ordinances are just as likely to add value to property as to decrease it.<sup>173</sup>

Nevertheless, some regulations may rise to the level of a compensable taking. For example, regulations that wipe out all or almost all of a property's economic value or all the uses of a property may be deemed a taking.<sup>174</sup>

## A Starting Point for Fairness and Predictability

Fair decision-making processes promote better governance and reduce the risk of litigation. Given the emotional and financial stakes often associated with land use decisions, it is understandable that people may act out of fear or anger when the process is perceived as unfair. Constitutional and statutory procedures and criteria are minimum requirements. In this context, it is helpful to think of the overarching goals of what land use decision-making processes are trying to achieve:

- **Well-Defined General Plan.** The general plan is the cornerstone for a community's physical development. It assures that there will be sufficient housing, jobs, open space, and infrastructure. But it is also the foundation for setting expectations about how land can be developed.

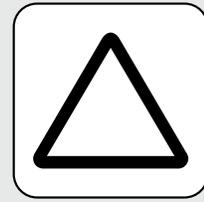
As such, a well-defined vision in the general plan serves as the baseline for a land use risk-management strategy.

- **Inclusive and Informed Decision-Making.** If a decision is only as good as the evidence supporting it, the information-gathering process is important to well-reasoned decisions. Inviting the public to weigh in on proposals helps decision-makers identify issues and limit the risk associated with unintended consequences. Such information can also identify measures that will address issues and unintended consequences. The information may also be used to craft findings that better support the final decision.
- **Predictability.** Interested parties should be able to reasonably predict what types of projects will be approved or denied. Failure to define or prioritize criteria results in inconsistent decisions that are more likely to be interpreted as arbitrary by courts.



## GENERAL PREVENTATIVE RISK MANAGEMENT STRATEGIES

- **Regularly Review Land Use Controls.** Agency staff should regularly review zoning and subdivision ordinances to assure they are up-to-date. Areas to watch include environmental, sign, adult entertainment, telecommunications, and affordable housing requirements. Also, the agency should assure that the language in current regulations is consistent with past staff and council interpretations of policy.
- **Provide Strong Staff Support.** Provide support for all decision-makers, including elected officials, planning commissioners, design review board members, and even zoning administrators. Full staff support helps the process move more quickly and predictably. It also assures that all relevant information will be analyzed in the staff report and that adequate findings will be drafted in support of the decision.
- **Develop Written Hearing Procedures.** A written set of procedures to follow at each public hearing will help reduce contentiousness. Both the applicant and the public will know what to expect. Ideally, the procedures should include a description of the process, the time limits in which the hearing will be held, how testimony will be heard, and overall meeting decorum.
- **Act As An Unbiased Fact Finder.** Many land use matters involve a quasi-judicial hearing where the decision-maker evaluates standards and applies them to a given set of facts. Here, the decision-maker is playing a role similar to that of a judge and must retain a degree of neutrality. Decision-makers should refrain from talking with applicants (except at meetings) and avoid the appearance of favoritism.
- **Get Training.** Everyone involved in land use decision-making—from the new planning commissioner to the most seasoned staff—should have regular training opportunities to better understand each other's role, stay abreast of recent developments, and develop new ideas.



■ **Balance Benefits and Burdens.**

Predictability does not mean that the same decision must be made for each application. Each parcel is unique. Land use regulation is built on the premise that the sum of an agency's plans, ordinances, and policies will balance the benefits and burdens of regulation. This assures that different areas are set aside for housing, commercial activities, schools, and open space.

■ **Specificity, in Plain Language.**

Policies, final decisions, and even comments from decision-makers should be easy to understand. Avoid acronyms and definitions that can confuse those who do not work in the field professionally.

The decision-making process should always be objective and consistent. People do not generally fare well with uncertainty and predictability. With good planning, much of the contentiousness surrounding the land use decision-making process can be resolved.

**RESOURCES FOR FURTHER INFORMATION**

**Institute for Local Government**

*Regulatory Takings and Land Use Regulation: A Primer for Public Agency Staff* (July 2006) ([www.ca-ilg.org/takings](http://www.ca-ilg.org/takings))

*An Ounce of Prevention: Best Practices for Making Informed Land Use Decisions* (2006) ([www.ca-ilg.org/ounce](http://www.ca-ilg.org/ounce))

*Understanding the Basics of Public Service Ethics: Transparency Laws* (see [www.ca-ilg.org/transparency](http://www.ca-ilg.org/transparency))

**Other Resources**

*Open and Public IV: A Guide to the Ralph M. Brown Act* (2007). Available on the League of California Cities website at [www.cacities.org/openandpublic](http://www.cacities.org/openandpublic), in hardcopy form by visiting [www.cacities.org/publications](http://www.cacities.org/publications), or by calling (916) 658-8257.

*The Brown Act: Open Meetings for Local Legislative Bodies* (2003). Available on the California Attorney General's website at <http://ag.ca.gov/> (select "Programs A-Z," click on "Publications," then click on "Open Meetings") or by going to. <http://ag.ca.gov/publications/brownAct2003.pdf>.



# Endnotes

- 1 See Cal. Const. art. XI, § 7, *DeVita v. County of Napa*, 9 Cal. 4th 763, 38 Cal. Rptr. 2d 699 (1995).
- 2 Cal. Const. art. XI, § 7; See *Sequoia Park Associates v. County of Sonoma*, 176 Cal. App. 4th 1270, 98 Cal. Rptr. 3d 669 (2009).
- 3 *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926); See *Big Creek Lumber Co. v. County of Santa Cruz*, 38 Cal. 4th 1139, 45 Cal. Rptr. 3d 21 (2006).
- 4 See *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981); *Citizens for Jobs and the Economy v. County of Orange*, 94 Cal. App. 4th 1311, 115 Cal. Rptr. 2d 90 (2002), *DeVita v. County of Napa*, 9 Cal. 4th 763, 38 Cal. Rptr. 2d 699 (1995).
- 5 Cal. Gov't Code § 65100.
- 6 Cal. Gov't Code § 65101.
- 7 Cal. Gov't Code §§ 65900 – 65902.
- 8 Cal. Gov't Code §§ 36506, 65100.
- 9 Cal. Gov't Code §§ 65900 – 65901.
- 10 Cal. Gov't Code §§ 65900, 65903.
- 11 See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984), *Friends of Davis v. City of Davis*, 83 Cal. App. 4th 1004, 100 Cal. Rptr. 2d 413 (2000).
- 12 See *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978).
- 13 Cal. Gov't Code § 65300.
- 14 Cal. Gov't Code §§ 66473.5, 65860.
- 15 See *Sierra Club v. Napa County (Beringer Wine Estates)*, 121 Cal. App. 4th 1490, 19 Cal. Rptr. 3d 1 (2004).
- 16 Cal. Gov't Code § 65302.
- 17 Cal. Gov't Code § 65302(a).
- 18 Cal. Gov't Code § 65302(b).
- 19 See Cal. Gov't Code §§ 65583 and following; *Black Property Owners Association v. City of Berkeley*, 22 Cal. App. 4th 974, 981-82, 28 Cal. Rptr. 2d 305 (1994).
- 20 Cal. Gov't Code § 65302(d).
- 21 Cal. Gov't Code § 65302(e).
- 22 Cal. Gov't Code § 65302(f); see also Cal. Gov't Code § 65302.3.

- 23 Cal. Gov't Code § 65302(g).
- 24 Cal. Gov't Code § 65303.
- 25 *See Pala Band of Mission Indians v. Board of Supervisors*, 54 Cal. App. 4th 565, 63 Cal. Rptr. 2d 148 (1997).
- 26 Cal. Gov't Code §§ 65301-65302.
- 27 *See, for example*, Cal. Gov't Code §§ 66473.5 and 66474 (subdivision map approvals); Cal. Gov't Code §§ 65359 and 65454 (specific plan or other development plan and amendments); Cal. Gov't Code § 65867.5 (development agreements); Cal. Gov't Code §§ 65401 and 65402 (public works projects, acquisition or disposition of public property and construction of public buildings); Cal. Gov't Code § 65403 (capital improvement programs by joint powers agencies); Cal. Health & Safety Code §§ 33331 and 33367 (redevelopment projects); and Cal. Health & Safety Code § 34326 (housing authority projects).
- 28 Cal. Gov't Code § 65300.5.
- 29 Governor's Office of Planning and Research, State of California, *General Plan Guidelines* (2003).
- 30 *See Federation of Hillside and Canyon Associations v. City of Los Angeles*, 126 Cal. App. 4th 1180, 24 Cal. Rptr. 3d 543 (2004).
- 31 *See Shea Homes Ltd. Partnership v. County of Alameda*, 110 Cal. App. 4th 1246, 2 Cal. Rptr. 3d 739 (2003), *Cadiz Land Co., Inc. v. Rail Cycle, L.P.*, 83 Cal. App. 4th 74, 99 Cal. Rptr. 2d 378 (2000).
- 32 Governor's Office of Planning and Research, State of California, *General Plan Guidelines* (2003).
- 33 Cal. Gov't Code §§ 66473.5 and 66474.
- 34 Cal. Gov't Code §§ 65359, 65454 and 65860. *Endangered Habitats League, Inc. v. County of Orange*, 131 Cal. App. 4th 777, 32 Cal. Rptr. 3d 177 (2005), *Mira Development Corp. v. City of San Diego*, 205 Cal. App. 3d 1201, 252 Cal. Rptr. 825 (1988).
- 35 Cal. Gov't Code § 65803.
- 36 Cal. Gov't Code § 65450.
- 37 Cal. Gov't Code §§ 65450 and following.
- 38 Cal. Gov't Code §§ 65359, 65454; *see Endangered Habitats League v. Orange County (Rutter Development)*, 131 Cal. App. 4th 777, 32 Cal. Rptr. 3d 177 (2005), *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342, 110 Cal. Rptr. 2d 579 (2001).
- 39 *Sierra Club v. Napa County (Beringer Wine Estates)*, 121 Cal. App. 4th 1490, 19 Cal. Rptr. 3d 1 (2004).
- 40 Cal. Gov't Code § 65453(a).

- 41 Cal. Health & Safety Code §§ 33000 and following. *See also* Cal. Health & Safety Code §§ 33030, 33031 (defining blight).
- 42 Cal. Health & Safety Code § 33200.
- 43 Cal. Health & Safety Code § 33110.
- 44 *See* Cal. Health & Safety Code §§ 33010, 33020, 33021.
- 45 Cal. Health & Safety Code § 33331.
- 46 *City of Poway v. City of San Diego*, 229 Cal. App. 3d 847, 280 Cal. Rptr. 368 (1991).
- 47 Cal. Gov't Code § 65358.
- 48 Cal. Gov't Code § 65700(a).
- 49 Cal. Gov't Code §§ 65355, 65356.
- 50 *See DeVita v. County of Napa*, 9 Cal. 4th 763, 38 Cal. Rptr. 2d 699 (1995).
- 51 Cal. Gov't Code § 65360.
- 52 *See* Cal. Gov't Code § 65588(b) and (e)(7).
- 53 Cal. Gov't Code § 65400.
- 54 Cal. Gov't Code §§ 66473.5 and 66474.
- 55 *Endangered Habitats League v. Orange County (Rutter Development)*, 131 Cal. App. 4th 777, 32 Cal. Rptr. 3d 177 (2005).
- 56 *Sierra Club v. Board of Supervisors*, 126 Cal. App. 3d 698, 179 Cal. Rptr. 261 (1981).
- 57 *Suter v. City of Lafayette*, 57 Cal. App. 4th 1109, 67 Cal. Rptr. 2d 420 (1997).
- 58 *See Village of Euclid v. Ambler Realty Company*, 272 U.S. 365 (1926).
- 59 *See Martin v. City and County of San Francisco*, 135 Cal. App. 4th 392, 37 Cal. Rptr. 3d 470 (2005).
- 60 *Pala Band of Mission Indians v. Board of Supervisors*, 54 Cal. App. 4th 565, 63 Cal. Rptr. 2d 148 (1997).
- 61 *Gonzalez v. County of Tulare*, 65 Cal. App. 4th 777, 76 Cal. Rptr. 2d 707 (1998).
- 62 Cal. Gov't Code § 65860; *Building Industry Association of San Diego v. City of Oceanside*, 27 Cal. App. 4th 744, 33 Cal. Rptr. 2d 137 (1994). *See also* Cal. Gov't Code § 65860(a) (defining consistency). All ordinances enacted by a charter city having a population of at least 2 million must be consistent with its general plan. Cal. Gov't Code § 65860(d).
- 63 *See* Cal. Gov't Code § 65902.
- 64 Cal. Gov't Code §§ 65900 – 65901.

- 65 *See Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984), *Friends of Davis v. City of Davis*, 83 Cal. App. 4th 1004, 100 Cal. Rptr. 2d 413 (2000).
- 66 *Gonzalez v. County of Tulare*, 65 Cal. App. 4th 777, 76 Cal. Rptr. 2d 707 (1998).
- 67 *Malibu Mountains Recreation v. Los Angeles County*, 67 Cal. 4th 359, 79 Cal. Rptr. 2d 25 (1995).
- 68 *Garavatti v. Fairfax Planning Comm.*, 22 Cal. App. 3d 145, 99 Cal. Rptr. 260 (1971); *Community Development Comm. v. City of Fort Bragg*, 204 Cal. App. 3d 1124, 251 Cal. Rptr. 709 (1988).
- 69 *Bauer v. City of San Diego*, 75 Cal. App. 4th 1281, 89 Cal. Rptr. 2d 795 (1999); *Korean American Legal Advocacy Foundation v. City of Los Angeles* 23 Cal. App. 4th 376, 28 Cal. Rptr. 2d 530 (1994).
- 70 Cal. Gov't Code § 65906.
- 71 *Id.*
- 72 *Id.*; *Craik v. County of Santa Cruz*, 81 Cal. App. 4th 880, 96 Cal. Rptr. 2d 538 (2000).
- 73 *Millbrae Association. for Residential Survival v City of Millbrae*, 262 Cal. App. 2d 222, 69 Cal. Rptr. 251 (1968).
- 74 *Bauer v. City of San Diego*, 75 Cal. App. 4th 1281, 89 Cal. Rptr. 2d 795 (1999).
- 75 *Id.*
- 76 *Hansen Brothers Enterprises, Inc. v. Board of Supervisors*, 12 Cal. 4th 533, 48 Cal. Rptr. 2d 778 (1996).
- 77 *Id.*
- 78 Cal. Gov't Code § 66424.
- 79 Cal. Gov't Code §§ 66410 and following.
- 80 Cal. Gov't Code § 66464.
- 81 Cal. Gov't Code § 66411.
- 82 Cal. Gov't Code § 66426.
- 83 Cal. Gov't Code § 66426(a)-(e).
- 84 Cal. Gov't Code § 66424.5.
- 85 Cal. Gov't Code §§ 66411, 66418-66419.
- 86 Cal. Gov't Code § 66464.
- 87 Cal. Gov't Code § 66434.
- 88 Cal. Gov't Code § 66458.
- 89 Cal. Gov't Code § 66429.
- 90 Cal. Gov't Code § 66426.

- 91 Cal. Gov't Code § 66463.
- 92 Cal. Gov't Code § 66411.1(a).
- 93 Cal. Gov't Code §§ 66411, 66418-66419.
- 94 Cal. Gov't Code § 66498.1.
- 95 *See Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984), *Friends of Davis v. City of Davis*, 83 Cal. App. 4th 1004, 100 Cal. Rptr. 2d 413 (2000).
- 96 Cal. Pub. Res. Code §§ 21000 and following.
- 97 14 Cal. Code Regs. § 15063.
- 98 Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15093.
- 99 *See* Cal. Pub. Res. Code §§ 21080 - 21080.33.
- 100 *See* Cal. Pub. Res. Code §§ 21083.3, 21090, 21093, 21094, 21156 - 21159.4; 14 Cal. Code Regs. §§ 15152, 15165 - 15179.5, 15183.
- 101 Cal. Gov't Code § 65080(b)(2)(I).
- 102 *See Mejia v. City of Los Angeles*, 130 Cal. App. 4th 322, 29 Cal. Rptr. 3d 788 (2005); *Citizens for Responsible and Open Government v. City of Grand Terrace*, 160 Cal. App. 4th 1323, 73 Cal. Rptr. 3d 202 (2008); *Ocean View Estates Homeowners Association, Inc. v. Montecito Water Dist.*, 116 Cal. App. 4th 396, 10 Cal. Rptr. 3d 451 (2004). *See generally* Cal. Pub. Res. Code §§ 21080(d), 21082.2(d); 14 Cal. Code Regs. § 15064(f).
- 103 *See* 14 Cal. Code Regs. § 15382.
- 104 *See Moss v. County of Humboldt*, 162 Cal. App. 4th 1041, 76 Cal. Rptr. 3d 428 (2008).
- 105 Cal. Pub. Res. Code § 21067; 14 Cal. Code Regs. § 15367.
- 106 Cal. Pub. Res. Code § 21083.9.
- 107 This has been the responsibility of the Governor's Office of Planning and Research. *See* Cal. Gov't Code §§ 65040 - 65040.6. The status of this agency is uncertain as this publication goes to press.
- 108 Cal. Pub. Res. Code § 21091(a); 14 Cal. Code Regs. § 15105.
- 109 Cal. Pub. Res. Code § 21091(d); 14 Cal. Code Regs. § 15088.
- 110 Cal. Pub. Res. Code § 21092.1; 14 Cal. Code Regs. § 15088.5.
- 111 14 Cal. Code Regs. § 15132.
- 112 14 Cal. Code Regs. §§ 15003(i), 15151. *See generally Laurel Heights Improvement Association v. Regents of University of California*, 47 Cal. 3d 376, 390-93, 253 Cal. Rptr. 426, 429-32 (1988) (for a concise summary of CEQA principles applicable to an EIR).
- 113 14 Cal. Code Regs. § 15074.

