

## Congress for the New Urbanism

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### **RE: Appendix C of Climate Change Draft Scoping Plan**

Chair Nichols and Staff:

The Air Resources Board is to be commended for its Draft Scoping Plan, a monumental undertaking of new administrative policy in the influential State of California.

However, the scoping plan is deficient in its sector target for emissions reduction from land use. The Congress for the New Urbanism strongly urges the Board to raise the greenhouse-gas emissions reduction target for the land-use sector. In California and across the country, mixed-use development in compact, walkable neighborhoods is a proven way to deliver major reductions in greenhouse-gas emissions when compared to conventional automobile-oriented development, better known as sprawl. Because of strong market demand driven by its sustainability, livability and value, well-planned new urbanist and smart growth development accounts for a growing share of what is built today. High fuel costs, long-term demographic trends, and a growing appreciation of urban life — both in cities and walkable suburbs — point toward these sustainable forms of development representing a significantly larger share of what is developed in the future.

Amid this favorable long-term outlook for walkable urbanism, local governments can exert far stronger leadership in their land-use and transportation decisions if provided with proper incentives and planning tools. We are convinced of this because members of our organization in California have, for many years, been at the forefront of developing practical tools and crafting realistic incentives, on behalf of local governments, planning agencies and land development firms in California.

The Congress for the New Urbanism (CNU) is a leading national organization promoting walkable, neighborhood-based development as an alternative to sprawl. CNU advocates the restructuring of public policy and development practices to support the restoration of existing urban centers and towns within coherent metropolitan regions. CNU is currently in a partnership with the United States Green Building Council and National Resources Defense Council to create the first national certification system for green neighborhoods, LEED for Neighborhood Development. With 238 pilot projects enrolled and seeking

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certification, LEED-ND has had one of the strongest launches of all the LEED systems, an initial success that signals burgeoning market interest in the development of walkable sustainable neighborhoods and communities.

CNU members in California have prepared a detailed comments letter in response to the “Local Government Actions and Regional Targets” in Appendix C of the Climate Change Draft Scoping Plan. The Congress for the New Urbanism endorses and supports these comments, including the recommendation to increase the Draft Scoping Plan’s reduction target from land development from 2 MMT to 10 MMT, if not more. As the Board proceeds with rulemaking, we recommend that it consider calling upon the accumulated knowledge in the CNU membership for continued technical assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John O. Norquist". The signature is fluid and cursive, with a large, sweeping flourish at the end.

John Norquist  
President and CEO  
jnorquist@cnu.org

**CALIFORNIA AIR RESOURCES BOARD  
CLIMATE CHANGE DRAFT SCOPING PLAN  
JUNE 2008 DISCUSSION DRAFT**

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**APPENDIX C-3 LOCAL GOVERNMENT ACTIONS AND REGIONAL TARGETS**

**COMMENTS BY THE CONGRESS FOR THE NEW URBANISM  
(NORTHERN CALIFORNIA CHAPTER, IN ORGANIZATION)**

**AUGUST 11, 2008**

**Summary**

California burns more gasoline than any foreign country because we live in a half-century's legacy of high-VMT land development patterns. Continued growth in GHG emissions attributable to these high-VMT land use patterns will eclipse the Plan's emissions reductions targets for vehicle and fuel efficiency. The Scoping Plan must chart a practical course of action for California government and industry to create low-VMT land use development patterns.

If the Scoping Plan is to actually slow the rate of growth in GHG emissions – or at some point reduce emissions below current levels – it must strongly encourage and enable low-VMT development and redevelopment, sustained over the long planning horizons set by AB32 and beyond. The California New Urbanists agree with the rigorous analysis of several other policy advocacy groups, including ClimatePlan, Smart Growth America and the Urban Land Institute, which conclude that the Scoping Plan target of 2 MMT of CO<sub>2</sub> emissions for land development should be increased by a factor of five.

A large toolbox of possible methods to achieve VMT reductions by local and State government action has been placed at the disposal of CARB staff via the LUSCAT and Haagen-Smit processes. Implementation will truly be the “art of the possible”.

We suggest an integrated policy that would enable local governments to incorporate the VMT consequences of proposed development patterns into their discretionary land-use decision processes. Local governments would be provided VMT “scorecards” for growth alternatives. The “scorecards” would be derived from regional GHG targets, using hyper-local data, validated by the same decision-making local agencies which will be using it. VMT scorecards would be the basis for providing a range of strong financial incentives for local agencies to innovate in policies and projects. Incrementally, local policies and projects will be aligned with statewide GHG emissions goals.

