CP&DR

VOL. 28, NO.10 — OCTOBER 2013 CALIFORNIA PLANNING & DEVELOPMENT REPORT

OPR Issues Draft Environmental Goals and Policies Report

After a 30-odd year delay, the Governor's Office of Planning & Research has released a working draft of the Environmental Goals & Policies Report – a document that OPR is supposed to produce every four years.

Titled, "California's Climate Future," [http://opr.ca.gov/docs/EGPR_ReviewDraft.pdf] the draft is a high-level document laying out overall policy goals, focusing especially on climate change and greenhhouse gas emissions reductions. It's the first time an EGPR draft has been released in 35 years – since the last time Jerry Brown was governor, when OPR released the "Urban Strategy for California". The new document focuses on the prospect of California with a population of 50 million as well as the stresses of climate change.

But the draft shows how difficult it is to set hard metrics in the world of land use and transportation compared to the world of energy conservation.

The EGPR also sets an ambitious goal for greenhouse gas emissions reduction: 80% by 2050, the same figure that was included in Gov. Arnold Schwarzenegger's 2005 Executive Order. There is no state statute containing that goal – the only statutory goal is a reduction to 1990 levels

– CONTINUED ON PAGE 8

insight
WILLIAM FULTON

OPR Takes On CEQA and General Plan Reform

It's been a long time since the Governor's Office of Planning & Research has played a major role in the, er, planning of the State of California. Pretty much since the last time Jerry Brown was governor.

Three years into Brown's new term, there are signs of life at OPR – and that means we may be creeping, ever so gradually, into a new era of state involvement and assistance in planning in California.

OPR is currently preparing an update of both the General Plan Guidelines and the CEQA Guidelines. Such updates are not usually front-page news, but this time around both cases could be the leading edge of significant change in the practice of planning in California.

The General Plan Guidelines now in the works will focus on integrating the process of updating plans with environmental review, which is often tacked on to the end. "All of the feedback I've been getting is that CEQA eats the life out of your general plan – the tail wags the dog," said OPR's CEQA expert Chris Calfee at the state planning conference in Visalia.

– CONTINUED ON PAGE 10

inside

inbrief

CONSTRUCTION OF SOME NEW BIKE FACILITIES will be exempt from the California Environmental Quality Act for the next five years under a bill that will go into effect in January. AB 417 exempts bicycle plans in urban areas that call for the restriping of streets and highways, bicycle parking and storage, signal timing, and related signage.

The new bill emerged from an attempt by the City of San Francisco to exempt its bicycle plan from CEQA based on its finding that implementation of the bike plan would have no significant impact on the environment. A trial court later ruled that San Francisco should have conducted an EIR on the bike plan and its related implementation document.

GOV. JERRY BROWN HAS VETOED A BILL that would have overturned the 2009 appellate court ruling that boxed in the power of cities and counties to adopt inclusionary housing ordinances for rental projects.

In *Palmer v. City of Los Angeles*, 175 Cal.App.4th 1396 (2009), the Second District Court of Appeal ruled that an inclusionary housing requirement on a rental development project near Downtown Los Angeles was effectively setting the rent on the housing units, thus violating the state's Coast-Hawkins Rental Housing Act.

AB 1229, carried by Assembly Majority Leader Toni Atkins, D-San Diego, would have expressly overturned the Palmer decision. Brown vetoed the bill, saying he wanted to hear what the California Supreme Court had to say in *Sterling Park v. Palo Alto* first. However, the Supreme Court issued its ruling in Sterling Park a few days later and didn't reach the merits of the case (see Legal Digest).

HOWEVER, BROWN DID SIGN A BILL reaffirming California's commitment to the bistate Lake Tahoe regional planning effort, which has been coming apart over the long-delayed update of the regional plan. [http://www.latimes.com/local/political/la-me-pc-gov-brown-approves-bill-on-planning-for-lake-tahoe-20131012,0,1418959.story]

SB 630, sponsored by Sen. Fran Pavley of Agoura Hills, which is an attempt to salvage the troubled partnership with Nevada. The bill requires that the Tahoe regional plan take economic concerns into account and clarifies that a party challenging the Tahoe regional plan – most likely the State of Nevada – has the burden of proof.