- 114 Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091; *City of Marina v. Board of Trustees of the California State University*, 39 Cal. 4th 341, 46 Cal. Rptr. 3d 355 (2006).
- 115 Cal. Pub. Res. Code § 21080(f); 14 Cal. Code Regs. § 15074.1.
- 116 Cal. Pub. Res. Code § 21081.6; 14 Cal. Code Regs. § 15097.
- 117 Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15093.
- 118 Cal. Pub. Res. Code § 21060.5.
- 119 16 U.S.C. §§ 1531-1544.
- 120 33 U.S.C. §§ 1251 and following.
- 121 42 U.S.C. §§ 7401 and following.
- 122 14 Cal. Code Regs. § 15090.
- 123 Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15093.
- 124 14 Cal. Code Regs. § 15105.
- 125 Cal. Pub. Res. Code §§ 21080.4, 21091, 21092.3.
- 126 Cal. Pub. Res. Code § 21081.6(a)(2); 14 Cal. Code Regs. §§ 15074(c), 15091(e).
- 127 *See Cotta v. City and County of San Francisco*, 157 Cal. App. 4th 1550, 69 Cal. Rptr. 3d 612 (2007).
- 128 *See* Cal. Gov't Code §§ 65864 and following.
- 129 Cal. Gov't Code § 65866. *See Stephens v. City of Vista*, 994 F.2d 650 (9th Cir. 1993).
- 130 *See* Cal. Gov't Code §§ 65864 and following; *National Parks & Conservation Assn. v. County of Riverside*, 42 Cal. App. 4th 1505, 50 Cal. Rptr. 2d 339 (1996).
- 131 Cal. Gov't Code § 65865.2.
- 132 *Id.*
- 133 Cal. Gov't Code § 65867.5.
- 134 Cal. Gov't Code § 66000(b).
- 135 *See Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).
- 136 Cal. Gov't Code § 66001. *See Dolan v. City of Tigard*, 512 U.S. 374 (1994).
- 137 59 Cal. Op. Att'y Gen. 129 (1976).
- 138 Cal. Gov't Code § 66002.
- 139 *See, for example* Cal. Gov't Code §§ 66475-66475.3.
- 140 14 Cal. Code Regs. § 15126.4.
- 141 Cal. Gov't Code §§ 66000-66025.

- 142 Ali H. Mokdad; Mary K. Serdula; William H. Dietz; Barbara A. Bowman; James S. Marks; Jeffrey P. Koplan, *The Spread of the Obesity Epidemic in the United States, 1991-1998*, *Journal of the American Medical Association*, 199;282:1523-29.
- 143 See Lawrence D. Frank, Peter O. Engelke, and Thomas L. Schmid, *Health and Community Design* (Island Press, 2003).
- 144 See Cal. Health & Safety Code §§ 38500 and following.
- 145 California State Association of Counties, *Addressing Greenhouse Gas Emissions from the Transportation Sector Via Regional Transportation Plans* (October 21, 2008).
- 146 SB 375 (Steinberg, Chapter 728, Statutes of 2008).
- 147 See *Kawaoka v. City of Arroyo Grande*, 17 F.3d 1227 (9th Cir. 1994).
- 148 *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern*, 127 Cal. App. 4th 1544, 27 Cal. Rptr. 3d (2005).
- 149 *McPherson v. City of Manhattan Beach*, 78 Cal. App. 4th 1252, 93 Cal. Rptr. 2d 725 (2000).
- 150 See *Committee to Save Hollywoodland Specific Plan v. City of Los Angeles*, 161 Cal. App. 4th 1168, 74 Cal. Rptr. 3d 665 (2008).
- 151 *Harris v. County of Riverside*, 904 F.2d 497 (9th Cir. 1990), *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152, 56 Cal. Rptr. 2d 223 (1996).
- 152 U.S. Const. amend. XIV. See also Cal. Const. art. I, § 7.
- 153 *Ewing v. City of Carmel-By-The-Sea*, 234 Cal. App. 3d 1579, 286 Cal. Rptr. 382 (1991).
- 154 *Stubblefield Construction Co. v. City of San Bernardino*, 32 Cal. App. 4th 687, 714, 38 Cal. Rptr. 2d 413 (1995), *cert. denied*, 516 U.S. 913 (1995).
- 155 *Christensen v. Yolo County Board of Supervisors*, 995 F.2d 161 (9th Cir. 1993); *County Sanitation District No. 2 v. Kern County*, 127 Cal. App. 4th 1544, 27 Cal. Rptr. 3d 28 (2005).
- 156 *Nelson v. City of Selma*, 881 F.2d 836 (9th Cir. 1989).
- 157 Cf. *Moore v. City of East Cleveland*, 431 U.S. 494 (1977) (applying strict scrutiny to a regulation that prevented a grandmother from living with her grandson).
- 158 *Id.*
- 159 *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York*, 447 U.S. 557 (1980), *Kasky v. Nike, Inc.*, 27 Cal. 4th 939, 119 Cal. Rptr. 2d 296 (2002).
- 160 *Boos v. Barry*, 485 U.S. 312 (1988).
- 161 *Desert Outdoor Advertising, Inc. v. City of Moreno Valley*, 103 F.3d 814 (9th Cir. 1996), *cert. denied*, 522 U.S. 912 (1997).
- 162 *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *City of National City v. Wiener*, 3 Cal. 4th 832, 12 Cal. Rptr. 2d 701 (1992), *cert. denied*, 510 U.S. 824 (1993); see also *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002) (upholding an ordinance prohibiting the concentration of more than one adult business in a single structure).

- 163 *Topanga Press, Inc. v. City of Los Angeles*, 989 F.2d 1524 (9th Cir. 1993), *cert. denied*, 511 U.S. 1030 (1994).
- 164 Cal. Gov't Code §§ 54950 and following.
- 165 *See, example*, Cal. Gov't Code §§ 65854, 65856 (notice and hearing requirements for proposed adoption or amendment of zoning ordinance).
- 166 Cal. Pub. Res. Code § 21091.
- 167 40 C.F.R. § 1506.6.
- 168 *Small v. Superior Court*, 148 Cal. App. 4th 222, 55 Cal. Rptr. 3d 410 (2007).
- 169 *Committee to Save Hollywoodland Specific Plan v. City of Los Angeles*, 161 Cal. App. 4th 1168, 74 Cal. Rptr. 3d (2008).
- 170 U.S. Const. amend. V. To the same effect is Article 1, Section 19 of the California Constitution: "Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner."
- 171 *See Palazzolo v. Rhode Island*, 533 U.S. 606, 617 (2001).
- 172 *See Lingle v. Chevron U.S.A.*, 544 U.S. 528 (2005).
- 173 *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002).
- 174 *Long Beach Equities, Inc. v. County of Ventura*, 231 Cal. App. 3d 1016, 282 Cal. Rptr. 877 (1991).

# Resources for Further Information

## General Websites

### **California Land Use Planning Information Network**

<http://ceres.ca.gov/planning/>

### **Institute for Local Government**

[www.ca-ilg.org](http://www.ca-ilg.org)

## Publications

### **Land Use and Planning**

#### **Governor's Office of Planning and Research**

The Governor's Office of Planning and Research has produced many useful resources on planning. See [www.ca-ilg.org/opr](http://www.ca-ilg.org/opr).

#### **Institute for Local Government**

*An Ounce of Prevention: Best Practices for Making Informed Land Use Decisions* (2006) ([www.ca-ilg.org/ounce](http://www.ca-ilg.org/ounce))

*Glossary of Land Use and Planning Terms* (2010) ([www.ca-ilg.org/planningterms](http://www.ca-ilg.org/planningterms))

*Land Use One-Pagers* (2007) ([www.ca-ilg.org/onepaggers](http://www.ca-ilg.org/onepaggers))

*Regulatory Takings and Land Use Regulation: A Primer for Public Agency Staff* (July 2006) ([www.ca-ilg.org/takings](http://www.ca-ilg.org/takings))

### **Public Participation**

#### **Institute for Local Government**

[www.ca-ilg.org/cgipubs](http://www.ca-ilg.org/cgipubs)



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# UNDERSTANDING THE BASICS OF LAND USE AND PLANNING

## Glossary of Land Use and Planning Terms

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# About This Glossary

Land use refers to the relationship between people and the land – more specifically, how the physical world is adapted, modified, or put to use for human purposes. This includes even the “non-use” of lands reserved as wilderness or protected from human impacts.

Decisions about land use are made by people from many walks of life. Examples from the private sector include residents choosing where to live, business owners opening or expanding a business, and farmers and ranchers raising crops and livestock.

The public sector also makes important decisions about land use. Legislatures and chief executives make policy and funding decisions that have myriad effects on land use. Courts interpret how laws and policies apply in practice. Local, state and federal agencies then administer the laws and policies that govern the use and development of land, both public and private.

While many parties play a role, local agencies are at the center of decisions regarding land use. In California, city and county officials elected by local voters have broad authority to regulate the development and use of land to advance the health, safety and welfare of the public.

The *Glossary of Land Use and Planning Terms* is primarily intended to help local officials and the public understand the terms that are commonly used in the process of making local land use and planning decisions. As in other professional disciplines, many of the terms used in planning and land use are technical. It is our hope that the *Glossary* will be a handy reference that will make the topic of land use and planning less mysterious and more accessible to local officials and community residents alike.

## A

**AB 32.** California’s Global Warming Solutions Act of 2006. The Act requires that California’s greenhouse gas (GHG) emissions be reduced to 1990 levels by 2020. This is a reduction of about 30 percent from projected “business as usual” levels. The Act gives the California Air Resources Board (CARB) authority to identify and regulate sources of greenhouse gas emissions. The CARB’s “Scoping Plan” for implementing AB 32 includes a wide range of strategies including reducing GHG emissions from cars and light trucks through transportation planning relating to land use. Other measures include implementing green building standards that increase energy efficiency, water conservation, waste reduction, and recycling.

**Abandonment.** A cessation of the use of the property by the owner without intent to transfer the property to another or resume the use of the property.

**Abatement.** Reducing or eliminating the degree or intensity of a nuisance or other property-related problem, usually used in connection with zoning code or environmental program enforcement.

**Abutting.** Having property or zone district boundaries in common; for example, two lots are abutting if they have property lines in common.

**Acceptable Risk.** A hazard that is deemed to be a tolerable exposure to danger given the expected benefits to be obtained. Different levels of acceptable risk may be assigned according to the potential danger and how critical the threatened structure or area is deemed. For example, the level of acceptable risk from seismic activity may range from “near zero” for nuclear power plants and natural gas transmission lines to “moderate” for open space, ranches and low intensity warehouse uses.

**Access.** A way of approaching or entering a property. Access includes ingress, the right to enter, and egress, the right to leave. In zoning and subdivision regulations, recorded lots are required to have direct access to a public street or highway or to a private street meeting public standards. This guarantees entry by owners and emergency vehicles.

**Accessibility/Accessible.** A term that describes the usability of a facility, product or service by people with disabilities.

**Accessory Building or Use.** An activity or structure on a property that is incidental and subordinate 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.

**Acre-Foot.** A volume of water one foot deep covering one acre; approximately 326,000 gallons. One acre-foot of water is enough to meet the needs of two typical families for a year.

**Acres, Gross.** The entire acreage of a site. Most communities calculate gross acreage to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.

**Acres, Net.** The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road rights-of-way, public open space, and flood ways.

**Active Living Community.** A community designed to provide opportunities for people of all ages and abilities to incorporate physical activity into their daily routines. By encouraging people to be more active, active living communities may improve health by lowering people's risk for health conditions such as obesity, diabetes, heart disease, osteoporosis, and depression.

**Ad Valorem Tax.** A tax assessed based on the dollar value of an item or activity. Typical examples are property and sales taxes. Ad valorem taxes contrast with per-unit taxes, such as alcoholic beverage and cigarette taxes, which are assessed at a fixed dollar amount per unit purchased.

**ADA.** Americans with Disabilities Act. For purposes of planning and land use, federal law that generally requires that businesses and public facilities and conveyances be accessible to individuals with disabilities.

**Adaptation.** Adjustment in natural or human systems to a new or changing environment. For example, adaptation to climate change refers to adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

**Adaptive Reuse.** Converting obsolete or historic buildings from their original or most recent use to a new use. For example, an old manufacturing site could be converted into apartments or retail space.

**Administrative Decision.** *See* MINISTERIAL DECISION.

**Adverse impact.** A negative consequence for the physical, social, or economic environment resulting from an action or project.

**Aerosol.** Particulate matter, solid or liquid, larger than a molecule but small enough to remain suspended in the atmosphere. Natural sources include salt particles from sea spray, dust and clay particles as a result of weathering of rocks, both of which are carried upward by the wind. Aerosols can also originate from human activities and are often considered pollutants.

**Afforestation.** Planting of new forests on lands that historically have not contained forests, or have not been recently forested.

**Affordable Housing.** Housing capable of being purchased or rented by persons whose income level is categorized as very low, low, or moderate within standards set by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development.

**Agenda.** A document that specifies what will be discussed at a local agency meeting. Agendas contain a brief, general description of each item the governing body will be addressing. Local agencies generally cannot discuss and make decisions on items that are not on the agenda. *See* CALIFORNIA GOVERNMENT CODE SECTION 54950.

**Ageing in Place.** The ability to live in one's own home and community safely, independently, and comfortably, regardless of age, income, or ability level.

**Agricultural Preserve.** Land designated for agricultural use.

**Agricultural Urbanism.** An approach to integrating growth and development with preserving agricultural resources and enhancing elements of the food system.

**Agriculture.** Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pasture land.

**Air Pollution.** One or more chemicals or substances in the air in concentrations sufficient to harm humans, other animals, vegetation, or materials.

**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.

**Airport-Related Use.** A use that supports airport operations including, but not limited to, aircraft repair and maintenance, flight instruction, and aircraft chartering.

**Albedo.** The fraction of solar radiation reflected by a surface or object, often expressed as a percentage. Snow covered surfaces have a high albedo; the albedo of soils ranges from high to low; vegetation covered surfaces and oceans have a low albedo.

**Alternative Planning Strategy (APS).** A regional growth strategy required under SB 375 for regions where the Sustainable Communities Strategy (SCS) will not achieve the greenhouse gas (GHG) reduction target set by the California Air Resources Board (CARB). Unlike the SCS, an APS is a separate document from the Regional Transportation Plan, and must, if implemented, meet the regional GHG reduction target set by the CARB. Residential development and transportation projects consistent with the APS are eligible for SB 375's CEQA streamlining incentives, if cities or counties choose to offer them. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT, SB 375, SUSTAINABLE COMMUNITIES STRATEGY.*

**Ambient.** Surrounding on all sides; used to describe measurements of existing conditions with respect to traffic, noise, air and other environments.

**Amortization.** The process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the current zoning ordinance at the end of a specified period of time.

**Anchor Tenant.** The major store or stores within a shopping center.

**Ancillary Benefits.** Complementary benefits of a given policy. For example, ancillary benefits of a climate policy could include improvements in local air quality and reduced reliance of imported fossil fuels.

**Annex/annexation.** To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

**Anthropogenic.** Made by people or resulting from human activities. Usually used in the context of emissions produced by human activities.

**Appeal.** When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body can review the case.

**Approach Zone.** The air space at each end of a landing strip that defines the glide path or approach path of aircraft as they land. The approach zone should be free from obstruction.

**Appropriation.** A legal authorization granted by the governing body to expend monies, and incur obligations for specific purposes.

**Aquifer.** An underground, water-bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage. Aquifers generally hold sufficient water to be used as a water supply.

**Arable.** Land capable of being cultivated for farming.

**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.

**Arterial.** A roadway that provides intra-community travel and access to the countywide highway system, characterized by medium-speed (30-40 mph) and medium-capacity (10,000-35,000 average daily trips). 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.

**Assessed Valuation.** The value at which property is appraised for tax purposes.

**Assisted Housing.** Generally multifamily rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs.

**Automobile-intensive Use.** A use of a retail area that depends on exposure to continuous auto traffic.

## B

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**BANANA.** Acronym for the term Build Absolutely Nothing Anywhere Near Anything.

**Base Flood.** In any given year, a 100-year flood that has a one percent likelihood of occurring, and is recognized as a standard for acceptable risk.

**Below-market rate (BMR).** (1) Any housing unit specifically priced to be sold or rented to low-or moderate-income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as “low-income” or “moderate-income.” (2) The financing of housing at less than prevailing interest rates.

**Benefit Assessment Bonds.** Bonds levied by cities, counties and special districts to acquire or construct public improvements that convey a special benefit to a defined group of properties.

**Benefit Assessment District.** A defined area that receives a special benefit from the construction of one or more public facilities. A Benefit Assessment District is a financing mechanism for providing public infrastructure as allowed under various statutes. 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 or installation and operating costs.

**Benefit Assessment.** Charges levied on parcels to pay for public improvements or services provided within a pre-determined district or area according to the benefit the parcel receives from the improvement or services.

**Berm.** A mound of earth usually 2 to 6 feet high designed to shield and buffer uses like parking areas. Also used to minimize water run-off.

**Bicycle-Friendly.** Possessing policies and practices, including community design and infrastructure, which support cycling as a regular mode of travel, as well as recreation. Factors affecting the “bicycle-friendliness” of a community may include public facilities, such as bicycle racks on streets or by public buildings; regulations that allow riders to take bicycles on public transit; accessibility, such as the position of bicycle paths relative to roads, quality of the terrain, and presence of curb cuts; and the aesthetics of bikeways and their surroundings. Safety features such as lighting, security measures, and protection from on-road vehicles are additional factors, and may help people become more comfortable about travelling by bicycle, including with other traffic.

**Bicycle Lanes, Paths and Routes.** A bicycle lane is a corridor expressly reserved and marked for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles. A path is a paved route not on a street or roadway and expressly reserved for bicycles (and often pedestrians) traversing an otherwise unpaved area. Bicycle paths may parallel roads but typically are separated from them by landscaping. A bicycle route is a facility shared with motorists and identified only by signs; it has no pavement markings or lane stripes.

**Bikeways.** The term bikeways encompasses bicycle lanes, bicycle paths, and bicycle routes. Bikeways are divided into three classes. Class 1 bikeways are paved routes, not on a street or roadway, expressly reserved for bicycles traversing an otherwise unpaved area. Class 2 bikeways are corridors expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles. Class 3 bikeways are shared with motorists and identified only by signs. *See* BICYCLE LANES, PATHS AND ROUTES.

