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Should We Bother? Regional Planning in California

In 2004, Drusilla van Hengel's Regional Planning and Analysis class received a distinguished guest for a presentation. Planner William Fulton, author of three best-selling books including the classic Guide to Californian Planning, spoke about his experiences and his views on the current state and the future of regional planning in California. Mr. Fulton has recently been selected to the Ventura County City Council.

I happen to be in town for training at the Cal Trans-San Luis Obispo office, and I work this lecture into the regular curriculum for Cal Trans, while at the same time talking in a different span on city and regional planning. I will try to do both these things miraculously at the same time, which I hope will be easier than it looks.

“The Structure of Planning – Decision-Making” is the title of my regular land use planning classes that I teach at the UC Extension, and it is what we are doing for CalTrans. Part I is “Local Government”, which is what we just did over at Embassy Suites, and “Regional Planning” is part II, which I will be talking to you about today. I hope it will not be a problem that you are reading different books than those I use in my classes. But allow me to back up and do a little bit of framing about regional planning, which is necessary to complete the process.

One of the things I have come to realize is that there is no such thing as a city or a suburb. The census bureau says there are cities and suburbs, but there really aren't. What there is, and this is what I talk about in my book “The Regional City”, is what I call a “metropolitan constellation.” Those can be more densely packed, as they are in L. A., or pretty diffuse in a combination of urban, suburban, and rural communities, as they are in San Luis Obispo County.

The idea and basic premise behind a regional city is that economic, ecological, and social systems operate at the regional or metropolitan level. Therefore, we must attempt

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to try to tackle the growth problems at that level more effectively than we have in the past. This necessarily means redefining what we mean when we talk about metropolitan growth patterns. I just finished telling the Cal Trans students in our class, now that I'm an elected official on Ventura city council since November, I'm abandoning the whole regional thing and becoming more narrow-minded everyday. I really don't care about Oxnard or anything else. The other thing that you need to know at this particular moment is that I'm really mad at Cal Trans. It turns out a two-month closure is not worth telling anybody in advance because it is too short of a period of time.

Regional planning, in reality, is a very diffuse, and always will be (in my opinion) a diffuse and decentralized system that consists of many many different things and many many different pieces; which, I talk about when I do my drawings. Bear in mind that basic land use permitting decisions are made by local governments, which in California are cities and counties. But there are lots and lots of other players, such as LAFCOs, COGs and the Coastal Commission.

One of the problems in California is that, from the regional planning perspective we are just so darn big. As I said, earlier today in the other class, we operate like a nation. Another one of my favorite factoids is we are the same size as Italy. We have half the people, and everybody loves Italy – right? So we should all move there! I was saying, Italy's like California only older. Italy is basically state-of-the-art urban sprawl from the 12th Century. This is what we all love now. So, I am almost figuring by 2850 we are going to flop California for the coastal post-war settlement.

We are a very diverse state, and we are governed by a government which operates a lot like a Federal government. The next level of government down that people believe can do something and trust is the city. It is a long way down from

the state to the county or the city level. This is particularly a problem in Southern California. I mean the five-county metro-L.A. area which has about 17 million people there, not including San Diego, which is south of Southern California. It is a real problem there, because if the California government operates like the Federal government, metro-Southern California ought to function like the state government. It ought to in order to effectively address the problems that are dealt with that arrive at the regional level.

So the problem in California, from a regional perspective, is that you have no way to structure that conversation in a very effective way. What I want to do is fly through some of the slides – from my other class- just to give you an idea of who some of the players are.

A lot of people think that regional planning requires a centralized regional government for planning to occur. The fact of the matter is that regional planning and regional policy strategy occurs whether it is occurring at the Council of Governments level or not. It occurs somewhere. In fact, a better way to describe it is that it occurs everywhere all the time. It occurs in large part where local government and state agencies interact.

In my city, the auto center is located adjacent to the next town at a bridge and a river where Cal Trans is doing a five-

year reconstruction project. Cal Trans just announced they are going to close the northbound on and off ramps, which provide access to the auto center, for the next two months. They didn't tell anybody in advance, and they are going to do it in a week. Their view was that later on they are going to have to close the southbound off ramps for a year. They do want to have a public meeting for that, but this was such a minor thing that they didn't feel it was necessary to discuss. Cal Trans has a vast effect in the transportation industry in general. They have a vast effect over regional planning. A lot of the actual policies are driven in California by the MPO's, by SCAG, by the FCC, by state COG, and increasingly by the county transportation system which administers most state and local funds. So there's a vast transportation apparatus that operates at the regional level and state level but in a funny indirect way.