The Lake Tahoe bistate compact was originally signed in 1970 and renewed in 1980. The first regional plan was adopted in 1987 and charged the bistate Tahoe Regional Planning Agency with implementing the plan. The updated regional plan was supposed to be completed in 2007.

However, Nevada and California have been moving farther apart. Chafing under TRPA's strict, California-style regulation, Nevada has threatened to withdraw altogether from the partnership. Meanwhile, California has sought to impose even stricter regulation because of SB 375. The Tahoe Regional Planning Agency staff also serves as staff for the Tahoe Metropolitan Planning Organization, which is responsible for crafting an SB 375 plan for the California side,

THE CITY OF PLEASANTON HAS GREENLIGHTED preparation of an environmental impact report for a proposed large project in East Pleasanton. [http://www.contracostatimes.com/contracostatimes/ci_24341003/pleasanton-initiates-study-impacts-development-might-have-east] The East Pleasanton Specific Plan is likely to call for construction of 2,300 residences east of the current city of Pleasanton on land owned by a local water agency. The property is located south of I-580 near the city's border with the neighboring cities of Livermore and Pleasanton.

After 30 years of intense development in central Contra Costa and Alameda counties, few large tracts of land remain available for new growth. The proposed land-use plan for the 1,000-acre tract owned by the Zone 7 Water Agency was crafted

– CONTINUED ON PAGE 3

CP&DR

William Fulton
Editor and Publisher

Josh Stephens
Associate Editor

Susan Klipp
Circulation Manager

Talon Klipp
Graphics and Distribution

Morris Newman, Kenneth Jost
Contributing Editors

Abbott & Kinderman, LLP
Legal Digest

is published semi-monthly by

Solimar Research Group
Post Office Box 24618
Ventura, California 93002

Telephone / Fax: 805.652.0695

Subscription Price: $238 per year

ISSN No. 0891-382X

Visit our website:
WWW.CP-DR.COM

You may e-mail us at:
INFO@CP-DR.COM

– CONTINUED FROM PAGE 2

over a period 14 months by a special task force on the project appointed by the City Council. [http://www.cityofpleasantonca.gov/pdf/EastPleasantonSpecificPlanOverview.pdf]

A DUBAI-BASED INVESTMENT FIRM will partner with a U.S. developer on a plan to create the Bay Area's largest transit-oriented development on the current site of the Oakland Coliseum. [http://m.arabianbusiness.com/dubai-firm-build-multibillion-dollar-california-project-521822.html]

The Coliseum has been the home of the Oakland Raiders football team and the Oakland A's baseball team since the 1960s and the neighboring Oracle Arena is home to the Golden State Warriors basketball team. Development of the 800-acre site – owned by the City of Oakland – would include new sports facilities as well as a large mixed-use and entertainment complex.

Dubai-based Hayah Holdings and U.S.-based Colony Capital will develop the site under an agreement with the city. Colony Capital has owned several sports franchises over the past few years.

"We share the city of Oakland's and Mayor Quan's long-stated vision to transform the Coliseum site and create a larger district surrounding it with a new economic base and a catalyst for sustained job growth,"said Hayah CEO Rashid Al Malik said.

WELCOME TO SACRAMENTO, JOEL KOTKIN. Writing in the Sacramento Bee, columnist Stuart Leavenworth lit into the conservative land-use commentator, who will be the keynote speaker at a Sacramento Metro Chamber event in mid-November dealing with the suburbs. Acknowledging that the Chamber of Commerce has the right to hire anybody it wants as a speaker – Kotkin is getting a reported $15,000 for the speech – Leavenworth said that bringing Kotkin in for this event " is analogous to inviting a tea party leader to be the keynote speaker at a forum on the Affordable Care Act." [http://www.sacbee.com/2013/10/13/5814756/stuart-leavenworth-sacramento.html#storylink=cpy]

Perhaps engaging in a little hyperbole, Leavenworth says Kotkin's writings leave readers "with the impression that anyone who supports smart growth is part of an elite group of Soviet apparatchiks, determined to take away your suburban house and cars and force everyone into condos close to a transit station."