**Biological productivity.** The amount of plants and animals that grow and thrive in a defined region.

**Biosphere.** The part of the earth comprising all ecosystems and living organisms, in the atmosphere, on land (terrestrial biosphere) or in the oceans (marine biosphere), including derived dead organic matter, such as litter, soil organic matter and oceanic detritus.

**Biotic Community.** A group of living organisms characterized by a distinctive combination of both animal and plant species in a particular habitat.

**Biofuels.** Fuels derived from biological material, for example ethanol produced from corn, sugarcane, or other plants.

**Black Carbon.** Particles of carbon in the atmosphere produced by inefficient combustion of fossil fuels or biomass. Black carbon aerosols absorb light from the sun, shading and cooling the earth's surface, but contribute to significant warming of the atmosphere.

**Blight.** A condition of a site, structure, or area that may cause nearby buildings and/or areas to decline in attractiveness and/or utility. The Community Redevelopment Law contains a definition of blight used to determine eligibility of proposed redevelopment project areas. *See CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33031 AND 33032.*

**Blueline Stream.** A watercourse shown as a blue line on a U.S. Geological Service topographic quadrangle map.

**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, making appropriations, and establishing county policy. The board adopts the general plan, zoning, and subdivision regulations.

**Bond.** A certificate of debt issued by an entity, guaranteeing payment of the original investment, plus interest, by a specified future date. Funds raised through the sale of bonds can be used for various public purposes.

**Brown Act.** California's open meeting law for local agencies. The Brown Act imposes certain requirements for agendas, public comments, and other aspects of public meetings. *See CALIFORNIA GOVERNMENT CODE SECTIONS 54950 AND FOLLOWING.*

**Brownfield.** An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental contamination.

**Buffer Zone.** An area of land separating two distinct land uses that softens or mitigates the effects of one land use on the other. Where a commercial district abuts a residential district, for example, additional use, yard, or height restrictions may be imposed to protect residential properties. The term may also be used to describe any zone that separates two unlike zones, such as a multifamily housing zone between single-family housing and commercial uses.

**Building Code.** Standards adopted by the state governing the construction, alteration, demolition, occupancy, or other use of buildings used for human habitation. The state regulations are substantially the same as those contained in the most recent editions of the Uniform Building Code, Uniform Housing Code, Uniform Plumbing Code, Uniform Mechanical Code and the National Electric Code. Local governments may have stricter standards under certain circumstances. *See* CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 17921-17922.

**Building Coverage.** The amount of a lot that is covered by buildings, usually expressed as a percentage.

**Building Envelope.** The space remaining on a site for structures after all building setback, height limit, and bulk requirements have been met.

**Building Intensity.** For residential uses, the actual number or the allowable range of dwelling units per net or gross acre. For non-residential uses, the actual or the maximum permitted floor area ratio (FAR). *See* FLOOR AREA RATIO.

**Building Official.** The person responsible for the administration and enforcement of the building, housing, plumbing, electrical and related codes.

**Build-to Line.** A zoning requirement that sets a line that a building facade must be built to. The opposite of a setback. Usually required in order to maintain a uniform street wall and create a street as an “outdoor room.” *See* SETBACK.

**Build-out.** Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

**Built Environment.** Buildings, roads, parks, and all other improvements constructed by people that form the physical character of a community.

**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.

**Business Improvement Districts.** Public-private partnerships among property owners and commercial tenants who collectively contribute to the maintenance, development and promotion of their commercial district.

**Bus Rapid Transit (BRT).** Transit system using buses that provide faster service than traditional bus routes, through improvements in infrastructure, vehicles, and scheduling. Examples include dedicated busways, priority bus lanes, limited stop service, and signal pre-emption.

**Busway.** A vehicular right-of-way reserved exclusively for buses.

## C

**California Air Resources Board (CARB).** State agency responsible for regulating air pollution, including emissions of greenhouse gases under AB 32 and SB 375. *See* AB 32, SB 375.

**California Environmental Quality Act (CEQA).** A state law requiring state and local agencies to analyze the potential impacts of their actions on the environment, disclose their findings to the public, and to mitigate impacts where feasible.

**California Housing Finance Agency (CHFA).** A state agency established by the Housing and Home Finance Act of 1975 that is authorized to sell revenue bonds and generate funds for the development, rehabilitation, and conservation of low- and moderate-income housing.

**CalTrans.** California Department of Transportation.

**Capital Improvements Program (CIP).** A program established 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 conformance to and consistency with the general plan.

**Capital Outlay.** Expenditures which result in the acquisition of or addition to fixed assets.

**Carbon Dioxide (CO<sub>2</sub>).** A naturally occurring gas, and also a by-product of burning fossil fuels and biomass, as well as land-use changes and other industrial processes. It is the reference gas against which other greenhouse gases are measured and therefore has a Global Warming Potential of 1. Carbon dioxide represents about 84 percent of total U.S. greenhouse gas emissions. *See* GREENHOUSE GAS.

**Carbon Sequestration.** The process of removing carbon from the atmosphere and storing it in a “carbon sink”, a fixed molecule in soil, oceans or plants.

**Carbon Sink.** Carbon reservoirs and conditions that take in and store more carbon than they release. Carbon sinks can serve to partially offset greenhouse gas emissions. Forests and oceans are large carbon sinks. *See* CARBON SEQUESTRATION.

**Carrying Capacity.** (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.

**Census Tract.** Small portions of populated areas in which data is collected for statistical purposes during a census.

**Census.** The nationwide population count conducted every 10 years by the U.S. Census Bureau.

**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.

**CEQA.** The California Environmental Quality Act. CEQA requires that private and public projects' potential adverse effects upon the environment be reviewed by decision-makers and disclosed to the public. *See CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 21000 AND FOLLOWING.*

**Certificate of Compliance.** (1) Sometimes used synonymously with Certificate of Occupancy. (2) Also refers to a certificate issued under the Subdivision Map Act when a division of property is in compliance with the Map Act and local subdivision ordinances. (3) Less commonly, may also refer to an enforcement device used to inform others (like a potential purchaser) that a property does not comply with local codes and details what must be changed to bring the property back into compliance.

**Certificate of Occupancy.** An official certification that a building or place conforms to the provisions of the zoning and building codes, and therefore may be used or occupied. A structure cannot be occupied without a certificate of occupancy.

**Channelization.** (1) The straightening and/or deepening of a watercourse for purposes of storm-runoff control or ease of navigation. Channelization often includes lining of stream banks with a retaining material like concrete. (2) 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.** A short-term intensive planning session where residents, designers, and others collaborate on a vision for development. The charrette workshop is designed to stimulate ideas and involve the public in the community planning and design process.

**Charter City.** A city that is incorporated under its own charter rather than the general laws of the state. Charter cities have broader powers than do general law cities in matters that are “municipal affairs” (as opposed to matters of “statewide concern”).

**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.

**Clear Zone.** That section of an approach zone of an airport where the plane defining the glide path is 50 feet or less above the centerline of the runway. The clear zone ends where the height of the glide path above ground level is above 50 feet. Land use under the clear zone is restricted.

**Climate.** Climate is generally defined as the “average weather” over a period of time ranging from months to thousands of years. The classical period is three decades, as defined by the World Meteorological Organization (WMO). Statistical measurements of climate most often focus on surface variables such as temperature, precipitation, and wind. *See* WEATHER.

**Climate Change.** Climate change refers to any significant change in measures of climate (such as temperature, precipitation, or wind) lasting for an extended period (decades or longer). Climate change may result from: natural factors, such as changes in the sun’s intensity or slow changes in the earth’s orbit around the sun; natural processes within the climate system (such as changes in ocean circulation); and human activities that change the atmosphere’s composition (such as burning fossil fuels) and the land surface (such as deforestation, reforestation, urbanization or desertification.).

**Clustered Development.** Development in which a number of dwelling units are placed closer together than usual, or are attached, with the purpose of retaining an open space area.

**Co-Benefit.** The benefits of policies that are implemented for various reasons at the same time acknowledging that most policies designed to address one issue also have other important rationales (for example, related to objectives of development, sustainability, and equity). The term co-impact is also used in a more generic sense to cover both the positive and negative side of the benefits.

**Collector.** A street that provides circulation within and between neighborhoods, characterized by relatively low speed (25-30 mph) and moderate volume (5,000-20,000 average daily trips). 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.

**Common Open Space.** Land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use of the residents of the development.

**Community.** (1) A specific group of people, often living in a defined geographic area, who share a common culture, values, and norms and who are arranged in a social structure according to relationships the community has developed over a period of time. (2) More generally, a distinct local area such as a neighborhood, district, jurisdiction or municipality.

**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. *See* EXACTION, URBAN HEAT ISLAND.

**Community Care Facility.** Housing for the elderly licensed by the California Department of Social Services, typically for residents who are frail and need supervision. Services normally include meals, housekeeping, security and emergency response, a full activities program, supervision in the dispensing of medicine, personal services like assistance in grooming and bathing, but no nursing care. Sometimes referred to as residential care or personal care.

**Community Character.** The image of a community or area as defined by factors such as built environment, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.

**Community Development Block Grant (CDBG).** A grant program administered by the U.S. Department of Housing and Urban Development on a formula basis for larger “entitlement” communities and by the California Department of Housing and Community Development for smaller “non-entitlement” jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

**Community Facilities District.** A special district established by a local agency to finance tax-exempt bonds for the planning, design, acquisition, construction, and/or operation of public facilities, as well as public services for district residents. Special taxes levied solely within the district are used to repay the bonds. *See CALIFORNIA GOVERNMENT CODE SECTIONS 53311 AND FOLLOWING. See also MELLO-ROOS COMMUNITY FACILITIES TAX.*

**Community Food System.** A community food system, also known as a local food system, is a collaborative effort to integrate agricultural production with food distribution to enhance the economic, environmental, and social well-being of a particular place. Foods produced, processed, and distributed as locally as possible support a food system that preserves local farmland and fosters community economic viability, requires less energy for transportation, and offers consumers fresh food.

**Community Garden.** Places where neighbors and residents can gather to cultivate plants, vegetables, and fruits and, depending on local laws, keep bees and raise chickens or other livestock and poultry.

**Community Noise Equivalent Level (CNEL).** A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods to allow for greater sensitivity to noise during these hours. *See* dBA, DECIBEL.

**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 general plan.

**Community Redevelopment Agency (CRA).** A local agency created under California Redevelopment Law (California Health and Safety Code sections 33000 and following), 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. Also referred to as a "service planning area" or SPA.

**Community Service District (CSD).** A geographic sub-area of a city or county used for the planning and delivery of parks, recreation, and other services based on an assessment of the service needs of the population in that sub-area. A CSD is a public agency with independent administration.

**Community Supported Agriculture (CSA).** A community of individuals who pledge support to a farm operation so that the farmland becomes the community's farm, with the growers and consumers sharing the risks and benefits of food production. More specifically, share-holders pledge in advance to cover the anticipated costs of the farm operation and farmer's salary. In return, they receive shares in the farm's produce throughout the growing season.

**Commute Shed.** The area from which people may commute from their homes to a specific workplace destination, given certain assumptions about maximum travel time or distance.

**Compatibility.** The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. The designation of permitted and conditionally permitted uses in a zoning district is intended to achieve compatibility. Some elements affecting compatibility include intensity of occupancy as measured by dwelling units per acre; pedestrian or vehicular traffic generated; volume of goods handled; and environmental effects like noise, vibration, glare, air pollution, or radiation.

**Complete Streets.** Streets designed to accommodate all modes of travel and enable safe access for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move along and across a complete street.

**Concurrency.** Installing or operating facilities and services needed to meet the demands of new development simultaneously (or concurrently) with the development.

**Condemnation.** The exercise by a public agency of the right of eminent domain.

**Conditional Use Permit (CUP).** A discretionary permit issued by a hearing body to allow a conditional use that may or may not be allowable under the zoning code. If approval is granted, the developer must meet certain conditions to harmonize the project with its surroundings. Each application is considered on its individual merits. 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.

**Conditional Use.** A use that may locate within a zone only upon taking measures to address issues that may make the use detrimental to the public health, safety and welfare and will not impair the integrity and character of the zoned district.

**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.

**Congestion Management Plan (CMP).** A plan controlling and/or reducing the cumulative regional traffic impacts of development through growth management techniques, including traffic level of service (LOS) requirements, standards for public transit, trip reduction programs, and capital improvement programs. *See* LEVEL OF SERVICE (TRAFFIC).

**Connectivity.** The ease of travel between two points. The degree to which streets or areas are interconnected and easily accessible to one another by direct routes. An example of high connectivity would be a dense grid pattern in a downtown area.

**Conservation Easement.** A partial interest in land that severs the right to develop the land from its basic use, like low-density uses, open space or agriculture. The right to develop the land is usually held by a land trust or other entity that monitors the land and enforces the terms of the easement. The underlying owner of the land can continue to use the land according to the terms of the easement.

**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. These include water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.

**Consistency; Consistent with.** Free from significant variation or contradiction. The various diagrams, text, goals, policies, and programs in the general plan must be consistent with each other, not contradictory or preferential. The term “consistent with” is used interchangeably with “conformity with.”

**Consumer Price Index (CPI).** A statistical description of price levels provided by the U.S. Department of Labor. The change in this index from year to year is used to measure the cost of living and economic inflation.

**Convenience Store.** The National Association of Convenience Stores defines a convenience store as a retail business with primary emphasis placed on providing the public a convenient location at which to purchase from a wide array of consumable products (predominantly food or food and gasoline services).

**Cooperative.** A group of dwellings or an apartment building that is jointly owned by the residents, the common ownership including the open space and all other parts of the property. The purchase of stock entitles the buyer to sole occupancy but not the individual ownership of a specified unit.

**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).** A single or multi-county entity created by a joint powers agreement among the member agencies. COGs are responsible for determining the share of the regional need for housing for each of the counties and cities within the COG’s region (the Regional Housing Needs Assessment). In most cases, the COG also serves as the Regional Transportation Planning Agency (RTPA) responsible for preparing regional transportation plans and expenditure programs. Each of California’s 25 COGs is governed by a Board of Directors consisting of elected officials drawn from the cities and counties belonging to the COG.

**County.** A political subdivision of the state. A major function of counties is to assist the state in administering state programs. Counties provide a variety of important countywide health, welfare and social services that serve all residents within a county. For those areas that are not within a city (often referred to as the “unincorporated areas” of a county), counties exercise land use authority and may also provide such services as law enforcement, fire protection, parks, recreation, public works (including roads), water, waste water, solid waste, and libraries—services that are similar to those cities provide within their boundaries (known as the incorporated areas). *See CALIFORNIA CONSTITUTION ARTICLE XI, SECTION 1, CALIFORNIA GOVERNMENT CODE SECTION 23002.*

**County Service Area.** A type of special district that may provide any service that a county may provide in unincorporated areas. The service must not be one that the county already provides to the same extent on a countywide basis. County Service Areas are commonly used for road and drainage maintenance in new subdivisions. The basic premise of a County Service Area is to fund a service that the county would not otherwise be able to fund through traditional sources, like property tax or sales tax. County Service Areas are governed by the county board of supervisors and funded by a direct assessment paid by property owners who benefit from the services provided. *See CALIFORNIA GOVERNMENT CODE SECTIONS 25210 AND FOLLOWING.*

**Covenant.** A private legal restriction that places a burden on a parcel of land in favor of another parcel. The restriction is recorded in the deed. Covenants are most commonly used in the establishment of a subdivision to restrict the use of all individual lots in the development to a certain type of use (like single-family units), but may also be used to guarantee views and solar access.

**Covenants, Conditions, and Restrictions (CC&Rs).** A term used to describe restrictive limitations—usually recorded as covenants—that may be placed on property and its use, and which usually are made a condition of holding title or lease. They are intended to preserve the physical nature and character of the development.

**Criterion.** A standard upon which a judgment or decision may be based.

**Critical Facility.** Facilities housing or serving many people, that are necessary in the event of an earthquake or flood, like hospitals, fire, police, and emergency service facilities, utility “lifeline” facilities, like water, electricity, and gas supply, sewage disposal, and communications and transportation facilities.

**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.

**Cul-de-sac.** A short street or alley with only a single means of ingress and egress at one end and with a large turnaround at its other end.

**Cumulative Impact.** As used in CEQA, the total impact resulting from the accumulated impacts of individual projects or programs over time. *See* CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**Curb Cut.** A ramp opening in a curb where vehicles or wheel chairs may enter or leave the roadway.

## D

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**Day-Night Average Sound Level (Ldn).** The A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a 10 dB weighting applied to night-time sound levels. The Ldn is approximately numerically equal to the Community Noise Equivalent Level for most environmental settings. *See* COMMUNITY NOISE EQUIVALENT LEVEL, dBA.

**dBA.** The “A-weighted” scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.

**Debt Financing.** Issuance of bonds and other debt instruments to finance municipal improvements and services.

**Debt Instrument.** Written pledge to repay debt such as bills, notes and bonds.

**Debt Service.** Payment of principal and interest on long-term indebtedness.

**Decibel (dB).** A unit of sound pressure (abbreviated as dB) that is used to express noise level. The reference level is a sound pressure of 20 micro newtons per square meter. Zero decibels, the starting point of the scale, is about the level of the weakest sound that can be heard by someone with very good hearing in an extremely quiet location. Typical examples of noise levels would be 50 decibels in an average residence; 90 decibels for someone standing 20 feet from a subway train; and 120 decibels if standing 200 feet from a jet.

**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.

**Dedication.** A grant of private land to a public agency for public use. Dedications are often used to obtain roads and parkland needed to serve a project. Dedication requirements are often imposed as a condition of a tentative map, parcel map or as a condition of development.

**Deed Restriction.** A private legal restriction on the use of land recorded in the deed. The restriction burdens or limits the use of the property in some way. *See* COVENANT, EASEMENT.

**Defensible Space.** (1) In firefighting and prevention, a 30-foot area of non-combustible surfaces separating urban and wild land 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.

**Deficiency Plan.** An action program of a congestion management agency for improving or preventing the deterioration of traffic level of service on the street and highway network. *See* LEVEL OF SERVICE (TRAFFIC).

**Deforestation.** Those practices or processes that result in the conversion of forested lands to non-forest uses.

**Density.** The amount of development per acre permitted on a parcel under the applicable zoning. Common measures of density include population per acre or square mile and dwelling units per acre. Gross density includes the area necessary for streets, schools and parks. Net density does not include land area for public facilities.