State spending priorities, of course, must be shifted to enable and support changes in the local processes. Chief among these priorities are the State Highway System, local roads and transit.

## The Technical and Policy Challenge

### The Long Game

Per-capita VMT is a major contributor of GHG emissions, especially when considered statewide, and over decades of incremental development. Reducing the incremental, per-capita VMT required by incremental land development is a policy goal worthy of this generation.

We believe it can be achieved. The New Urbanists have always understood that policy reforms aimed at changing development patterns are enormous challenges, requiring generational time scales to accomplish. For more than fifteen years, our movement has developed practical ways for private firms and public agencies to actually implement compact growth.

Recently, however, a remarkable consensus has emerged. Compact development is now regarded by mainstream thought and opinion leaders to be of statewide public importance. This consensus is bolstered by new empirical analysis demonstrating that compact development reduces the per-capita VMT required for daily life. The power of this consensus suddenly creates a significant opportunity for positive reform that can deliver substantial economic and other co-benefits.

### Packaging Reform as Opportunity

Today's policymakers seeking to reduce the VMT required by incremental land development face a daunting challenge -- a challenge that the California New Urbanists have addressed across California for many years.

California's land-use regulatory system emerged in response to dramatic post-War growth upon a vast real-estate canvas, cheap and abundant petroleum-based energy, and innovative industrial and political leadership. Against this context, it is no surprise that California's multi-polar complex of land use economics and regulation has emerged as a "machine" that, on the whole, reliably generates large quantities of high-VMT land use patterns. These are the places most Californians defend as normal and desirable.

The "machine" operates to balance, resolve or accommodate the strong conflicts among the participants in the system. Not surprisingly, these diverse participants defend the machine from radical change. Implementation of strong land-use targets in AB32 risks being perceived as a potential radical change.

Therefore, it is important to propose AB32 implementation mechanisms which are incremental. Such incremental changes to the "machine" are absorbed constantly when key participants believe that their interests are not threatened.

The transition from high-VMT development patterns to low-VMT patterns should be neither abrupt nor threatening. A large segment of the land-development industry, and its local government regulators, is dependent on business models that deliver high-VMT

products. Mandatory VMT reductions ("hard targets") are viewed as threatening and so are unacceptable.

On the other hand, if the reform is viewed as an opportunity, it will be supported. New Urbanists understand how to make VMT-reducing reform an economic and political opportunity. We have proven Form-Based Coding and other planning innovations at the local level as effective tools to re-engineer this industry segment and its regulators, to deliver lower-VMT products.

Local governments of all their dizzying variety of sizes and shapes hold land-use authority as one of their essential functions. Through instruments such as local climate plans, they could make very important changes quickly. But very few local governments are ready, willing or able to change their policy or administrative apparatus for this purpose on their own. No proposed change to the system will succeed if the change is viewed as an "unfunded mandate". On the other hand, if the change is incremental and accompanied by tangible benefits, it will be supported. The California New Urbanists working in the public sector have demonstrated how policy or administrative changes that encourage low-VMT development can satisfy stakeholders ranging from citizens to the building industry, and enhance the political and financial strength of local agencies. Local agencies deliberately pursuing smart growth should be strongly supported.

*An Opportunity, not a Mandate*

The challenge at hand is to define and implement an incremental reform to California's vast and complex land-use regulation system. Such a reform must be:

- Demonstrably effective at achieving its goals
- Technically robust, backed with solid science
- Administratively feasible and legally simple
- Acceptable to today's key players in the land-use regulatory system, even though its effects will largely be felt by future stakeholders.

Such an incremental reform must be accepted (or even actively supported) by an influential range of local governments, big and small, Coast and Valley, growing and "built". It must also win the support of a critical mass of the "high-VMT product" segment of the development industry, and a range of its allied service providers. This reform will require the leadership or consent of vital State agencies, and not generate opposition by legislative interests. This is a tall order.

*Factors in Favor of Implementation*

Experience suggests that incremental reform, when locally managed, can gain the necessary support. Numerous examples of large programs, from solid waste to peace officer training, demonstrate how statewide goals can be achieved while upholding local control.

The year 2020 may appear imminent on the charts of GHG emissions targets, but local government executives are skilled at adapting to new requirements when properly announced, presented and funded. With incremental growth occurring at about two per cent annually, there is adequate time to absorb new administrative and policy requirements at the local level. The California land-development "machine" rests on a Progressive tradition of government guided by informed, impartial, far-sighted administrators. This tradition will enable the long-cycle institutional changes needed to cause desired new outcomes in private settlement patterns and the supporting public infrastructure.