Part of the problem of regional planning is no one is elected to represent a whole region. You are elected to represent state, or your district, or your local constituency. So, regional problems get dealt with in a collaborative or competitive way among players who are at the table for another reason. Hardly anybody is elected at a regional level. The board members in Portland are elected at the regional level. Metro is the regional land use and transportation department. The only regional agency that has elected board members in California is the Bay Area Rapid Transit (BART). One of



Figure 1. Conventional suburban development (photo V. del Rio)

the consequences of that fact is that it is a big specialized regional agency that only does on thing. The elections are pretty much hostage to the contractors and the unions which are the only people who give money. So, it's nice to think that at the regional level you think for the region. The truth of the matter is you get elected by the constituency who are motivated to have an impact on the outcome of the elections. Obviously, the department of water resources and the California Department of Housing and Community Development (HCD) has a major impact on the region, and so on and so forth.

There are some state agencies that deal with regional issues. The most obvious of which is the Coastal Commission, which is a regulatory agency that governs land use across the entire California Coast. That power was taken away from local governments by the voters and given to the Coastal Commission more than 30 years ago. The Coastal Commission is a good example of an agency that is focused on a special geographic region and has a particular state mandate of goals which are mostly open space, visitor-serving uses, access, affordable housing, and also protection of coastal resources. Again, this is an agency that has a regional focus, but has a pretty narrow mission. So the economic impact or the population impact, all that stuff, is really not part of the Coastal Commission mission. It's not a comprehensive planning element.

These agencies, as well, have an increasing role to play at a regional level. For example, at the state level, the Department of Fish & Game, and at the Federal level, the Fish & Wildlife Service, which administer the state and federal endangered species act. The federal agencies throughout much of California have turned into essentially a regional land use agency.

Again, the basic structural problem is that a state government of 31 million people is at the top, and underneath that you only have local government. Occasionally, you have regional agencies that do have a regional goal, but they have this peculiar structure, such as the air pollution control district. There's a regional pollution problem. That regional pollution problem is supposed to be solved regionally, except pollution standards are set by the Federal government. The federal government has delegated the power to deal with this regional problem to the state. The state has in turn delegated part of that power to a regional agency whose board is made

up of local elected officials, like me, who are extremely narrow-minded and conventional, and don't want to pull the trigger on each other if they don't have to. Again, here's the Federal government with this over-arching responsibility. In this case, it is a regional environmental policy but the apparatus is such that the final decision makers are made up of local elected officials like me who don't want to do it because it would be bad for my narrow self interests. So, you have these state and federal agencies and you have these local agencies. They interact and sometimes they interact in sort of a collision course with each other and you get these different worldviews.

The first thing I want to do is talk about how these agencies view each other suspiciously when they come together. Local governments, local planners, and local elected officials view State and Federal bureaucrats as being bureaucratic. They resent the fact that they have separate power centers - like you can come and do something without consulting me. They also perceive them as being remote. That is, like if I'm trying to get something done in my town and doing an EIR. You are the district office and you comment on the EIR on the last day. You say just enough to hold it up but not enough to make a useful contribution. In addition, it has dawned on the state and federal agencies, who are working on regional issues that local communities, local governments, and local planners exist. It's kinda annoying to them. They wish it weren't true, but it is true. They realize that increasingly there needs to be partnership between higher levels of government and these lower levels of government in order for things to happen.

State and federal agencies come to the general planning table and do so by interacting with local government. The idea of these councils of government is that they provide a regional framework to provide these conversations, but as I said before, the actual process is much more diffuse and subtle. It is at a very ad-hoc basis.

Regional problems arise from the fact that economic, ecologic, and social systems are regional in nature. They really are. Generally speaking, one of the premises of "The Regional City" is that the true scales at which economic, ecologic, and social systems operate are at the regional and the neighborhood, which are the only two scales that we don't have governmental agencies. All the government agencies are basically in between the region and the neighborhood.

That's where people get elected and that's where they have constituencies and that's where they have a vested interest in retaining.