**Density Bonus.** An increase in the allowable number of residences granted by the city or county in return for the project's providing low- or moderate-income housing. A housing development that provides 20 percent of its units for lower-income households, ten percent of its units for very-low income households, or 50 percent of its units for seniors is entitled to a density bonus and other concessions. *See* CALIFORNIA GOVERNMENT CODE SECTION 65915.

**Density Transfer.** A way of retaining open space by concentrating densities—usually in compact areas adjacent to existing urbanization and utilities—while leaving unchanged historic, sensitive, or hazardous areas. 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.

**Density, Employment.** A measure of the number of employed persons per specific area (for example, employees per acre).

**Density, Residential.** The number of permanent residential 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. *See* ACRES, GROSS; DEVELOPABLE ACRES, NET.

**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.

**Design Review Board.** A group appointed by the city council or county board of supervisors to consider the design and aesthetics of development within all or a portion of the community.

**Detachment.** Withdrawal of territory from a special district or city; the reverse of annexation.

**Detention Dam.** Dams constructed to retard flood runoff and minimize the effect of sudden floods.

**Developable Acres, Net.** The portion of a site that can be used for density calculations. Some communities calculate density based on gross acreage. Public or private road rights-of-way are not included in the net developable acreage of a site.

**Developable Land.** Land that is suitable as a location for structures and that can be developed free of significant impact on natural resource areas.

**Development Agreement.** A legislatively approved contract between a jurisdiction and a person having legal or equitable interest in real property within the jurisdiction that “freezes” certain rules, regulations, and policies applicable to development of a property for a specified period of time, usually in exchange for certain concessions by the owner. *See CALIFORNIA GOVERNMENT CODE SECTION 65865.*

**Development Fee.** Fee or charge imposed on developers to pay for the costs to the community of providing services to a new development. Development fees must not exceed the estimated reasonable cost of providing the service for which the fee is charged. 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 for the administrative costs of processing development plans (such as permits for building, grading, or signage); and (4) application fees for the administrative costs of reviewing and hearing development proposals. *See CALIFORNIA GOVERNMENT CODE SECTIONS 66000 AND FOLLOWING.*

**Development Rights.** The right to develop land held by a landowner 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.

**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*.

**Discretionary Decision.** 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 Project.** An activity which requires the public agency to exercise judgment in deciding whether or not to approve or deny a project, as opposed to an administrative action. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Discretionary Review.** A special power through which a city or county can modify or disallow a proposed project that complies with local zoning due to exceptional and extraordinary circumstances. 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 local agency 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.

**Displacement.** When long-time or original neighborhood residents move from a gentrified area because of higher rents, mortgages, and property taxes.

**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.

**Documentary Transfer Tax.** Also called Real Property Transfer Tax, this tax is imposed on the transfer of ownership in real estate.

**Down-Zoning.** A change in the zoning classifications of land to a classification permitting development that is less intensive, dense or valuable, for example from multifamily residential to single-family residential or from commercial to residential. A change of zoning in the opposite direction is referred to as up-zoning. *See* ZONING.

**Due Process (of Law).** A requirement that legal proceedings be conducted fairly. Such protections may include, depending on the proceeding, the right to be heard, the right to rebut evidence, that sufficient evidence is presented to reach an informed opinion, that all decision-makers have reviewed the information presented in public hearings, and that conflicts of interest have been avoided.

**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.

## E

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**Earmarked Funds.** Funds that have been designated or “earmarked” for a specific purpose.

**Easement.** 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 land owner. 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).

**Easement, Scenic.** A tool that allows a public agency to use an owner's land for scenic enhancement such as roadside landscaping or vista preservation.

**Economic Development Commission (EDC).** An agency charged with seeking economic development projects and economic expansion to provide local employment opportunities.

**Ecosystem.** The complex system of plant, animal, fungal, and microorganism communities and their associated non-living environment interacting as an ecological unit. Ecosystems have no fixed boundaries. Their parameters depend on the scientific, management, or policy question being examined. Depending upon the purpose of analysis, a single lake, a watershed, or an entire region could be considered an ecosystem.

**Effluent.** A discharge of pollutants, with or without treatment, into the environment.

**Embodied Energy.** The energy required to extract, process, package, transport, install, and recycle or dispose of materials that make up a building's construction.

**Emergency Shelter.** A facility that provides immediate short-term housing and supplemental services for the homeless. Supplemental services may include food, counseling, and access to other programs.

**Eminent Domain.** The right of a public entity to acquire private property for public use upon the payment of just compensation.

**Emissions.** The release of a substance into the atmosphere, including particulate matter and gasses.

**Emission Standard.** The maximum amount of a pollutant that can legally discharged from a single source, either mobile or stationary.

**Empowerment Zones.** Areas designated by the U.S. Department of Housing and Urban Development where businesses may be eligible for tax credits and other financial incentives for hiring local residents.

**Encroachment.** Any obstruction or protrusion into a right of way or adjacent property, whether on the land or above it.

**Encumbrance.** An anticipated expenditure committed for the purchase of goods and services not yet paid for or received.

**Endangered Species.** Animal or plant species designated as endangered under federal or state law, whose prospects for survival and reproduction are in immediate jeopardy from one or more causes.

**Energy Intensity.** The ratio of energy consumption to a measure of the demand for energy services (such as the number of buildings, total floorspace, floorspace-hours, number of employees, or constant dollar value of Gross Domestic Product).

**Energy-efficiency.** The ratio of the useful output of services from an article of industrial equipment to the energy use by such an article; for example, vehicle miles traveled per gallon of fuel (mpg).

**Energy Smart.** Meeting energy needs cost effectively and with the least impact on the environment.

**Envelope.** The skin of a building – including the windows, doors, walls, foundation, basement slab, ceilings, roof and insulation – that separates the interior of a building from the outdoor environment.

**Environment.** Under the California Environmental Quality Act, “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.”

**Environmental Impact Report (EIR).** A report required by CEQA when an agency determines that a project may have a significant effect on the environment. An EIR evaluates a proposed project’s impacts on the environment, and recommends mitigation measures to reduce or eliminate those impacts. Decision makers use information in an EIR to help determine whether or not to approve a project. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Environmental Impact Statement (EIS).** Under the National Environmental Policy Act (NEPA), a statement on the effect of development proposals and other major actions that significantly affect the environment. *See NATIONAL ENVIRONMENTAL POLICY ACT.*

**Environmental Justice.** The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. *See CALIFORNIA GOVERNMENT CODE SECTION 65040.12(E).*

**Erosion.** (1) The loosening and transportation of rock and soil debris by wind, rain, or running water. (2) The gradual wearing away of the upper layers of earth.

**Exaction.** A contribution or payment required as an authorized precondition for receiving a development permit; usually refers to mandatory dedication (or fee in lieu of dedication) requirements found in many subdivision regulations.

**Excise Tax.** Tax placed on a person for a voluntary act, making the tax avoidable. Examples include sales and use tax, business license tax, transient occupancy tax, and utility user tax.

**Expansive Soils.** Soils that swell when they absorb water and shrink as they dry.

**Expenditure.** The actual payment for goods and services.

**Expressway.** A divided multi-lane major arterial street for through traffic with partial control of access and with grade separations at major intersections.

**Extremely Low-Income Household.** A household with an annual income no greater than 30 percent of the area median family income adjusted by household size.

**Exurban Area.** The region that lies beyond a city and its suburbs.

## F

**Fair Market Rent.** Amount of rent, including utility allowances, determined by the U.S. Department of Housing and Urban Development for purposes of administering the Section 8 Existing Housing Program.

**Family.** (1) Two or more persons related by birth, marriage, or adoption (U.S. Bureau of the Census). (2) An individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind (California).

**Farmers Home Administration (FmHA).** A federal agency that provides loans and grants for improvement projects and low-income housing.

**Farmers Market (Certified California Farmers' Market).** A market (1) operated by a local government agency, one or more certified producers, or a nonprofit organization; (2) certified by and operating in a location approved by the county agricultural commissioner; and (3) where farmers sell directly to consumers agricultural products or processed products made from agricultural products that the farmers grow themselves.

**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.

**Fault.** A fracture in the earth's crust forming a boundary between rock masses that have shifted.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable time taking into account economic, environmental, social, and technological factors.

**Fee Interest.** Entitles a landowner to exercise complete control over use of land, subject only to government land use regulations. In contrast, less-than-fee interest refers to the purchase of limited interest in land rather than outright ownership such as the purchase of development rights via conservation, open space, or scenic easements.

**Feeder Roads.** Smaller roadways that "feed" or connect traffic to larger roadways.

**Fees.** Fees are charges levied by an agency for services that the agency provides to an individual applicant or user of a service. *See CALIFORNIA GOVERNMENT CODE SECTIONS 66013 THROUGH 66018.* Development or planning fees (also known as monetary exactions) require project proponents to pay certain amounts in order to have their applications processed. The fees reimburse the agency for the expenses of processing the application. Fees also may be assessed to mitigate the impact of a proposed development on the community (for example, school facilities fees to help expand the schools to assure they have enough capacity for the demand created by a new housing development.) State law closely regulates the adoption, levy, collection and challenge to development fees imposed by a local public agency. It applies to both fees imposed on a broad class of projects by legislation of general applicability and fees imposed on a project-specific basis.

**FHA: Federal Housing Administration.** An agency within the U.S. Department of Housing and Urban Development (HUD). FHA insures mortgages made by FHA-approved lenders for single-family and multifamily homes including manufactured homes.

**FHLMC/“Freddie Mac”:** **Federal Home Loan Mortgage Corporation.** A stockholder-owned corporation chartered by Congress to increase the supply of funds that mortgage lenders can make available to homebuyers and investors in multifamily housing projects. Freddie Mac buys mortgages from lenders (such as commercial banks, mortgage bankers, savings institutions and credit unions) then packages the mortgages into guaranteed securities and sells the securities to investors. Mortgage lenders use the proceeds from selling loans to Freddie Mac to fund new mortgages.

**Field Act.** Legislation (passed after a 1933 Long Beach earthquake that collapsed a school) that established more stringent structural requirements and standards for construction of schools than for other buildings. *See CALIFORNIA EDUCATION CODE SECTIONS 17280; 81130 AND FOLLOWING.*

**Final Subdivision Map.** A map of an approved subdivision filed in the county recorder’s office. It usually shows surveyed lot lines, street rights-of-way, easements, monuments, and distances, angles, and bearings, pertaining to the exact dimensions of all parcels, street lines and so forth.

**Finding.** A determination or conclusion based on the evidence presented to a hearing body in support of its decision. When it presents its decision, the body is often required to demonstrate in writing that the facts presented in evidence support its decision in conformance with the law.

**Fire Hazard Zone.** An area where, due to slope, fuel, weather, or other fire-related conditions, the potential loss of life and property from a fire necessitates special fire protection measures and planning before development occurs.

**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 the 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.

**Fiscal Year.** The period designated for the beginning and ending of financial transactions. Nearly all local agency fiscal years begin on July 1 and end June 30 of the following year.

**Flood Insurance Rate Map (FIRM).** For each community, the official map on which the Federal Insurance Administration has delineated areas of special flood hazard and the risk premium zones applicable to that community.

**Flood, 100-Year.** The magnitude of a flood expected to occur on the average every 100 years, based on historical data. The 100-year flood has a one percent chance of occurring in any given year.

**Floodplain Fringe.** All land between the floodway and the upper elevation of the 100-year flood.

**Floodplain.** The relatively level land area on either side of the banks of a stream regularly subject to flooding. That part of the floodplain subject to a one percent chance of flooding in any given year is designated as an “area of special flood hazard” by the Federal Insurance Administration.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the “base flood” without cumulatively increasing the water surface elevation more than one foot. No development is allowed in floodways.

**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 square feet of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 square feet of floor area; an FAR of 2.0 would allow 20,000 square feet; and an FAR of 0.5 would allow only 5,000 square feet. 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.

**Floor Area, Gross.** The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six feet. Some agencies exclude specific kinds of space (for example, elevator shafts, parking decks) from the calculation of gross floor area.

**FMV: Fair Market Value.** The price that a property would sell for on the open market between a willing buyer and a willing seller. FMV assumes both buyer and seller act freely and have reasonable knowledge of the relevant facts.

**FNMA/“Fannie Mae”:** **Federal National Mortgage Association.** A company that offers banks and other mortgage lenders financing, credit guarantees, technology and services that enable lenders to make more home loans to consumers at favorable rates and terms. First established in 1938 as a government agency, Fannie Mae in 1968 became a private, shareholder-owned company with a charter from Congress to support the housing finance system.

**Food Desert.** Areas characterized by poor access to healthy and affordable food that may contribute to social and spatial disparities in diet and diet-related health outcomes. While the term “food desert” can mean a literal absence of retail food in a defined area, studies of food deserts more commonly assess differential accessibility to healthy and affordable food between socioeconomically advantaged and disadvantaged areas.

**Food Insecurity.** Limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways.

**Food Miles.** The distance food travels from where it is grown or raised to where it is ultimately purchased by the consumer or end-user.

**Food Security.** Access by all people at all times to enough food for an active, healthy life. Food security includes at a minimum the ready availability of nutritionally adequate and safe foods and an assured ability to acquire acceptable foods in socially acceptable ways.

**Footprint; Building Footprint.** Land area taken up by a building. The outline of a building at all of the points where it meets the ground.

**Form-Based Codes.** A method of regulating development to achieve a specific urban form by controlling physical form primarily, with a lesser focus on land use. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

**Fossil Fuels.** Carbon-rich deposits in the earth, such as petroleum (oil), coal, or natural gas, derived from the remains of ancient plants and animals and used for fuel.

**Franchise.** Fee paid to a municipality from a franchisee for “rental” or “toll” for the use of city streets and rights-of-way. Common franchisees include utilities and cable communications companies.

**Freeway.** A high-speed, high-capacity, limited-access road serving regional and countywide travel. Such roads are free of tolls, as contrasted with turnpikes or other toll roads. Freeways generally are used for trips to or from major land use generators. 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.

**Frontage.** The frontage, or front, of a lot is usually defined as the side nearest the street.

**Full Service Grocery Store.** A store offering consumers a wide variety of produce and other foods. Defined by the grocery industry as any full-line self-service grocery store generating a sales volume of \$2 million or more annually.

**Fund Balance.** The difference between the assets (revenues and other resources) and liabilities (expenditures incurred or committed to) of a particular fund.

**Fund.** Accounting entity with a set of self-balancing revenue and expenditure accounts used to record the financial affairs of a governmental organization.

## G

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**Gann Initiative.** *See* PROPOSITION 4.

**Gateway.** A point along a roadway where a motorist gains a sense of entering a city or county.

**General Fund.** Fund used to account for all financial resources except those required to be accounted for in another fund (like enterprise or grant funds). Usually, the general fund is the largest fund in an agency. Financial resources within the fund of a local agency may be discretionary or may be committed to or encumbered by programs mandated by the state or federal government.

**General Law City.** A city incorporated under and subject to the general laws of the state.

**General Obligation (G.O.) Bonds.** Bonds issued through a governmental entity which has the legal authority to levy a tax on real and personal property located within its boundaries to pay for principal and interest due.

**General Plan.** The general plan is the foundation for local land use planning. The plan provides a vision for the foreseeable planning horizon – usually 10 to 20 years – and translates it into goals and policies for the physical development of the city or county. All other land use ordinances and policies flow from the general plan. The general plan covers all of the land within the jurisdiction and any additional land that, in the agency’s judgment, bears relation to its planning. *See CALIFORNIA GOVERNMENT CODE SECTION 65300.*

**General Revenue.** Those revenues that cannot be associated with a specific expenditure, such as property taxes (other than voter approved indebtedness), sales tax, and business license tax.

**General Tax.** Tax used for general agency purposes which is deposited into the general fund.

**Gentrification.** The process of neighborhood renewal and rebuilding, accompanied by a shift in the demographic composition of the community and the displacement of long-time residents and/or businesses.

**Geographic Information Systems (GIS).** Computer-based systems capable of managing, integrating, and displaying geographic and population data to reveal relationships, patterns, and trends.

**Geothermal Energy.** Heat that comes from the earth’s interior.

**Global Warming.** An average increase in the temperature of the atmosphere, which can contribute to changes in global climate patterns. Global warming can occur from a variety of causes, both natural and human induced. In common usage, “global warming” often refers to the warming that can occur as a result of increased emissions of greenhouse gases from human activities. *See GREENHOUSE GAS.*

**GNMA/“Ginnie Mae”:** **Government National Mortgage Association.** A government-owned corporation within the U.S. Department of Housing and Urban Development (HUD) that promotes the availability of mortgage credit to low- and moderate-income homebuyers by creating a secondary market for the sale and purchase of residential mortgages.

**Grade.** (1) Leveling or smoothing the contours of a property. (2) The rate of rise or descent of a sloping surface, usually expressed in degrees or a percentage calculated by the number of feet of rise per 100 feet of horizontal distance (a 10 percent grade would mean a 10 foot vertical rise over 100 feet of horizontal distance).

**Granny Flat.** An accessory dwelling, typically for one or more elderly persons, attached to or separate from a main residence on a single lot. Cities and counties may approve such units in single-family neighborhoods. *See CALIFORNIA GOVERNMENT CODE SECTION 65852.1.*

**Grants.** Contributions of cash or other assets from a private entity, foundation or governmental agency to be used or expended for a specified purpose, activity or facility.

**Green Space.** Open, undeveloped land with natural vegetation.

**Greenbelt.** A band of countryside surrounding a city or urbanized area on which building is generally prohibited.

**Greenfield.** Farmland and open areas where the lack of prior industrial or commercial activity means that the threat of contamination is lower than in urbanized areas.

**Greenhouse Effect.** Trapping and build-up of heat in the earth's atmosphere. Some of the heat flowing back toward space from the earth's surface is absorbed by water vapor, carbon dioxide, ozone, and several other gases in the atmosphere and then re-radiated back toward the earth's surface. If the atmospheric concentrations of these greenhouse gases rise, the average temperature of the lower atmosphere will gradually increase.