## **Responding to the Challenge**

To significantly increase the land-use component of the Scoping target, the California New Urbanists support the implementation of regional VMT reduction growth targets, collaboratively adopted by local governments.

### *A Language of "Place-Types"*

California's New Urbanists are familiar with the difficulties of communicating about land-use patterns. In response, we have developed a system of communication that recognizes, in a sophisticated way, the numerous physical arrangements possible within, say, a range of densities within market constraints and local preferences. We can also communicate the ways in which compact development means more complex development.

The elements of our system of communication are "place-types", which are locally-calibrated, context-aware increments of development. Place-types are also used in best-practice regional blueprint planning. We can bridge the gap from regional to local planning by translating between local place types, expressed in Form Based Codes, and regional place types, abstracted in computer software.

Place-types model physical attributes that include for example:

- gross density of residential and non-residential development
- street network connectivity and transit access
- local balance of building types and uses
- adjacent land uses and regional context

Local place-types have the advantage of being calibrated to the existing places and the community's goals for the future. Place-types in the regional software can produce emissions projections through post-processing with models such as URBEMIS.

We believe it is possible to define a manageable set of California place-types, and verifiably estimate the annual VMT associated with each place-type when installed in an actual regional blueprint. Thus, local governments can be informed of the regional VMT consequences of growth management events, and of subsequent project decisions.

The Scoping Plan's Preliminary Recommendations

In Appendix C, under *Local Government Actions and Regional Targets (T-9)*, we focus on the following recommended measures:

- “ARB will work with local governments to reconcile local level accounting with state and regional emissions tracking as this Plan is implemented.”
- “ARB proposes that regions use a blueprint planning process to map out their preferred land use and transportation scenarios that meet the regional targets and their other regional needs. [...] Actions to reach targets would not be prescribed to the regions.”
- “*Promote High-Quality, Low-Impact (Resource-Efficient) Communities.* Establish a variety of mechanisms to recognize and support the building of livable, innovative projects and communities with low-carbon footprints to provide prototypes for future development. ...”
- “*Adopt Proven Measures.* Pursue proven emission reduction strategies, such as indirect source rules that mitigate high carbon footprint development and pricing measures that more accurately reflect the cost of driving and provide people with more transportation choices. ...”

These measures should be stronger. We believe they can be stronger without crossing the line of “command and control” or “unfunded mandate”.

Reforming the "Decision Flow Chart"

To implement regional VMT growth targets, all local agencies with discretionary land use powers should be required to consider the VMT consequences of their decisions. The VMT metrics must be direct, empirical and beyond dispute. The incentives must be tangible and immediate.

Regional COGs, MPOs and RTPAs would be required to communicate with their local agencies, via blueprint-quality plans, using fine-grained "place types" as a common language. The special districts and school districts, which make very significant place-making decisions alongside the cities and counties, would also be required to communicate with the regional level.

General Plan amendments, local agency formations, and other growth management events proposed by any of these local agencies would be subject to a "Mandatory Advisory Review" certified by the regional Air District.

Using the blueprint plan, the regional Air District conducting a Mandatory Advisory Review would measure the projected VMT outcome of the growth management event compared against a regional GHG increment allowance. Each proposed growth management event would receive a VMT "scorecard". The regional agency or the local agency could also request alternate VMT scorecards for alternate project scenarios. Alternative scenarios could include growth in jurisdictions other than the initial proposal.

The common basis of all the scorecards would be the current and proposed place-types, previously approved jointly with the regional agencies by the local agency in the regional blueprint.

Such a Mandatory Advisory Review process would inform but not directly bind the local agencies. It would, however, be mandatory, and its results would indirectly constrain the local agency's policy and project decisions by:

- directing the infrastructure spending priorities of the regional bodies,
- triggering updates to local Climate Action Plans,
- providing a decision factor for any of a wide range of direct incentive funding programs (not otherwise statutorily fixed)

Indeed, the Review results could even be monetized. Creative local agencies might fund some of their capital programs, via local Climate Action Plans, with validated VMT/GHG offsets sold to private entities.