When it comes to regional planning, my observation would be in dealing with the status quo biased against it. In Ventura, where I am an elected official, we are revising our General Plan. Every single scenario we are looking at calls for much greater job creation than housing and home production. So far, not one person in public or in private, including myself, has mentioned anything about a job-housing imbalance. If I don't say anything about it, nobody is ever going to say anything about it. There will be a silent, unstated assumption in our General Plan that all of our housing problems will be solved by the neighboring city of Oxnard.

So, the vested structure does not recognize this. There is no obligation under General Plan law in California to acknowledge that anything exists outside your own city boundary. The only place where that happens is within the CEQA review. I want to talk about CEQA as a tool of regional planning in a minute. What generally happens is there are carrots, there are sticks, or there is nothing. That's how regional planning gets done. When local communities and local constituencies recognize that they have something to gain by working together, which generally has to deal with the federal transportation money, then they will work together. When local vested interests, local constituencies, and local elected officials realize that if they don't work together, they are going to get beaten up, then they will work together. In most cases the stick is the instrument of Federal environmental policy. The benefits of working together tend to be economic; they tend to have to deal with transportation and jobs. The sticks tend to be environmental. You will find regional, economic alliances that are unified in their desire to bring more jobs to a region, and then the local entities can fight about how those jobs get split up.

Federal environmental policy creates a large number of very important sticks like the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Urban Storm Water Runoff Regulation. The Runoff Regulation is going to drive, I think, a whole new generation of regional operations in local governments in certain parts of California. Orange County's 34 cities, and they all hate each other, have decided there is somebody they hate more than just each other, and that is the federal government. That is why they

are going to work together for probably a pretty effective storm water solution in the end. I want to come back and talk about Atlanta in that context in a minute.

The third one is if there is no carrot and no stick, there is no motivation to do anything. If there is no economic benefit to voluntarily working together, and there is no regulatory consequence on the environmental side, there is no reason for working together. There is one issue in the state right now where there is a crisis. As a result of our regional patterns, there is a carrot and no stick and therefore no motivation to do anything. That issue is housing. Home prices have doubled in the last four years. Almost everybody in this state can't afford to buy their own house. I can't. Nothing happens, or else you have a regulatory mechanism such as the State Housing Element Law, which attempts to do something but doesn't have a strong enough constituency. It therefore does nothing as I like to say... just strong enough to be annoying and just weak enough to be useless. That is the best solution that all the different lobbyists and negotiators come up with, but they don't have any motivation to make it stronger or weaker.

Affordable housing has just enough power to be annoying, and the local government lobbyists have just enough power to make it useless. It is interesting to see what happens with the sticks. It depends on whether the Federal environmental policy is implemented directly by the Federal government or is implemented indirectly by middle agencies, which are basically controlled by local elected officials. In the case of Atlanta, the MPO didn't do anything about the growing air pollution problem, which was pretty much the result of sprawl. As many of you know, Atlanta is growing faster than any human settlement in history. Atlanta, in a few years, will be a loose term to describe anything from Charlotte to Birmingham. As Turner likes to say, thank goodness for the Pacific Ocean. What happened in Atlanta was, the federal environmental protection agency finally took the trigger pulling power away from the local officials and said we are going to pull it ourselves if you don't do something. As a result, the Georgia legislature created the Georgia Regional Transportation Authority. It's a very powerful entity that was granted veto power over major projects in metropolitan Atlanta, through a regional transportation authority. This was under Governor Barnes, a democratic, and around Atlanta, this was generally called "Good Roy Total Authority".

Figure 2. The Crossings, Mountainview CA, is a good example of what regional planning can do. A transit-oriented high-density mixed-use project that replaced a bankrupt shopping center and is served by a Caltrain commuter rail stop (photo by V. del Rio).



Similarly, when you look at the regional habitat conservation plan, done in San Diego, and in other parts of California, it is the result of direct federal control over environmental policy. You essentially have federal biologists negotiating with local politicians and local planners over which land has to be preserved and which doesn't. And in so doing, these regulators, serving as the regional planning directors, decide what land is off limits and what land will be developed. They do it from a narrow perspective, which is produced on purpose, and humans get what's left over.

In the case of CEQA, the California Environmental Quality Act, when we have a General Plan in Ventura, we just assume that Oxnard will build lots of homes forever, so that people can work in Ventura. The only way that Oxnard's going to get any control over us is to sue us under CEQA. They can't intervene in our General Plan process. They have absolutely no leverage there, so they are going to have to participate in the EIR and eventually sue us under that. What's going to happen in that case is that there will be a superior court judge who will serve as the adjudicator of those disputes and in that sense serve as the regional planner. Who are we selecting in our society as regional planning directors; Superior court judges, who probably used to be prosecutors, and federally employed wildlife biologists, everybody except planners.