**Greenhouse Gas (GHG).** Any gas that absorbs infrared radiation in the atmosphere. Types of greenhouse gases include water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), ozone (O<sub>3</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). *See* CARBON DIOXIDE.

**Greenways.** Linear open spaces that link parks and neighborhoods within the community, such as paths or trails. Greenways provide public access to green spaces and opportunities for residents of all ages and abilities to be physically active.

**Greyfield.** A blighted area, such as a failed shopping center, that is ripe for redevelopment.

**Gross Acreage.** *See* ACRES, GROSS.

**Ground Failure.** Ground movement or rupture caused by strong shaking during an earthquake. Includes landslide, lateral spreading, liquefaction, and subsidence. *See* LIQUEFACTION.

**Ground Shaking.** Ground movement resulting from the transmission of seismic waves during an earthquake.

**Groundwater Recharge.** The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding rocks that provide underground storage (aquifers).

**Groundwater.** Water under the earth's surface, often confined to aquifers capable of supplying wells and springs.

**Group Home; Group Care Facility.** Any facility used to provide non-medical residential care, day treatment, adult day care, or foster family agency services. Typically used to assist abused or neglected children or people who are physically disabled or mentally impaired.

**Growth Management.** The use by a community of a wide range of techniques in combination 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 public infrastructure ordinances ("concurrency"), urban limit lines, standards for levels of service, phasing, building caps and other programs.

**Guidelines.** General statements of policy direction around which specific details may be later established.

**Guideway.** A roadway system that guides and supports the vehicles using it. Examples include railroads and monorails. Many guideway rapid transit systems use wayside electrical power for propulsion.

## H

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**Habitat Conservation Plan (HCP).** A plan established under Section 10 of the federal Endangered Species Act which allows the incidental taking of a listed, threatened, or endangered species upon the approval of a “single” or “multiple” species plan. The HCP must show how the impacts of the taking have been minimized and mitigated to the maximum extent practicable, that adequate funding for the plan will be provided, and that the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.

**Habitat.** The physical location or type of environment in which an organism or biological population lives or occurs.

**Hazardous Material.** A substance or material capable of posing an unreasonable risk to health, safety, or property when transported in commerce.

**Hazardous Waste.** By-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses at least one of four characteristics (ignitable, corrosive, reactive, or toxic), or appears on special U.S. Environmental Protection Agency lists.

**Hazardous Substance.** (1) Any material that poses a threat to human health and/or the environment. Typical hazardous substances are ignitable, corrosive, toxic, explosive or chemically reactive. (2) Any substance designated by U.S. Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

**Health.** A state of physical, mental, and social well-being and not merely the absence of disease and infirmity.

**Health Disparity.** Significant differences from one population to another in the overall rate of disease incidence, prevalence, morbidity, mortality or survival. Many different populations may be affected by health disparities, including racial and ethnic minorities, residents of rural areas, women, children, the elderly, and persons with disabilities.

**Health Impact Assessment (HIA).** 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. HIAs can be used to evaluate the potential health effects of a project or policy and to provide recommendations to increase positive health outcomes and minimize adverse health outcomes. The HIA process brings public health issues to the attention of persons who make decisions about areas that fall outside of traditional public health arenas, such as transportation or land use.

**Healthy Community/Healthy Places.** Communities that are developed, designed, and built to promote health.

**Highest and Best Use.** The use of a property that will bring the greatest profit to its owners. In theory, the economics of the real estate market establish a maximum value for each parcel of land at any given time. However, owners are not necessarily entitled to that use, particularly when that use may have negative effects on the use and enjoyment of neighboring properties. *See* REGULATORY TAKING.

**High-Occupancy Structure.** All pre-1935 buildings with over 25 occupants and all pre-1976 buildings with over 100 occupants.

**High-Occupancy Vehicle (HOV).** Any vehicle other than a single-occupant automobile or motorcycle (for example, a vanpool, a bus, or a car carrying two or more persons).

**Highway.** (1) High-speed, high-capacity, limited-access transportation facility serving regional and countywide travel. (2) Inter-regional roadway that is part of the state transportation system.

**Historic Preservation.** The preservation of historically significant structures and neighborhoods to facilitate restoration and rehabilitation of the building(s) to a former condition.

**Home Owners' Association (HOA).** A nonprofit organization operating under recorded legal agreements running with the land. Generally, each lot owner in a condominium or similar planned development becomes a member upon purchase. Each lot is subject to a charge for a proportionate share of the expenses for the organization's activities, like maintaining common areas, landscaping, recreation facilities and parking areas. May also be referred to as a Homeowners Association or Homeowners' Association.

**Household.** All those persons, related or unrelated, who occupy a single housing unit.

**Households, Number of.** The count of all year-round housing units occupied by one or more persons. Each new household formed creates the need for one additional housing unit or requires that one existing housing unit be shared by two households. 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 (HCD).** The state agency responsible for assessing, planning for, and assisting communities in meeting the needs of low- and moderate-income households. HCD also certifies housing elements of general plans for local jurisdictions.

**Housing and Urban Development, U.S. Department of (HUD).** A cabinet-level department of the federal government that administers housing and community development programs.

**Housing Authority, Local (LHA).** A local housing agency established in state law, subject to local activation and operation. Originally intended to manage certain federal subsidies, but vested with broad powers to develop and manage other forms of affordable housing.

**Housing Element.** One of the seven state-mandated elements of a local general plan. The Housing Element assesses the existing and projected housing needs of all economic segments of the community. It 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.

**Housing Unit.** A house, an apartment, a mobilehome or trailer, a group of rooms, or a single room that is occupied as a separate living quarters, or, if vacant, is intended for occupancy as a separate living quarters (2000 U.S. Census definition).

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**Impact Fee.** A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency to pay for improvements and facilities required to serve new development and to reduce the impacts of new development on a community.

**Impact.** The effect of any direct human actions or the indirect repercussions of human actions on existing physical, social, or economic conditions.

**Impacted Areas.** As used by the Bureau of the Census, census tracts where more than 50 percent of the dwelling units house low- and very low-income households.

**Impervious Surface.** A surface through which water cannot penetrate, like a roof, road, sidewalk, or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

**Improved Land.** (1) Raw land to which basic utilities such as roads, sewers, water lines, and other public infrastructure facilities have been added. (2) Land upon which buildings or other structures have been erected.

**Inclusionary Zoning.** A locally adopted regulatory program requiring that a specific percentage of housing units in a project or development remain affordable for a specified period to households with incomes that are defined as moderate, low and/or very low. Often such regulations require a minimum percentage of housing for very-low, low- and moderate-income households in new housing developments and in conversions of apartments to condominiums.

**Incorporation.** Creation of a new city.

**Incubator Space.** Retail or industrial space that is affordable to new, low-margin businesses.

**Industrial.** A land use classification often divided into “heavy industrial” uses, like construction yards, quarrying, and factories; and “light industrial” uses, like research and development and less intensive warehousing and manufacturing.

**Infill Development.** Development of vacant or underutilized land (usually individual lots or leftover properties) within areas that are already largely developed.

**Infrastructure.** Public services and facilities like sewage-disposal systems, water-supply systems, other utility systems, schools, roads, bicycle and pedestrian facilities, and transit systems.

**Initial Study.** A preliminary analysis prepared by the lead agency of the potential environmental impacts of a proposed project. This process is used to determine whether an Environmental Impact Report must be prepared, or a Negative Declaration will be sufficient. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Initiative.** A ballot measure used to enact new legislation with voter approval. In California, city and county initiative measures may be placed on the ballot by petition of the voters or action of the governing body.

**In-Lieu Fee.** Cash payments that may be required of an owner or developer as a substitute for a dedication of land or construction of affordable housing units, usually calculated in dollars per lot, and referred to as in-lieu fees or in-lieu contributions.

**Institutional Uses.** (1) Publicly or privately owned and operated activities like hospitals, convalescent hospitals, intermediate care facilities, nursing homes, museums, and schools and colleges; (2) churches and other religious organizations; and (3) other nonprofit welfare, educational, or philanthropic activities that cannot be considered residential, commercial, or industrial uses.

**Interagency.** Relationship between or among two or more discrete agencies in regard to a specific program.

**Intermittent Stream.** A stream that normally flows for at least 30 days after the last major rain of the season and is dry a large part of the year.

**Inverse Condemnation.** The illegal removal of property value through excessive government regulation. For example, a city may widen a street, taking the entire parking lot of a local store. The city may offer to pay for the lot, but the store may claim the market has lost all its business since no customers can park, and wants the value of the entire parcel, including the market building.

**Investment Earnings.** Revenue earned from the investment of idle public funds.

**Issues.** Important unsettled community matters or problems. Issues may be identified in a community's general plan and dealt with by the plan's objectives, policies, plan proposals, and implementation programs.

## J

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**Jobs/Housing Balance.** 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 Agreement (JPA).** A legal arrangement that enables two or more public agencies to jointly exercise common powers. A joint powers agreement may establish a separate agency or take the form of an operating agreement. *See CALIFORNIA GOVERNMENT CODE SECTIONS 6500 AND FOLLOWING.*

**Joint-use Agreements.** Agreements between two or more entities, such as a city, county, school district, nonprofit or private organization, to share capital, operating costs and responsibilities for a facility. Examples include recreational space, meeting facilities, libraries and community centers.

**L10.** A statistical descriptor indicating peak noise levels—the sound level exceeded ten percent of the time. It is a common descriptor of community noise used in Federal Highway Administration standards and the standards of some cities and counties.

**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. The federal rail-banking law allows railroads to bank unused rail corridors for future rail use while allowing interim use as trails.

**Land Use Classification.** A system for classifying and designating the appropriate use of properties.

**Land Use Element.** One of the seven state-mandated elements of a local general plan. The land use element 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.

**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).

**Land Use.** The occupation or use of land or water area for any human activity or any purpose defined in the general plan.

**Landmark.** (1) A building, site, object, structure, or significant tree having historical, architectural, social, or cultural significance and marked for preservation by the local, state, or federal government. (2) A visually prominent or outstanding structure or natural feature that functions as a point of orientation or identification.

**Landscaping and Lighting Act of 1972.** The 1972 Act authorizes cities, counties and special districts to levy assessments for land purchase and the construction, operation, and maintenance of parks, landscaping, lighting, traffic signals and graffiti abatement.

**Landslide.** Movement of soil and/or rock down a slope, which typically occurs during an earthquake or following heavy rainfall.

**Lateral Spreading.** Lateral movement of soil, often as a result of liquefaction during an earthquake. *See LIQUEFACTION.*

**Leapfrog Development.** New development separated from existing development by substantial vacant land.

**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 determining a condemnation award. (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.

**LEED.** An acronym for Leadership in Energy and Environmental Design. LEED is a voluntary, consensus-based green building rating system developed and maintained by the U.S. Green Building Council to support and certify successful green building design, construction and operations.

**LEED for Neighborhood Development (LEED-ND).** A rating system for neighborhood design. The rating system integrates the principles of smart growth, urbanism and green building and emphasizes the creation of compact, walkable, vibrant, mixed-use neighborhoods with good connections to nearby communities.

**Leq.** The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a “dosage” type measure and is the basis for the descriptors used in current standards, such as the 24-hour community noise equivalent level used by the State of California.

**Level of Service (LOS) Standard.** A standard used by public agencies to measure the quality or effectiveness of a municipal service like police, fire, or library, or the performance of a facility, like a street or highway.

**Level of Service (Traffic).** A scale that measures the amount of vehicle traffic that a roadway or intersection can accommodate, based on such factors as maneuverability, driver dissatisfaction, and delay.

**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.** Designates 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.** Represents 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 change and “upstream” intersections may be blocked by the long queues.

**Levy.** To impose taxes, special assessments or service charges to pay for public programs or facilities; (noun) the total amount of taxes, special assessments or service charges supporting public programs and facilities.

**Licenses and Permits.** Certification that an applicant has complied with the provisions for regulating activities being licensed or permitted, such as the licensing of animals or bicycles. Agencies typically levy a license or permit charge to reimburse the costs of regulation.

**Lien.** A claim on assets, especially property, for the payment of taxes or utility service charges.

**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 Rail Transit (LRT).** Streetcars or trolley cars that typically operate entirely or substantially in mixed traffic and in non-exclusive, 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 electrically self-propelled and usually operate in one or two-car trains.

**Limited Obligation Bonds.** Similar to general obligation bonds except that security for the issuance is limited to the revenues pledged in the bond statement and not to the full faith and credit of the public agency.

**Linkage.** A program designed to offset the impact of employment on housing need within a community that conditions project approval 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. *See* JOBS/HOUSING BALANCE.

**Liquefaction.** The transformation of loose, wet soil from a solid to a liquid state, often as a result of ground shaking during an earthquake.

**Liquidity.** The ability to convert a security into cash promptly with minimum risk of principal. *See* PRINCIPAL.

**Live-Work Quarters.** Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

**Local Agency Formation Commission (LAFCO).** Local Agency Formation Commissions in each county administer state law governing proposals for local agency incorporation, organization, and annexation. They review and evaluate all proposals for formation of special districts, incorporation of cities, adoption and amendment of spheres of influence, annexation of territory to special districts or cities, consolidation of districts, and merger of districts with cities. The 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. *See* GOVERNMENT CODE SECTIONS 56000 AND FOLLOWING.

**Local Coastal Program (LCP).** A combination of a local agency's land use plans, zoning ordinances, zoning district maps, and (within sensitive coastal resources areas) other implementing actions that together meet the local requirements of, and implement the provisions and policies of, the California Coastal Act of 1976.

**Local Coastal Program Land Use Plan.** The relevant portion of a local agency general plan or coastal element that details type, location, and intensity of land use, applicable resource protection and development policies, and, where necessary, implementation actions.

**Location-Efficient Mortgages.** Mortgages offered at competitive rates and low down payments to those who want to live in “location efficient communities.” These are neighborhoods in which residents can walk from their homes to stores, schools, recreation, and public transportation. People who live in location efficient communities have less need to drive, increasing the proportion of discretionary income available to pay back the loan.

**Lot.** A tract or piece of land having fixed boundaries and designated on a plot or survey map. A lot must meet the requirements of the zoning district in which it is located and must front on a public street or an approved private street.

**Lot Line Adjustment.** The adjustment of a lot line between two or more existing parcels where land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed are not thereby created.

**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.

**Low-Income Household.** A household with an annual income usually no greater than 80 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county. In the absence of such a survey, the determination is based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development for the Section 8 housing program.

**Low-Income Housing Tax Credits.** Tax reductions provided by the federal and state governments for investors in housing for low-income households.

**LULU.** Locally Unwanted Land Use.

## M

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**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.

**Manufactured Housing.** Residential structures that are constructed entirely in a factory. These are regulated under the federal Manufactured Home Construction and Safety Standards Act of 1974 by the U.S. Department of Housing and Urban Development.

**Marks-Roos Bonds.** Bonds authorized by the Marks-Roos Local Bond Pooling Act of 1985 which provide local agencies with extremely flexible financing powers through participation in joint powers agencies. *See* JOINT POWERS AGREEMENT.

**Master Environmental Assessment (MEA).** An inventory or database identifying environmental characteristics and constraints for use with later environmental impact reports and other environmental documents. Relevant portions of the MEA can be referenced and summarized in preparing later Environmental Impact Reports and negative declarations. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Master Environmental Impact Report (MEIR).** Optional form of Environmental Impact Report for specific kinds of projects involving broad policy decisions, specifically including general plans. *See CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 21156 AND FOLLOWING.* 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. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT, ENVIRONMENTAL IMPACT REPORT.*

**Mean.** The average of a number of figures computed by adding up all the figures and dividing by the number of figures. Compare with MEDIAN and MODE.

**Mean High Tide Line.** The average high tide line in coastal zones. The state of California owns all lands located below the mean high tide line.

**Mean Sea Level.** The average altitude of the sea surface for all tidal stages.

**Median.** The middle number in a series of items where an equal number figures lie above and below it. Compare with MEAN and MODE.

**Median Strip.** The dividing area, either paved or landscaped, between opposing lanes of traffic on a roadway.

**Mello-Roos Bonds.** Locally issued bonds that are repaid by a special tax imposed on property owners within a community facilities district established by a public agency. The bond proceeds can be used for public improvements and for a limited number of services. *See COMMUNITY FACILITIES DISTRICT.*

**Mello-Roos Community Facilities Tax.** Special non-ad valorem tax imposed to finance public capital facilities and services in connection with new development. *See AD VALOREM TAX.*

**Mello-Roos District.** A distinct entity of government for the purpose of imposing and collecting the Mello-Roos Community Facilities Tax. A local agency and a Mello-Roos District may share a common governing body and common boundaries.

**Mercalli Intensity Scale.** A subjective measure of the observed effects (human reactions, structural damage, geologic effects) of an earthquake. Expressed in Roman numerals from I to XII.

**Metes and Bounds.** A system of describing or identifying land using measures (metes) and direction (bounds) from an identifiable point of reference like a monument or other marker, the corner of intersecting streets, or some other permanent fixture.

**Metropolitan Planning Organization (MPO).** A regional council of governments within a metropolitan region as defined by the federal government and authorized under federal law to develop a regional transportation plan. *See COUNCIL OF GOVERNMENTS, SB 375.*

**Microclimate.** The climate of a small, distinct area, such as a city street or a building's courtyard; can be altered through functional landscaping, architecture, or other design features.

**Mineral Resource.** Land on which known deposits of commercially viable mineral or aggregate resources exist. This designation is applied to sites determined by the California Geological Survey as being a resource of regional significance. It is intended to help maintain the quarrying operations and protect them from encroachment of incompatible land uses.

**Minipark.** A small neighborhood park of approximately one acre or less.

**Ministerial (Administrative) Decision.** An action taken by a public 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.

**Minor Land Division.** Contiguous property which is partitioned into four or fewer lots usually qualifies as a minor land division.

**Mitigated Negative Declaration.** A written statement by the lead agency that revisions to a project, agreed to by the applicant, would avoid potential significant adverse impacts, and there is no substantial evidence that the project, as revised, will have a significant effect on the environment. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Mitigation Measures.** Measures that modify a project to reduce or eliminate a significant environmental impact. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Mitigation Monitoring Program.** A program adopted in conjunction with a Mitigated Negative Declaration or Environmental Impact Report that establishes a reporting system designed to ensure compliance to and implementation of the adopted mitigation measures. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Mixed-Use.** Properties on which various uses like office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

**Mobilehome.** A structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single-family dwelling unit that (1) has a minimum of 400 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) is connected to all available permanent utilities; and (4) is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobilehome park.