Because the Mandatory Advisory Review would not directly intervene in local government's legislative discretion, it would be regarded as an incremental, though possibly painful, reform. It would be accepted (or even actively supported) by an influential set of innovative local governments, by the "high-VMT product" segment of the development industry looking for innovative new opportunities and regulatory certainty. Professional service providers allied with high-VMT product would probably see business opportunity. It may also be supportable by vital State agencies, and not opposed by legislative interests.

#### *The State's Roles*

Of course, the State will need to play a strong role alongside local governments. All discretionary transportation and housing investments must be focused on supporting compact, complex development. We acknowledge this to be another tall order, both politically and technically.

Current technical efforts to recognize smart growth are limited to very unsatisfactory scoring checklists, such as those used to implement the Proposition 1C programs. However, if the VMT of most of the State's population is rigorously and reliably modeled as place-types in a set of blueprint plans, the consequences of statewide investment decisions can be rendered in a far more transparent way.

In addition, the State must provide adequate technical assistance to local governments. We would urge a crash program of zoning reform, through the implementation of Form-Based Codes, as the shortest path to transformation of local land-use perspectives. Many other suggestions are at the disposal of CARB staff, such as strong new guidance on CEQA thresholds of significance, new types of tax increment and carbon-based financing, and simply funding the needed local administrative staff.



## **Sustaining the Response**

With the proper set of metrics and incentives, local governments can collaborate with their peers in their regions to achieve statewide goals.

However, collaboration is an organizational behavior requiring trust and time. Immediate, tangible funding would establish the basis for trust-building. Sustained over time, the bulk of local agencies could transform their policy and legislative preferences from disinterested, to compliant, and perhaps to high competency in meeting regional VMT targets. While each agency would be paced by its local circumstances, overall progress towards the 2020 goals could be measured annually by region, with incentives enriched for the outstanding performers.

We also believe that economic and social co-benefits, such as improved public health and reduced public health care costs will flow from compact, complex development patterns; these co-benefits should be tracked and incorporated in the VMT metrics.

The 2050 horizon looms large, too. ULI's new publication "Growing Cooler" points out that "according to the best available analysis, ... 89 million new or replaced homes—and 190 billion square feet of new offices, institutions, stores, and other nonresidential buildings—will be constructed through 2050". Thus, two-thirds of the development on the ground in 2050 will be built after 2007. This enormous private and public investment, which will certainly be made to accommodate population growth, must be redirected into low-VMT development patterns. To do so, the Scoping Plan should specify incremental change in California's land-development "machine".

## **About the Authors of these Comments**

This Comment was prepared and submitted by the organizing committee of the Northern California Chapter of the Congress for the New Urbanism.

The Congress for the New Urbanism ("CNU") is a national organization, founded in 1993 and originally headquartered in San Francisco. CNU advocates the restructuring of public policy and development practices to support the restoration of existing urban centers and towns within coherent metropolitan regions. CNU members stand for the reconfiguration of sprawling suburbs into enduring communities of real neighborhoods and diverse districts, the conservation of natural environments, and the preservation of our built legacy. CNU members – the original "New Urbanists" – are some of the planners, developers, architects, engineers, public officials, investors, and community activists who create and influence our built environment.

New Urbanists are the practitioners of smart growth; they do more than just talk about the problems of the built environment. In California, CNU members are actually building examples of compact new communities and rebuilding existing neighborhoods. Confronting the formidable barriers of regulation and past practices that encode high-

VMT development, the California New Urbanists adapt, overcome or innovate within the existing frameworks to get low-VMT projects built.

Conventional zoning and development practices are the regulatory and business rules that virtually require high-VMT patterns of settlement and redevelopment. The California members of CNU have innovated the adoption and implementation of Form Based Codes in California. In 2003, California New Urbanists suggested how the Office of Planning and Research could update its guidelines to clarify that local governments could use Form Based Codes in their general plans and zoning ordinances.

Thus encouraged, many public agencies and private developers are now using Form Based Codes as an alternative to conventional zoning. Local governments from Ventura to Santa Clarita to Hercules to Petaluma to Tehachapi and Azusa have reformed their land-use regulations by adopting Form Based Codes that implement the principles of the New Urbanism via compact, complex development projects. Private developers of master-planned communities from Chico to Grass Valley to Monterey to King City to San Diego have differentiated their products by employing or contracting with California New Urbanists for land planning and drafting of implementing regulations.

**RESPECTFULLY SUBMITTED**

The signatories of this Comment endorse it as citizens and professionals. By signing, they do not necessarily express or imply endorsement of their respective government agencies, private employers, clients, vendors or subcontractors.

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