The reason for that is that we don't want to admit that we do regional planning. The regional discussions and the regional decisions drop back to some level of power or authority that already exists and that is shoe-horned, by circumstance, into becoming a regional planning process. The Endangered Species Act is quite accidentally set up as a regional land use planning process: CEQA quite accidentally has set up a regional land use dispute mechanism known as the superior court. What we find, over and over and over again, is how regional decisions get made. There is sort of an inside out and backwards method, and this is how these three things are dealt with on a regional level.

I am not an academic. I don't have a PhD. I used to be a reporter, and when you write stuff, people think you know something. Academics love to draw schematic diagrams that then become associated with them. You have the "van Hengel Theory" that goes down in history, and that's how you get tenure. I really have created two of these. Since I have never published them, they will never be known as the Fulton Theories. Here is my theory of regional planning. Local governments are broad and shallow, that is to say they deal with absolutely everything in a specific geographic area. This is why I like being a local official, because by nature I am a broad and shallow person. Which



Figure 3. The Uptown District in San Diego, is a successful high-density mixed-use project anchored by a couple of large-scale stores (photo by T. Keith).

is why I was a reporter, and is now why I am a local elected official, because those are jobs that lend themselves to being broad and shallow. Cities and counties, and in other states, townships and other local entities, deal with absolutely everything in a specific geographic area. Regional, state, and federal agencies, and this is why I have never worked for one, except an unfortunate six months at South California Council of Governments (SCAG), are narrow and deep by nature. They only care about one thing, but they care about it everywhere. It could be wildlife, it could be water, it could be transportation, it could be housing, it could be jobs, you can just go on and on and on and on. I would assume the typical CalTrans engineer, I just assume, they sit at their desk, they get a cup of coffee, they get up and they think, how will this affect the statewide roadway network? If I increase the demand for coffee in my office, there will be more coffee deliveries to the office, which means it will require that the goods move. You know what I mean? Specialists are trained to think very narrowly about how everything affects their world. What we have at the state and federal level, and at the regional level, are many people who are narrow and deep, and incredible in their expertise about one thing. So what's regional planning?

One of the things I always say, imagine your local planning director redding the daily mail. In the first letter from the Department of Fish & Game, which says, "We have found an endangered species in your community and therefore we demand that you set aside 80% of the land in your community as a wildlife refuge for this endangered species." The next letter is from the Department of Housing and Community Development, which says, "we have determined that there is a housing crisis in your community and we demand that you set aside 80% of your land for high-density multi-family affordable housing." The next letter is from Cal Trans, which says, "We have determined that there is a congestion crisis in your town on a statewide roadway network and therefore we will be consuming 80% of you land in your town to expand our highways."

The problem for the local planner is that your job is a balancing act. What you have to balance is all these pesky state and federal bureaucrats who devoted their whole lives to one thing and won't compromise on that one thing no matter what. Yet you have to balance them all next to each other. Regional planning is really the place where all these explosions occur, and eventually where all these deals are made. The cities and counties of San Diego County make a

deal with the official outline service and the department of Fish & Game about wildlife preservation. Those deals have land use consequences and set part of the land use pattern for San Diego County.

Monday night, in April of 2004, my city council finally approved the housing element for the years 1998-2005. We are ready to roll now on that after the result of painstaking negotiations with HCD. That is another deal that was made where the state essentially represented the state's interest in more housing, which has a regional impact. We represented our city's interest in what we consider quality of life, which usually means less housing or less housing for other people anyways. There is another point where the regional plan has been created in an ad-hoc way by the collision of state and federal against local. Regional planning is kind of like this chalkboard. If you look at the laws, the laws have standards in them. The standards tend to be a kind of force field that bounds in the deal making of each individual topic, so that you can't just make any deal. In housing, totally shutting down housing or not meeting the housing need is theoretically not an option under state law, but the state law has lowered the standards, unlike wildlife.