**Modal Choices.** Transportation options; one's preferred method of transportation, such as walking, bicycling, using an automobile, or riding a bus or rail transit.

**Mode.** (1) In statistics, the number that occurs most frequently in a given series. Compare with MEAN, MEDIAN. (2) A method of transportation.

**Moderate-Income Household.** A household with an annual income between the lower income eligibility limits (generally 80 percent) and 120 percent of the area median family income adjusted by household size, usually as established by the U.S. Department of Housing and Urban Development for the Section 8 housing program.

**Modular Unit.** A factory-fabricated, transportable building or major component designed for use by itself or for incorporation with similar units on site into a structure for residential, commercial, educational, or industrial use. Differs from mobilehomes and manufactured housing by (in addition to lacking an integral chassis or permanent hitch to allow future movement) being subject to California housing law design standards. California standards are more restrictive than federal standards in some respects (for example, plumbing and energy conservation). Also called factory-built housing.

**Moratorium.** 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. *See CALIFORNIA GOVERNMENT CODE SECTION 65858.*

**Motor Vehicle License Fee (VLF).** Fee levied for the privilege of operating a vehicle on public streets. VLF is levied annually at 1.15 percent of the market value of motor vehicles and is imposed by the state “in lieu” of local property taxes. Cities and counties receive 0.65 percent of VLF revenue. VLF is also called Motor Vehicle in-Lieu Tax. *See CALIFORNIA CONSTITUTION ARTICLE XI, SECTION 15; CALIFORNIA VEHICLE CODE SECTIONS 11000 AND FOLLOWING, 10754.*

**Multi-family Units.** Freestanding buildings composed of two or more separate living units, with each unit having its own bedroom, kitchen and bathroom facilities.

**Multiple Family Residential.** A type of housing that has several residential units on a parcel or parcels of land, such as condominiums and apartments.

**Multiplier Effect.** Refers to the impact the recirculation of money through the economy has on job and wealth creation. For example, money paid as salaries to industrial and office workers is spent on housing, food, clothing, and other locally available goods and services. This spending creates jobs in housing construction, retail stores, and professional offices. The wages paid to workers in those industries is again re-spent, creating still more jobs. Overall, one job in an industry that exports most of its production is estimated to create approximately one more job in a supporting industry.

**Municipal Improvement Act of 1913.** Legislation allowing cities, counties, and special districts to levy assessments for the construction or acquisition of public improvements, including power and public transit facilities. Assessments can be levied before construction begins. *See CALIFORNIA STREETS. & HIGHWAYS CODE SECTIONS 10000 AND FOLLOWING.*

**Municipal Services.** Services traditionally provided by local agencies, including water and sewer, roads, parks, schools, and police and fire protection.

## N

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**National Ambient Air Quality Standards.** The prescribed level of pollutants in the outside air that cannot be exceeded legally during a specified time in a specified geographical area.

**National Environmental Policy Act (NEPA).** An act passed in 1969 establishing federal legislation for national environmental policy, a council on environmental quality, and the requirements for environmental impact statements.

**National Flood Insurance Program.** A federal program that authorizes the sale of federally subsidized flood insurance in communities where such flood insurance is not available privately.

**National Historic Preservation Act.** A 1966 federal law that established a National Register of Historic Places and the Advisory Council on Historic Preservation. It authorized grants-in-aid for preserving historic properties.

**National Register of Historic Places.** The official list of national historic sites, districts, buildings, structures, and objects worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the list is part of a program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources.

**Natural State.** The condition existing prior to development.

**Need.** A condition requiring supply or relief that forms a basis for local action. A city or county may act upon findings of need within or on behalf of the community. For example, a lack of access to healthy food could be identified as a need that provides a rationale for local policy relating to community gardens.

**Negative Declaration.** A written statement briefly describing the reasons why a proposed project will not have a significant effect on the environment and does not require an Environmental Impact Report. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Neighborhood Completeness.** A land use indicator for how well a neighborhood provides access to essential goods and services. Examples include affordable housing, fire and police station, full-service grocery store, parks, banks, library, school, and post office.

**Neighborhood Park.** Publicly-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

**Neighborhood Unit.** Planning concept developed by Clarence Perry (1872-1944). Perry believed that cities should be built (or rebuilt) to consist of self-contained residential areas bounded by major roads with shops at the intersections and schools in the middle. Children would be able to walk to school without having to cross major roads, and the limited size of the units (typically 6,000-10,000 inhabitants) would, he believed, encourage community spirit. The theory was first publicized in 1939 in *Housing for the Mechanic Age* and gained rapid acceptance, serving as a template for post-war suburban development.

**Neighborhood.** A planning area commonly identified as such in a community’s planning documents, and by the individuals residing and working within the neighborhood. Documentation may include a map prepared for planning purposes showing the names and boundaries of neighborhoods. Though neighborhoods are not legal designations, they are among the most commonly recognized and understood land use designations.

**Neotraditional Development.** Based on the characteristics typical of pre-World War II communities, neotraditional development emphasizes distinct urban areas, each with their own commercial core and linked to one another by some form of transit. In addition to a central downtown, the many neighborhood centers provide a secondary service area that can be reached on foot from people’s homes. The neighborhood centers may include retail establishments, offices, service providers, cinemas, health clubs, dense housing, and a transit hub. Architecture is typically characterized by enhanced articulation and frequent examples of quality workmanship.

**Net Acreage.** The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road rights-of-way, public open space, and flood ways.

**New Urbanism.** A design philosophy intended to create a strong sense of community by incorporating features of traditional small towns or urban neighborhoods. Compact, walkable neighborhoods with active streets are a key hallmark of new urbanism. The Congress for New Urbanism defines the philosophy according to these principles: “neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.”

**Nexus.** (1) In general, a minimum threshold of connection necessary within a taxing jurisdiction to allow taxing authority over out-of-state individuals or businesses. (2) A reasonable connection between required development impact fees and a development project subject to the fees. *See CALIFORNIA GOVERNMENT CODE SECTIONS 66000 AND FOLLOWING.*

**NIABY.** Not In Anyone’s Back Yard.

**NIMBY.** An acronym for “Not-In-My-Backyard.” Used to characterize opponents of development projects, with the implication that the opposition is based on personal self-interest as opposed to the interests of the larger community. Local agencies’ alleged responsiveness to “NIMBY-ism” is one of the reasons some advocate that state law preempt local agencies’ authority over certain kinds of land use decisions.

**NIMTOO.** Not In My Term Of Office.

**Noise Attenuation.** Reduction of the level of a noise source using a substance, material, or surface, like earth berms and/or solid concrete walls. *See BERM.*

**Noise.** Any sound that is undesirable because it interferes with speech and hearing, is intense enough to damage hearing, or is otherwise annoying.

**Noise Contour.** A line connecting points of equal noise level as measured on the same scale. Noise levels greater than the 60 Ldn contour (measured in dBA) require noise attenuation in residential development. *See* dBA, DAY-NIGHT AVERAGE SOUND LEVEL.

**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.

**Non-Attainment.** The condition of not achieving a desired or required level of performance. Frequently used in reference to air quality.

**Non-conforming Use.** A use that was valid when brought into existence, but by subsequent regulation becomes no longer conforming. It is a generic term and includes (1) non-conforming structures (by virtue of size, type of construction, location on land, or proximity to other structures), (2) non-conforming use of a conforming building, (3) non-conforming use of a non-conforming building, and (4) non-conforming use of land. Thus, 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 non-conforming use. Typically, non-conforming uses are permitted to continue for a designated period of time, subject to certain restrictions.

**Nonpoint Source Pollution.** Pollution affecting a water body from widely spread sources. Such sources range from runoff from agricultural areas draining into a river to wind-borne debris blowing out to sea. Nonpoint source pollution may also include urban runoff, such as contaminated storm water washed off of parking lots, roads and highways, and lawns (often containing fertilizers and pesticides). Nonpoint source pollution can be contrasted with point source pollution, where discharges occur to a body of water at a single location, such as discharges from a chemical factory, urban runoff from a roadway storm drain or from ships at sea. There is some debate about whether various forms of urban runoff should be considered point or nonpoint sources of pollution. *See* POLLUTION, POINT SOURCE.

**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.

**Notice of Completion (NOC).** A notice issued and properly filed by the lead agency upon completion of the Draft Environmental Impact Report. The NOC contains a description of the proposed project. *See* CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**Notice of Determination (NOD).** A notice issued and properly filed by the lead agency upon its approval of a project subject to CEQA, and stating whether or not the project will have a significant effect on the environment. The notice must be filed within five working days of the action approving a project. *See* CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**Notice of Preparation (NOP).** A brief notice issued by the lead agency stating it plans to prepare an Environmental Impact Report for a proposed project. The notice is sent to responsible and trustee agencies and other interested agencies. These parties are asked to comment on the scope of the Environmental Impact Report and potential impacts of the proposed project. These comments are then use to further define the scope of the Environmental Impact Report. *See* CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## O

**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. General plans must spell out the “objectives,” principles, standards, and proposals of the general plan. An objective should be achievable and, where possible, should be measurable and time-specific. “The addition of 100 units of affordable housing by 1995” is an example of an objective. *See* CALIFORNIA GOVERNMENT CODE SECTION 65302.

**Off-gassing.** The release of gas into the air from products treated with chemicals during their manufacture.

**Office of Planning and Research (OPR).** A California state agency that has among its responsibilities the preparation of a set of guidelines for use by local jurisdictions in drafting general plans.

**Official County Scenic Highway.** A segment of state highway identified in the Master Plan of State Highways Eligible for Official Scenic Highway Designation and designated by the Director of the California Department of Transportation (Caltrans).

**Off-site Improvements.** Conditions that can be required of a project that involves the installation of streets, curbs, gutters, sidewalks, street trees and other improvements that are located adjacent to the project on public property.

**Off-the-Grid.** A term used to describe a system that runs on renewable energy sources independent of a conventional public utility grid.

**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.

**Ordinance.** A law or regulation adopted by a public agency, usually a city or county.

**Outdoor Advertising Structure.** A sign or other device used to promote a business, profession, commodity, service, or entertainment available somewhere other than the lot where the structure sits. *See* SIGN.

**Outdoor Recreation Use.** A privately or publicly owned or operated use providing outdoor recreation activities.

**Outer Approach Zone.** Airspace in which an air traffic controller initiates radar monitoring for incoming flights approaching an airport.

**Overlay.** A land use designation on the General Plan Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. For example, overlay zones are often used to deal with areas with special characteristics, like flood zones or historical areas. Development of land subject to an overlay must comply with the regulations of both zones.

**Overlay Zoning.** Additional or stricter standards to existing zoning that can be used to protect particular natural or cultural features or to avoid or mitigate potential hazards. *See ZONING.*

**Ozone Layer.** The protective layer of the earth's atmosphere, about 15 miles above the ground that absorbs some of the sun's ultraviolet rays, thereby reducing the amount of potentially harmful radiation that reaches the earth's surface.

## P

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**Parcel Map (lot split).** A subdivision map that divides a parcel into four or fewer lots. A city or county can place conditions on the approval of parcel maps.

**Parcel Tax.** Special non-ad valorem tax on parcels of property generally based on either a flat per-parcel rate or a variable rate depending on the size, use or number of units on the parcel.

**Parcel.** A lot in single ownership or under single control usually considered a unit for purposes of development.

**Parking Area, Public.** An open area, excluding a street or other public way, used for the parking of automobiles and available to the public, whether for free or for compensation.

**Parking Management.** A Transportation Demand Management technique designed to obtain maximum use from limited parking spaces. It can involve variable pricing and preferential treatment for High-Occupancy Vehicles, non-peak period users, and short-term users.

**Parking Ratio.** The number of parking spaces provided per 1,000 square feet of floor area, for example, 2.1 or "two per thousand."

**Parking Space, Compact.** A compact parking space (usually 7.5 feet wide by 16 feet long when perpendicular to a driveway or aisle) is permitted in some localities on the assumption that many modern cars are significantly smaller, and require less room, than a standard automobile. A standard parking space, when perpendicular to a driveway or aisle, is usually 8.5 feet wide by 18 feet long.

**Parking, Shared.** A public or private parking area used jointly by two or more uses.

**Parkland; Park Land.** Land that is publicly owned or controlled for the purpose of providing parks, recreation, or open space for public use.

**Parks.** Open space lands whose primary purpose is recreation.

**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 a “planter strip.”

**Parkway.** An expressway or freeway designed for non-commercial traffic; usually located within a strip of landscaped park or natural vegetation.

**Particulate Matter (PM).** Very small pieces of solid or liquid matter such as particles of soot, dust, fumes, mists or aerosols that enter the atmosphere.

**Pay As You Go.** Concept of paying for capital projects when the initial cost is incurred, rather than over time through the use of debt financing.

**Pay As You Use.** Concept that debt financing enables the public entity to spread the cost of a capital project over time, as the project is being used.

**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. *See* LEVEL OF SERVICE (TRAFFIC).

**Pedestrian Friendly.** A street, neighborhood, or agency that supports, through planning and zoning, the location of stores, offices, residences, schools, recreational areas, and other public facilities within walking distance of each other, and oriented to promote pedestrian access. Such areas also often feature narrow streets, street trees, awnings, covered transit shelters, benches, brick paving or other less conventional paving types, sidewalks on both sides of the roadway, and safe street crossings, among other elements.

**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 may provide specific criteria to limit noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, or visual impact of a use.

**Permit.** A specific authorization from a planning body to engage in a particular type of development or activity.

**Permitted Use.** An authorized use within a zoning district.

**Pervious.** Permeable; allows something to pass through it.

**PHA: Public Housing Agency.** An agency created by state or local agencies and eligible to receive federal funds to finance or operate low-income housing.

**Photovoltaic Cell.** A device that converts sunlight into electricity.

**Physical Diversity.** A quality of a site, community or region where 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. Plan lines are typically depicted on a map showing the streets, lot lines and the proposed right-of-way lines, and the distance 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. *See* HOME OWNERS' ASSOCIATION.

**Planned Unit Development (PUD).** Land use zoning which allows the adoption of a set of development standards that are specific to a particular project. PUD zones usually do not contain detailed development standards. Those are established during the process of considering proposals and adopted by ordinance upon project approval.

**Planning Area.** The area directly addressed by the general plan. A city or county planning area typically encompasses the agency's boundaries and potentially annexable land within its sphere of influence.

**Planning Commission.** A body, usually having five or seven members, created by a city or county. California law requires the assignment of the planning functions to a planning department, planning commission, hearing officers, and/or the legislative body itself, as deemed appropriate by the legislative body. *See* CALIFORNIA GOVERNMENT CODE SECTIONS 65100 AND FOLLOWING.

**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 and Fire Special Tax.** Special tax on parcels of property to support police or fire protection or both.

**Police Power.** The legal basis for all planning and land use regulation. This power emanates from the Tenth Amendment to the United States Constitution and entitles states to take actions to protect the public's health, safety and welfare. In turn, the California Constitution grants the same power to cities and counties – but limits the grant to the extent that local regulations may not conflict with state law.

**Policy.** A statement of a public body that forms the basis for enacting legislation or making decisions.

**Pollution.** A change in the physical, chemical, or biological characteristics of the air, water, or soil that can affect the health, survival, or activities of one or more forms of life in an unwanted way.

**Pollution, Nonpoint Source.** *See* NONPOINT SOURCE POLLUTION.

**Pollution, Point Source.** A single, identifiable, discrete source from which pollution is generated. For example, a smokestacks, ditch, pipe, sewer outfall, or an industrial waste pipe.

**Poverty Level.** As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index. The index provides a range of income cutoffs or "poverty thresholds" varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

**Prefabricated.** Standardized building sections that are created in a factory to be shipped and assembled in another location. *See* MODULAR UNIT.

**Prime Agricultural Land.** (1) Land used actively in the production of food, fiber, or livestock. (2) All land that qualifies for rating as Class I or Class II in the Natural Resources Conservation Service land use compatibility classifications. (3) Land that qualifies for rating 80 through 100 in the Storie Index Rating. (4) Land meeting certain economic or production criteria that may be enrolled for special property tax valuation under California's Williamson Act. *See* STORIE INDEX, WILLIAMSON ACT.

**Prime Farmland.** Land that has the best combination of physical and chemical characteristics for the production of crops as determined by the U.S. Department of Agriculture. Prime Farmland does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

**Principal.** "Face" or "par value" of a financial instrument. It does not include accrued interest.

**Private Road/Private Street.** Privately owned (and usually privately maintained) motor vehicle access that is not dedicated as a public street. Typically the owner posts a sign indicating that the street is private property and limits traffic in some fashion. For density calculation purposes, some jurisdictions exclude private roads when establishing the total acreage of the site; however, aisles within and driveways serving private parking lots are not considered private roads.

**Pro Rata.** Refers to the proportionate distribution of something to something else or to some group. For example, the cost of infrastructure improvements associated with new development apportioned to the users of the infrastructure on the basis of projected use.

**Program.** An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective.

**Project.** Under CEQA, the whole of an action that has a potential for resulting in physical change to the environment, and is an activity subject to one or more discretionary approvals by public agencies. A project may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit. CEQA applies to projects undertaken by a public agency, funded by a public agency or that requires an issuance of a permit by a public agency. *See* CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**Property Tax.** A tax imposed on real property (land and permanently attached improvements) and tangible personal property (movable property). It is based on the value of the property. *See* AD VALOREM TAX.

**Proposition 4.** Passed in 1979 and also called the Gann Initiative and now Article XIII B of the state constitution, was drafted to be a companion measure to Proposition 13, Article XIII A of the constitution. Article XIII B limits growth in government spending to changes in population and inflation.

**Proposition 13.** Article XIII A of the California Constitution, commonly known as Proposition 13, approved in 1978, caps the base ad valorem tax on real property to 1 percent of the full cash value of the property and limits the annual increase in assessed value to 2 percent.

**Proposition 62.** A 1986 proposition that, among other things, implemented a majority vote requirement for general taxes. This portion of Proposition 62 was later ruled unconstitutional.

**Proposition 98.** Passed in 1988, this measure establishes a minimum level of funding for public schools and community colleges. This measure also provides that any state revenues in excess of the appropriations limit be spent on schools.

**Proposition 172.** A 1993 measure which placed a one-half cent sales tax for local public safety in the state constitution. The tax is imposed by the state and distributed to cities and counties.

**Proposition 218** Approved in 1996, Proposition 218 requires voter approval for all taxes and for certain fees that are “property-related.” Defining what is and is not a property-related fee has been the subject of several court cases. Proposition 218 imposes procedures for benefit assessments for capital improvements such as streets, sidewalks and landscaping. *See* BENEFIT ASSESSMENT.

**Proximity.** The distance between different land uses such as residential and commercial.

**Public and Quasi-Public Facilities.** Institutional, academic, governmental and community service uses, either owned publicly or operated by nonprofit organizations, including private hospitals and cemeteries.

**Public Records.** Most public agency documents are public records that must be made available for public inspection upon request. Agendas and other documents distributed by any person to a majority of the legislative body in connection with any matter subject to discussion at a public meeting item are public records, which must be made available to the public “without delay.” If the agency distributes material prepared by it (including consultants) or a member of the legislative body during a meeting, copies of the material must be available for public inspection at the meeting. Materials prepared by some other person and distributed during a meeting must be made available after the meeting. *See* CALIFORNIA GOVERNMENT CODE SECTIONS 54957.5 AND 6250 (OPEN MEETINGS LAW MATERIALS AVAILABILITY REQUIREMENTS). *See* BROWN ACT.

**Public Services.** *See* MUNICIPAL SERVICES.

## Q

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**Quality of Life.** The degree to which individuals perceive themselves as able to function physically, emotionally and socially. Quality of life includes all aspects of community life that have a direct influence on the physical and mental health of its members.

## R

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**Radiant Heating.** An efficient heating system that warms cold objects, which then radiate heat into the surrounding space evenly.

**Rail Banking.** The practice of leaving the tracks, bridges and other infrastructure intact for potential use as trails or to preserve railroad rights-of-way.

**Ranchette.** A single dwelling unit occupied by a non-farming household on a parcel of 2.5 to 20 acres that has been subdivided from agricultural land.

**Reclamation.** (1) The reuse of resources, such as those present in solid wastes or sewage. (2) The conversion of areas inundated by water or subject to periodic flooding for agricultural or other uses.

**Reconstruction.** As used in historic preservation, the process of reproducing by new construction the exact form and detail of a vanished structure as it appeared during a specific period of time. Reconstruction is often undertaken when the property to be reconstructed is essential for understanding and interpreting the value of a historic district and sufficient documentation exists to insure a faithful reproduction of the original.

**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.

**Recreation, Passive.** Type of recreation or activity that does not require the use of organized play areas.

**Redevelop/Redevelopment.** Building new construction on a site that has pre-existing uses or renovating existing uses on a site. Redevelopment generally is a strategy to rehabilitate blighted urban areas through renovation. In California, "Redevelopment" is a tool created by state law to assist local governments in eliminating blight from a designated area, as well as to achieve the goals of development, reconstruction, and rehabilitation of residential, commercial, industrial and retail districts. Cities and counties may establish redevelopment agencies which have special powers to achieve these goals. *See CALIFORNIA HEALTH & SAFETY CODE SECTIONS 33000 AND FOLLOWING.*

**Redevelopment Agency (RDA).** A local agency created by a city or county to promote the redevelopment of blighted areas. Redevelopment agencies identify blighted areas, then create and implement plans to redevelop those areas. They may work with other public agencies or private partners in implementing redevelopment plans. Redevelopment agencies have authority to acquire real property, the power of eminent domain, authority to develop and sell property without bidding, and the authority and obligation to relocate persons displaced by redevelopment. Redevelopment agencies can use a variety of financing tools, including Tax Increment Financing, selling bonds, and borrowing from federal or state governments, or private sources. *See CALIFORNIA CONSTITUTION ARTICLE XVI, SECTION 16; CALIFORNIA HEALTH & SAFETY CODE SECTIONS 33600 AND FOLLOWING. See also TAX INCREMENT FINANCING.*

**Referendum.** A voter challenge to legislative action taken by a city council or county board of supervisors. When enough signatures are filed, the governing body must either rescind its decision or place the issue on the ballot for a vote.

**Reforestation.** Planting forests on lands that have previously contained forests but that have been converted to some other 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 Assessment/Allocation (RHNA).** A determination of the existing and projected need for housing within a region, made by a council of governments (COG) or by the California Department of Housing and Community Development (HCD). The RHNA numerically allocates the future housing need by household income group for each locality within the region. This allocation must be reflected in the housing element of an agency's general plan.

**Regional Housing Needs Plan/Share.** A quantification by a council of governments or by the California Department of Housing and Community Development of existing and projected housing need, by household income group, for all localities within a region.

**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.

**Regional Transportation Plan (RTP).** A plan that, among other things, outlines transportation investments for a region. It is drafted by a metropolitan planning organization or regional transportation planning agency every four years (five years in regions that have attained federal air quality standards) and includes a 20-year outlook for likely growth in the region.

**Regional Transportation Planning Agency (RTPA).** A countywide agency authorized under California law to develop a regional transportation plan in areas not served by a metropolitan planning organization.

**Regulation.** A rule or order issued by a public agency having the force of law.

**Regulatory Taking.** A regulatory taking occurs when a regulation becomes so onerous that it has the practical effect of a physical appropriation of land. An extreme example would be zoning private land as a public park. Such a regulation does two things: 1) it prevents the owner from putting the land to any economic use, and 2) it prevents the owner from exercising one of the most fundamental characteristics of property ownership: the right to exclude others. Thus, the regulation would have a similar effect as if the public agency had condemned the land and built a park. *See* TAKING.

**Rehabilitation.** The repair, preservation, and/or improvement of existing structures, such as substandard housing.

**Reimbursement for State Mandated Costs.** Requirement that the state must reimburse local agencies for the cost of state-imposed programs. The requirement is commonly referred to as the "SB 90" process after its original 1972 legislation. *See* CALIFORNIA CONSTITUTION ARTICLE XIII B, SECTION 6.

**Relocation Permit.** A permit issued by a locality to allow a building to be moved to a lot within the locality if the building is to cross a public street, alley or easement.

**Renewable Energy.** Energy derived from sources that do not deplete natural resources. Examples include solar, wind, and geothermal energy from the earth's core.

**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 land.

**Responsible Agency.** All public agencies other than the lead agency that have discretionary approval over a project. Responsible agencies send comments to the lead agency regarding the environmental impacts about which they have expertise. *See CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

**Retrofit.** To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

**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.

**Richter Scale.** A measure of the size or energy release of an earthquake at its source. The scale is logarithmic; the wave amplitude of each number on the scale is 10 times greater than that of the previous whole number.

**Ridgeline.** A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

**Right-of-Way.** A strip of land occupied or intended to be occupied by certain transportation and public use facilities, like roads, railroads, and utility lines.

**Riparian Lands.** Plant and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near freshwater.

**Riparian Rights.** The right of a landowner to make use of the water in a river or stream on or bordering a property.

**Runoff.** Water from rain or snow that is not absorbed into the ground but instead flows over less permeable surfaces into streams and rivers.

## S

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**Safety Element.** One of the seven state-mandated elements of a local general plan. The safety element 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. At the discretion of the locality, many safety elements also incorporate a review of police, emergency services, or other public safety needs, objectives, facilities, and services.

**Sales Tax.** Tax imposed on retailers for the privilege of selling tangible personal property in California. The tax base is the total retail price.

**Sanitary Landfill.** The controlled placement of refuse within a limited area, followed by compaction and covering with a suitable thickness of earth and other containment material.

**Sanitary Sewer.** A system of subterranean conduits that carries refuse liquids or waste matter to a plant where the sewage is treated, as contrasted with storm drainage systems (that carry surface water) and septic tanks or leech fields (that hold refuse liquids and waste matter on-site).

**SB 375.** SB 375 (Chapter 728, Statutes of 2008) directs the California Air Resources Board to set regional targets for metropolitan planning organizations (MPOs) to reduce greenhouse gas emissions from cars and light trucks. SB 375 aligns the regional allocation of housing needs and regional transportation planning in an effort to reduce greenhouse gas emissions from motor vehicle trips. *See* METROPOLITAN PLANNING ORGANIZATION, REGIONAL TRANSPORTATION PLAN.

**Scenic Highway Corridor.** The area outside a highway right-of-way that is generally visible to persons traveling on the highway.

**Scenic Highway/Scenic Route.** A highway, road, drive, or street that, in addition to its transportation function, provides opportunities for the enjoyment of natural and scenic resources and access or direct views to areas or scenes of exceptional beauty or historic or cultural interest. The aesthetic values of scenic routes often are protected and enhanced by regulations governing the development of property or the placement of outdoor advertising.

**School Impact Fees.** Fees imposed on new developments to offset their impacts on area schools.

**Second Unit.** A self-contained attached or detached living unit in addition to a primary residential unit on a single lot. *See* GRANNY FLAT.

**Section 8 Rental Assistance Program.** A federal rent-subsidy program (administered by the U.S. Department of Housing and Urban Development) that is one of the main sources of federal housing assistance for low-income households. The program provides “housing assistance payments” to owners, developers, and public housing agencies to make up the difference between the “Fair Market Rent” of a unit (set by the U.S. Department of Housing and Urban Development) and the household’s contribution toward the rent, which is calculated at 30 percent of the household’s adjusted gross monthly income (GMI). “Section 8” includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

**Seiche.** A standing wave in an enclosed or partially enclosed body of water such as a lake, reservoir, or bay. Seiches may be caused by wind, seismic activity, or tsunamis and are often imperceptible to the naked eye.

**Seismic.** Caused by or subject to earthquakes or earth vibrations.

**Senior Housing.** Typically one- and two-bedroom apartments or condominiums designed to meet the needs of and restricted to occupancy by persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older.

**Septic System.** A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen. Septic systems are often used for individual-home waste disposal where an urban sewer system is not available.

**Service Charges.** Charges imposed to support services to individuals or to cover the cost of providing such services. The fees charged are limited to the cost of providing the service or regulation required (plus overhead).

**Setback.** The minimum distance required by zoning to be maintained between two structures or between a structure and a property line.

**Setback Regulations.** The requirements that a building be set back a certain distance from the front, side or rear lot line. The frontage or front of a lot is usually defined as the side nearest the street. On a corner lot, the narrowest side is usually determined to be the front lot line. In triangular or other odd-shaped lots, rear lot lines may need to be defined more precisely in the code or judged by the planning commission or other hearing body with appropriate jurisdiction on a case-by-case basis.

**Settlement.** (1) The drop in elevation of a ground surface caused by settling or compacting. (2) The gradual downward movement of an engineered structure due to compaction. Differential settlement is uneven settlement, where one part of a structure settles more or at a different rate than another part.

**Short-Term Financing Methods.** Fiscal management techniques used for many purposes, such as meeting anticipated cash flow deficits, interim financing of a project, and project implementation. Using these techniques often involves issuance of short-term notes. Voter approval is not required.

**Sign Permit.** This permit allows for a sign to be erected in compliance with stated policies or conditions.

**Sign.** Any outdoor or indoor object, device, display or structure that is used to advertise, identify, display, direct or attract attention to a person, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Significant Effect/Impact.** Under CEQA, a “significant effect” is a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Authority to determine whether or not a potential effect is significant rests with the lead agency for a project, and must be based on substantial evidence that the project may have a significant effect. *See* TITLE 14 CALIFORNIA CODE OF REGULATIONS SECTIONS 15000 AND FOLLOWING. *See also* CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**Siltation.** (1) The accumulating deposition of eroded material. (2) The gradual filling in of streams and other bodies of water with sand, silt, and clay.

**Single Room Occupancy (SRO).** A type of residential hotel offering one-room units for long-term occupancy by one or two people. SROs may have a kitchen or bath facilities (but not both) in the room. In most locations, SROs are the lowest-cost type of standard permanent housing.

**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.

**Site Plan.** A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, public open space, buildings, major landscape features – both natural and man-made – and, depending on requirements, the locations of proposed utility lines.

**Site Plan Review.** The process whereby local officials, usually the planning commission and staff, review the site plans of a developer to assure that they meet the purposes and standards of the zone, provide for necessary public facilities like streets, parks, and schools, and protect adjacent properties through appropriate siting of structures and landscaping.

**Smart Growth.** A broad concept that describes the change in community design from post-World War II development principles to development that better serves the economic, environmental and social needs of communities. 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.

**Smart Code.** A comprehensive form-based zoning and planning approach that incorporates smart growth and New Urbanism principles to help organize the human habitat. It is based on the idea of the Transect, which defines a continuum of urbanized conditions ranging from the permanently rural and undeveloped, to the dense, intensely urbanized city centers. *See* NEW URBANISM.

**Solar Access.** The provision of direct sunlight to an area specified for solar energy collection.

**Solar System, Active.** A system using a mechanical device, like a pump or a fan, and energy in addition to solar energy to transport a conductive medium (air or water) between a solar collector and the interior of a building for the purpose of heating or cooling.

**Solar System, Passive.** A system that uses direct heat transfer from thermal mass instead of mechanical power to distribute or dissipate collected heat. Passive systems rely on building design and materials to collect and store heat and to create natural ventilation for cooling.

**Solid Waste.** Any unwanted or discarded material that is not a liquid or gas. Includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood, but does not include sewage and hazardous materials. Organic wastes and paper products comprise about 75 percent of typical urban solid waste.

**Special District.** A governmental entity formed to deliver a specific service, like fire protection, water service, recreation or the maintenance of open space.

**Special Populations.** Certain classifications used to identify target groups including the poor, women, children, the elderly, and members of racial/ethnic minority groups.

**Special Tax.** A tax imposed for a specific purpose. Two-thirds of voters must agree to adopt, increase, or extend a special tax.

**Specific Plan.** A plan that an agency may adopt to implement the general plan in all or part of the area covered by the general plan. *See CALIFORNIA GOVERNMENT CODE SECTION 65450.* A specific plan must specify in detail the land uses, public and private facilities needed to support the land uses, phasing of development, standards for the conservation, development, and use of natural resources, and a program of implementation measures, including financing measures.

**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.** The probable future physical boundaries and service area of a local agency, as determined by the Local Agency Formation Commission (LAFCO) for the county within which the agency is located. *See LOCAL AGENCY FORMATION COMMISSION.*

**Spot Zoning.** The awarding of a use classification to an isolated parcel of land that is detrimental or incompatible with the uses of the surrounding area, particularly when such an act favors a particular owner. A special circumstance like historical value, environmental importance, or scenic value could justify special zoning for a small area.

**Sprawl, Urban/Suburban.** The spreading of a city and its suburbs over rural land at the fringe of an urban area. Characteristics of sprawl include single-use zoning that often separates housing from jobs and commercial centers; low-density land use focused on single-family homes; and automobile-dependent communities with extensive land devoted to parking that often require residents to commute and conduct errands by car. The term sprawl generally has negative connotations due to associated health and environmental issues. For example, residents of sprawling neighborhoods tend to emit more pollution per person and suffer more traffic fatalities. Sprawl is also linked with increased obesity since walking and bicycling are often not viable commuting options. Sprawl is controversial, however, with supporters claiming that consumers prefer lower density neighborhoods and that sprawl does not necessarily increase traffic.

**Standards.** (1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied. General plans must spell out the objectives, principles, “standards,” and proposals of the general plan. *See CALIFORNIA GOVERNMENT CODE SECTION 65302.* Examples of standards might include the number of acres of park land 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.

**State Clearinghouse.** In California, the State Clearinghouse has traditionally been part of the Governor's Office of Planning and Research, and is responsible for distributing environmental documents to state agencies. Lead agencies are required to submit their draft Environmental Impact Reports or negative declarations if a state agency is the lead agency, a state agency is a responsible agency or trustee agency or the project is of statewide, regional or area importance. *See* CALIFORNIA ENVIRONMENTAL QUALITY ACT; PLANNING AND RESEARCH, OFFICE OF.

**State Responsibility Areas.** Areas of the state in which the financial responsibility for preventing and suppressing fires has been determined by the State Board of Forestry to be primarily the responsibility of the state rather than local agencies or private property owners. *See* CALIFORNIA PUBLIC RESOURCES CODE SECTION 4125.

**Stock Cooperative Housing.** Multiple-family ownership housing in which the occupant of a unit holds a share of stock in a corporation that owns the structure in which the unit is located.

**Storie Index.** A numerical system (0-100) rating the degree to which a particular soil can grow plants or produce crops, based on four factors: soil profile, surface texture, slope, and soil limitations.

**Stormwater Detention.** Any storm drainage technique that retards or detains runoff, like detention or retention basins, parking lot storage, rooftop storage, porous pavement, or dry wells.

**Street Furniture.** Features associated with a street that are intended to enhance its physical character and use by pedestrians and bicyclists, such as benches, trash receptacles, kiosks, lights, bicycle racks, and newspaper racks.

**Street Network or Grid.** The patterns formed by roadways and the extent to which they are connected to each other. For example, the traditional urban block-like grid involves a dense matrix of interconnected streets typically seen in older urban areas. On the other hand, a hierarchical grid, common in most suburban areas, consists of sets of minor streets and cul-de-sacs that feed into secondary roadways that ultimately feed into major roadways. *See* CONNECTIVITY.

**Street Trees.** Trees strategically planted-usually in parkway strips, medians, or along streets-to enhance the visual quality of a street.

**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.

**Street right-of-way.** Publicly owned land that contains both the street and a strip of land on either side of the street with facilities such as sidewalks, sewers and storm drains.

**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 General Plan 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.

**Streetscaping.** Physical enhancements that affect the appearance or view of a street. Streetscaping can include changes to the road cross section, traffic management, sidewalk conditions, landscaping, street furniture (such as utility poles, benches, or garbage cans), building fronts and materials, signage, and other amenities.

**Strip Development.** Commercial and higher-density residential development located adjacent to major streets. This type of development is characterized by its shallow depth, street-oriented layout, and numerous points of automobile access.