So that's my theory on how regional planning really gets done. You have to ask yourself, do you really want to do good metropolitan planning, or do you want to create a regional city that also acknowledges the interdependency; acknowledges that regions in a metropolitan area are apart of a whole no matter what. Then how do you adapt this thing to that? About that I have some good news and some bad news. The good news is that all over the country we are finding more interest in doing this. All over the country we are finding efforts that seem to be successful in creating more consensus about what the regional division should be. I will get to the bad news. The bad news, not surprisingly, is over here with us narrow-minded people. In the regional city, the main case study was a regional planning exercise for Salt Lake City.

Systems are regional. Human and natural systems get managed by a three-legged stool. The three legs are the government, private business, and community organizations. At various times in our history, we have placed great faith in business to solve all the problems in the marketplace, government to solve all the problems through regulation, and in community non-profit to solve all the problems through

rampant do-gooders. Which is where we are now. At various times in history, we have attempted to do regional planning through one of these three things. The whole COG idea and regional MPO idea was a governmental idea; if we could just get all the governmental officials together in one room to knock heads together, something will happen.

Particularly in the economic area, we have seen in history the same theory about businesses. For example, when Pittsburgh had extremely bad air pollution, all the business leaders who were getting rich off the air pollution got together. They formed a delegating conference. The first economic development entity which solved the smog problem and which partly included closing down the steel mills. It is possible to do the same thing here. The way to make regional change is through the groups and coordinating their efforts on a regional basis. In my opinion, no one leg of the stool has enough credibility to do it alone. What you have to have is a civic collaboration of all three groups in order to have a process that has enough credibility so that people will buy into it. To the credit of an administrator in the Bush administration, he figured this out. He said we have to do something about it, but I am the governor, so if I create a governors task force, that's not going to work. What I have got to do is create a 2-legged group with business guys and non-profit. That's what he did.

So envision Salt Lake City, Utah, like many other regional cities, it went about creating a regional plan. It would become visionary and big picture in nature and of course, it has no legal pin. They did it in a really interesting process, which is described in great detail in "The Regional City". They did a bunch of things in Salt Lake, one of which was to gather all the leaders from each sector in Salt Lake. Simulating growth patterns, Governor Leibeth began by stacking post-its next to each other until they were all gone. Afterwards he realized he had consumed all of the farmland in the greater Salt Lake area, and probably really angered some people. Then he started to do something different. He took the post- its and started to stack them on top of each other. A plan was worked out, among all of the leaders that called for a concentration of development along the central spine of the freeway and railway, thereby protecting agriculture land and natural land along the edges of the metropolitan area. Everybody said this was great. Everybody bought into it conceptually. The governor got recognized nationally. Then came the process of going back to each separate city, the elected officials,

the individual land owners, and the individual community groups, all with narrow concern, and selling them on the idea. That has turned out to be very very difficult to do. Once you try to take it down to that scale, it is almost intolerable. “Envision Utah”, to their credit, funded demonstration products on how to make on the ground decisions work and implement the plan. And in their even greater wisdom hired my firm for one of them.

It's not that hard to reach conceptual consensus. What is really hard is to make the decision stick in the absence of a really, really strong carrot or stick. Now consequently, we attempted to do a similar exercise in Los Angeles. They made two mistakes: the first mistake was, and they were responding to the requests, the interest to do the exercise came only from here. Mistake number two was, they were working with Southern California. When you sit down, and have a bunch of stickies, it's not too hard to put all the stickies in Riverside County, which is not too far away. The other problem that people in California have is to simply put some of the stickies in their pocket and pretend that they don't have them. This is pretty much how our housing elements are done, particularly in San Luis Obispo.

So what I would say is that there are a bunch of mechanisms by which local officials and state and regional agencies can reach agreement on individual topics, which essentially add up to a regional plan. There are ways in which regional leaders can work together to come up with consensual agreement. How you operationalize this kind of thing, particularly with these pesky folks, which have local constituents, is the hard part. One of the reasons that this is so hard is that the politics at this level is so much gnarlier than the politics at the regional or state level. So, if I participate in this kind of an exercise, which requires then for me to go back and make this deal about housing, I have to do that on a Monday night on cable TV, in a town, where if people don't like what I am saying, they will tell me. There are people who have walked through the door in the city council chambers in their pajamas at 11 o'clock at night and have stood up and said “I was watching TV and I had to come down here because I could just not stand what you were saying”. Great democracy! But it also puts a great deal of pressure on the people here who ultimately have to operationalize and pay the political price for our decision.