**Strip Zoning.** A zone normally consisting of a ribbon of uses fronting both sides of a major street and extending inward for approximately half a block. Strip commercial development is the most common form.

**Structure.** Anything constructed or erected that requires location on the ground (excluding swimming pools, fences, and walls used as fences).

**Subdivision Map Act.** State law that vests the regulation and control of the design and improvement of subdivisions in local legislative bodies, including the requirement for tentative and final subdivision maps. *See CALIFORNIA GOVERNMENT CODE SECTIONS 66410 AND FOLLOWING.*

**Subdivision.** The division of a tract of land into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities.

**Subregional.** Pertaining to a portion of a region. Subregions may be formally recognized in law or regulation, or comprise informal portions of a region with distinct physical, social, economic or other characteristics.

**Subsidence.** The sudden sinking or gradual downward settling and compaction of soil and other surface material with little or no horizontal motion. Subsidence may be caused by a variety of human and natural activities, including earthquakes.

**Subsidize.** To assist by payment of a sum of money or by the granting of terms or favors which reduce the need for monetary expenditures. For example, housing subsidies may take the form of mortgage interest deductions or tax credits from federal and/or state income taxes, sale or lease at less than market value of land to be used for the construction of housing, or payments to supplement a minimum affordable rent.

**Substandard Housing.** Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

**Substantial Evidence.** Under some circumstances, a local agency's land use decision must be supported by what is called "substantial evidence" in light of the whole record. The agency's findings must be supported by substantial evidence and then the findings must support the agency's decision. For example, agency determinations that a project may have a significant effect or impact on the environment must be supported by substantial evidence. Substantial evidence does not include information or conclusions that are purely hypothetical, speculative, or based upon conjecture.

**Substantial Rehabilitation.** Repair, preservation or improvement of a dwelling unit, the value of which is at least 25 percent of the after-rehabilitation value of the dwelling unit, including land value.

**Subvention.** A type of financial support provided by one level of government to another. The state levies certain taxes that are provided to counties and cities. The motor vehicle license fee and the motor vehicle fuel tax are examples. Most subventions are restricted to particular programs (for example, gas tax receipts can only be used for streets and transportation). Some can be spent as a county or city's leaders think best (such as vehicle license fees). *See* MOTOR VEHICLE LICENSE FEE.

**Supplemental Property Tax.** In the event a property changes ownership, the county collects a supplemental property tax assessment in the current tax year by determining a supplemental value over the current assessed value of the property. In future tax periods, the property carries the full cash value.

**Sustainable/Sustainability.** Broadly, to keep up or keep going, to maintain an action or process. In the context of land use and environmental sustainability, there are many definitions and some debate about their merits. The U.S. National Environmental Policy Act of 1969 declared as its goal a national policy to "create and maintain conditions under which [humans] and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans." The United Nations' 1987 *Report of World Commission on Environment and Development: Our Common Future* defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

**Sustainable Communities Strategy (SCS).** A regional growth strategy required under SB 375 that, in combination with transportation policies and programs, strives to reduce greenhouse gas (GHG) emissions, and, if it is feasible, achieves regional GHG reduction targets set by the California Air Resources Board. The SCS is part of a Regional Transportation Plan; must comply with federal law; and must be based upon "current planning assumptions" that include the information in local general plans and sphere of influence boundaries. *See* SB 375.

**Sustainable Development.** (1) A pattern of physical development and resource use that aims to meet human needs while preserving the environment, often stated as development meeting the needs of the present without compromising the ability of future generations to meet their own needs. (2) Physical development that simultaneously provides for economic prosperity, environmental quality, and social equity.

## T

**Taking.** A taking occurs when a public agency takes, occupies, or encroaches upon private land for its own proposed use, such as to build roads, create parks, or develop other public uses. These actions—called eminent domain or condemnation actions—are premised upon the payment of just compensation or fair market value for the property.

**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 Allocation Bonds.** Bonds issued by redevelopment agencies to revitalize blighted and economically depressed areas of the community and to promote economic growth. The bonds “allocate” some portion of the property tax increment accruing to the redevelopment agency to repay bond holders.

**Tax Allocation Districts.** Defined areas where real estate property tax money gathered above a certain threshold for a certain period of time (typically 25 years) is used for a specified improvement. The funds raised from a tax allocation district are placed in a tax-free fund where the money can continue to grow. These improvements are typically for revitalization and especially to complete redevelopment efforts. Tax increment financing may be used in a tax allocation district. *See* TAX INCREMENT FINANCING.

**Tax Base.** The objects or transactions to which a tax is applied (such as parcels of property or retail sales). State law or local ordinances define the tax base and the objects or transactions exempted from taxation.

**Tax Increment.** Additional tax revenues that result from increases in property values within a redevelopment 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 housing affordable to low- and very-low income residents.

**Tax Increment Financing.** A tax incentive designed to attract business investment by dedicating to the project area the new property tax revenues generated by redevelopment. The increase in revenues (increment) is used to finance development-related costs in that district. *See* REDEVELOPMENT AGENCY.

**Tax Rate.** The amount of tax applied to the tax base. The rate may be flat, incremental or a percentage of the tax base, or any other reasonable method.

**Tax.** Compulsory charge levied by a government for the purpose of financing services performed for the common benefit.

**TEA-21.** The Transportation Equity Act for the 21st Century (TEA-21), which was enacted June 9, 1998, as Public Law 105-178. TEA-21 authorized the federal surface transportation programs for highways, highway safety, and transit for the 6-year period 1998-2003. This law provided authorization and funding to transform outdated transportation priorities.

**Telecommuting.** Working at home or in a location other than the primary place of work and communicating with the workplace and conducting work via wireless or telephone lines, typically in conjunction with computers or other electronic devices.

**Temporary Use.** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Tentative Subdivision Map.** A map showing the design of a proposed subdivision of five or more lots. It includes existing conditions in and around the subdivision. This is the stage when a city or county must place all the restrictions it deems necessary on the map. The term “tentative” is misleading, because additional conditions or substantive design changes cannot be required once a tentative subdivision map is approved. *See* SUBDIVISION MAP ACT.

**Tract Map.** *See* FINAL SUBDIVISION MAP.

**Traffic Calming.** A strategic set of physical changes to streets to reduce vehicle speeds and volumes. It refers to the use of street design techniques, such as curb extensions, widened sidewalks, traffic circles and speed humps, to slow and control the flow of automobile traffic.

**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 in a predictable way by persons living in residential areas who are attracted by various non-residential land uses.

**Traffic Zone.** 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.

**Transect.** A path or line used for sampling the characteristics of different areas, such as a transition from one neighborhood to another. A transect may also be a line dividing two areas for comparison.

**Transect Planning.** The urban-to-rural transect is an urban planning model created by New Urbanist Andrés Duany. The transect defines a series of zones in transition from sparse rural farmhouses to the dense urban core. Each zone is fractal in that it contains a similar transition from the edge to the center of the neighborhood. The transect is an important concept in the New Urbanism and smart growth movements. *See* NEW URBANISM.

**Transfer of Development Rights (TDR).** Also known as “Transfer of Development Credits,” a program that can relocate potential development from areas where proposed land uses 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.

**Transient Occupancy Tax (TOT).** Local tax on persons staying 30 days or less in a hotel, inn, motel, tourist home, non-membership campground or other lodging facility. Also called Transient Lodging Tax or Bed Tax.

**Transit.** The conveyance of persons or goods from one place to another by means of a local or regional public transportation system.

**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.

**Transit-Dependent.** Refers to persons unable to operate automobiles or other motorized vehicles, or those who do not own motorized vehicles. Transit-dependent citizens must rely on transit, paratransit, or owners of private vehicles for transportation. Transit-dependent citizens include the young, the disabled, the elderly, the poor, and those with prior violations of motor vehicle laws.

**Transit-Oriented Development (TOD).** Moderate- to higher-density development, located within easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding the auto. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.

**Transition Zone.** Controlled airspace designated for aircraft approach extending upward from 700 or more feet above the ground. The transition zone lies closer to an airport than the outer approach zone and outside of the inner approach zone.

**Transitional Housing.** Shelter provided to the homeless for an extended period, often as long as 18 months and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

**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. For example, TDM attempts to reduce the number of persons who drive alone during the commute period and to increase the number in carpools, vanpools, buses or trains, or walking or biking. TDM can be an element of TSM (see below).

**Transportation Systems Management (TSM).** A comprehensive strategy to coordinate many forms of transportation (such as car, bus, carpool, rail transit, bicycle and pedestrian modes) to reduce the impact of additional development on transportation capacity. Transportation Systems Management focuses on using existing highway and transit systems more efficiently rather than expanding them. Computerized traffic signals, metered freeway ramps, one-way streets, rideshare matching services and other TSM measures are characterized by their low cost and quick implementation time frame.

**Transportation Tax.** Special tax imposed by counties for county transportation needs. Typically collected with the sales and use tax, some cities receive a portion of the transportation tax, usually in .25 percent tax rate increments.

**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).

**Trip Generation.** The dynamics that account for people making trips in automobiles or by means of public transportation, walking or bicycling. 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 or regional transportation system. Trip origins of households are correlated with destinations that attract household members for specific purposes.

**Truck Route.** A path of circulation required for all vehicles exceeding set weight or axle limits, a truck route follows major arterials through commercial or industrial areas and avoids sensitive areas.

**Tsunami.** A wave, or series of waves, generated when a large volume of a body of water, such as an ocean, bay, or lake, is displaced rapidly. Tsunamis may be caused by earthquakes, volcanic eruptions or other underwater explosions, landslides, or other disturbances.

**Turbidity.** A thick, hazy condition of air or water resulting from the presence of suspended particulates or other pollutants.

## U

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**Underutilized Parcel.** A parcel that is not developed to its full zoning potential.

**Undevelopable.** Specific areas where topographic, geologic, and/or 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 building code that sets 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 providing for the conservation and rehabilitation of housing in accordance with the Uniform Building Code (UBC).

**Universal Design.** Design of buildings, products and environments that are usable and effective for everyone, not just people with disabilities. The Center for Universal Design identifies seven principles of universal design: 1) equitable use; 2) flexibility in use; 3) simple and intuitive; 4) perceptible information; 5) tolerance for error; 6) low physical effort; 7) size and space for approach and use.

**Upzone.** The rezoning of land to a less restrictive zone (for example, from industrial to residential). Upzoning generally increases the economic value of land. *See* ZONING.

**Urban.** Of, relating to, characteristic of, or constituting a city. Urban areas are generally characterized by moderate and higher density residential, commercial, and industrial development, and the availability of public services required for that development, specifically central water and sewer, an extensive road network, public transit, and other such services (for example, safety and emergency response). Development not providing such services may be “non-urban” or “rural.”

**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 Forestry.** Urban forestry is the careful care and management of urban forests. These are tree populations in urban settings maintained to improve the urban environment. Urban forestry advocates the role of trees as a critical part of the urban infrastructure. Trees cool cities and save energy; improve air quality; strengthen quality of place and local economies; reduce storm water runoff; improve social connections; complement smart growth; and create walkable communities.

**Urban Growth Boundary.** An officially adopted and mapped line dividing land to be developed from land to be protected for natural or rural uses. Urban growth boundaries (also called urban limit lines) are regulatory tools, often designated for long periods of time (20 or more years) to provide greater certainty for both development and conservation goals.

**Urban Heat Island.** Refers to the tendency for urban areas to have warmer air temperatures than the surrounding rural landscape, due to the extensive surface area of streets, sidewalks, parking lots, and buildings. These surfaces absorb solar radiation during the day and release it at night, resulting in higher temperatures.

**Urban Land Use.** Residential, commercial, or industrial land use in areas where urban services are available.

**Urban Limit Line.** *See* URBAN GROWTH BOUNDARY.

**Urban Reserve.** An area outside of an urban service area but within an urban growth boundary, in which future development and extension of municipal services are contemplated but not imminent.

**Urban Services Area.** (1) An area in which urban services will be provided and outside of which such services will not be extended. (2) Developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the sphere of influence of a city, which is served or will be served by urban facilities, utilities, and services during the first five years of an adopted capital improvement program. The boundary around an urban service area is called the “urban service area boundary” and is developed in cooperation with a city and adopted by the county’s local agency formation commission (LAFCO). *See* CALIFORNIA GOVERNMENT CODE SECTION 56080. *See also* LOCAL AGENCY FORMATION COMMISSION.

**Urban Services.** Utilities (like water, gas, electricity, and sewer) and public services (like police, fire, schools, parks, and recreation) provided to an urbanized or urbanizing area.

**Use Permit.** Formal permission following a review by a public agency for a discretionary activity, function or operation on a site or in a building or facility. A use permit may be issued with various conditions of approval.

**Use Tax.** The use tax is imposed on the purchaser of a product whenever the sales tax does not apply, such as on goods purchased out-of-state and delivered for use in California and on long-term leases. The tax base is the total retail price.

**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.

**Utility Corridors.** Rights-of-way or easements for utility lines on either publicly or privately owned property.

**Utility Users Tax.** Tax imposed on the consumer (residential and/or commercial) of any combination of electric, gas, cable television, water, and telephone services.

## V

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**Vacant.** Lands or buildings that are not actively used for any purpose.

**Variance.** Relief from certain provisions of a zoning ordinance granted to a property owner when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. A variance may be granted, for example, to reduce yard or setback requirements, or the number of parking or loading spaces.

**Vehicle-Miles Traveled (VMT).** One vehicle traveling the distance of one mile. Total vehicle miles is the aggregate mileage traveled by all vehicles. VMT is a key measure of overall street and highway use. Reducing VMT is often a major objective in efforts to reduce vehicular congestion and achieve air quality goals.

**Very-Low Income Household.** A household with an annual income usually no greater than 50 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development for the Section 8 housing program.

**Vested Right.** A right that has become absolute and fixed and cannot be denied by subsequent conditions or changes in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification.

**View Corridor.** The line of sight - identified as height, width, and distance - of an observer looking toward an object of significance to the community (like ridgelines, rivers and historic buildings, for example); the route that directs the viewer's attention.

**Viewshed.** The area within view from a defined observation point.

**VLF.** *See* MOTOR VEHICLE LICENSE FEE.

**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.

## W

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**Walkability Audit.** An evaluation to identify concerns for pedestrians related to the safety, access, comfort and convenience of the walking environment. The audit also assesses potential policy, educational or enforcement alternatives or solutions.

**Walkable Community.** Communities where goods (such as housing, offices, and retail) and services (such as transportation, schools, and libraries) that a community resident or employee needs on a regular basis are located within an easy and safe walk. Walkable communities facilitate pedestrian activity, expanding transportation options, and creating a streetscape that better serves a range of users -- pedestrians, bicyclists, transit riders, and automobiles. To foster walkability, communities typically mix land uses and build compactly, and ensure safe and inviting pedestrian corridors.

**Water Table.** The upper surface of groundwater, or the level below which the soil is seasonally saturated with water.

**Watercourse.** Natural or once natural flowing water including perennial or intermittent rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, or underground drainage and sewage systems.

**Water-Efficient Landscaping.** Landscaping designed to minimize water use and maximize energy efficiency.

**Watershed.** The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a reservoir, lake, or sea.

**Weather.** Atmospheric condition at any given time or place, in contrast to climate, generally defined as the “average weather” over a period of time ranging from months to thousands of years. It is measured in terms of such things as wind, temperature, humidity, atmospheric pressure, cloudiness, and precipitation.

**Wetlands.** Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. Under a “unified” methodology now used by all federal agencies, wetlands are defined as “those areas meeting certain criteria for hydrology, vegetation, and soils.”

**Wildlife Refuge.** An area maintained in a natural state for the preservation of both animal and plant life.

**Williamson Act.** Known formally as the California Land Conservation Act of 1965, it provides property owners a financial 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 its market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement. *See* GOVERNMENT CODE SECTIONS 51200 AND FOLLOWING.

**Woodlands.** Lands covered with woods or trees.

## X

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**Xeriscaping.** Landscaping with slow-growing, drought tolerant plants to conserve water and reduce yard trimmings.

## Y

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**Yard.** The open space between a lot line and the buildable area within which no structure may be located, except as provided in the zoning ordinance.

**Yield.** (1) The total amount of revenue a government expects to receive from a tax, determined by multiplying the tax rate by the tax base. (2) The annual rate of return on an investment, expressed as a percentage of the investment.

## Z

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**Zero Lot Line (ZLL).** A development approach in which a building is sited on one or more lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot

**Zone, Combining.** A special purpose zone that is superimposed over the regular zoning map. Combining zones are used for a variety of purposes, such as airport compatibility, floodplain or wetlands protection, historic designation, or special parking regulations. Also called “overlay zone.”

**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. *See* CALIFORNIA GOVERNMENT CODE SECTION 65858.

**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, that 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 use 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. The decision may be appealed to the local legislative body.

**Zoning Amendment.** An amendment to make a change in the zoning ordinance or to the application of zoning to a particular parcel or area. Zoning amendments can take three forms: 1) a comprehensive revision or modification of the zoning text and map; 2) a text change in zoning requirements; and 3) a change in the zoning designation of a particular parcel or parcels of land.

**Zoning District.** A designated section of a city or county for which prescribed land use requirements and building and development standards are uniform.

**Zoning Map.** A legislative body may 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. *See CALIFORNIA GOVERNMENT CODE SECTION 65851.* These zones are delineated on a map or maps called the *zoning map*.

**Zoning, Exclusionary.** Development regulations that result in the exclusion of various groups of people, such as low- and moderate-income individuals, families with children, particular racial or ethnic groups, or residents of a certain age from a community.

**Zoning, Incentive.** Local actions to encourage development projects that include public benefits over and above those otherwise required. Examples include preservation of greater than the minimum required open space, provision for low- and moderate-income housing, or plans for public plazas or other amenities. Common incentives include streamlining review procedures or allowing more intensive use of land. State law requires local agencies to grant a density bonus and incentives or concessions to a developer who requests a density bonus and agrees to construct or donate land for affordable or senior housing. *See CALIFORNIA GOVERNMENT CODE SECTION 65915. See also DENSITY BONUS.*

**Zoning, Inclusionary.** Regulations to diversify the range of housing choices constructed or offered within a development 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.