Leavenworth even quoted former CP&DR editor Josh Stephen's recent blog, which accused Kotkin of " "willfully distorting the ideas most famously promoted by Jane Jacobs and now accepted widely in the planning community … Jacobs never advocated for unlimited density, and neither does anyone else I know." [http://www.cp-dr.com/node/3364] ■

Norman Foster's Ring of Saturn for Apple

BY MORRIS NEWMAN

A couple of weeks ago, the Cupertino City Council approved the long-awaited, 3.2-million-square-foot Apple Campus 2. Approval means that the building, notable for its purely circular footprint, is to arise on an open field north of Interstate 280, with completion expected in about two years. Designed by architectural luminary Sir Norman Foster, the main office building is notable for a purely circular footprint. Both Apple and the architect suggest that the horizontally oriented, four-story building will be gentler on Gaia than a tall building. The campus, which is roughly four times larger than Disneyland, will include additional buildings for a gymnasium and a 1,000-seat auditorium; the latter is the only public venue on the 275-acre site. Even if the landscape scheme does not coordinate with the building designs in any obvious way, the site plan is positively fuzzy with greenery, so that is another plus.

On one level, the circular building – which was personally unveiled by its principal proponent, the late Apple Chairman and Co-founder, Steve Jobs, about 18 months ago – is a continuation of the elegant, minimalist design esthetic that has made Apple a consistent standout in industrial design. It's hard not see the building as a kind of overscaled funerary monument to Jobs. Immense, solemn and symbolic with a capital "S," the new Apple headquarters is reminiscent of the "The Cenotaph of Newton," a monumental scheme by the French architect Etienne Boullee (1728-1799). Never built and probably impossible to construct, the Centotaph consists of an immense empty globe, topped by a dome larger than that of the ancient Pantheon in Rome. So the new Apple office building is the Cenotaph of Steve, with some of the arrogance and visionary power of the Apple co-founder finding expression in this impressive, if ultimately irrational design.

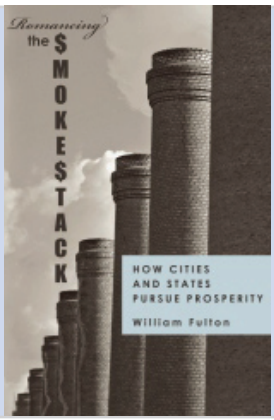
Architects love circular floor plans, in part because of the "infinite" or endless nature of the circle. The Romans built circular "tempietti" as well as the super-sized Pantheon. Much later, in the Italian Renaissance, architects became obsessed with the idea of designing circular churches, even though the circular floor plans did not accommodate themselves easily to the ceremonies of the Catholic Church, and were rarely built. Even more recently, circles beguiled that great genius -- and even greater crank -- Frank Lloyd Wright, who relied on circles in several of his latest, most eccentric buildings, such as the Guggenheim Museum in Manhattan. One major difference between the circles in Renaissance design and the Apple campus is the Renaissance conceived circular spaces that were active, important places. (Many of the schemes place the church alter at the center of the circular plans.)

One possible advantage of the circular plan is a continuous interface with the outdoors. Yet there is something empty about the garden scheme, at least as it stands: Rather than being a destination in itself, the center of the doughnut hole is negative space; it is an awkward condition to be mitigated. While Apple office workers will likely take advantage of the building's design to frequently spend plentiful time

– CONTINUED ON PAGE 5

Romancing the $moke $tack
How Cities And States Pursue Prosperity

Bill Fulton's Book On Economic Development



– CONTINUED ON PAGE 5

outdoors (and this is a big win), few will stray to the center of the doughnut hole. There's no reason to go there. It's an empty precinct filled with trees, or a type of "greenwash."

Curved spaces may not be better than straight corridors for most people. If long straight corridors are tiresome to walk, are curving corridors less frustrating? Curved hallways lack a visual endpoint, which is part of the way that we orient ourselves in space. Plus, most of us prefer to walk in a straight line, which is, after all, the shortest path between two points. Perhaps the doughnut is so large in scale that entire departments can all work together, all within the same view shed, without the desks of coworkers curving off into the unseen distance. If the building is meant to encourage communication among people working in different disciplines inside the same building, however, the circular design seems to works against that goal. Some renderings of the office building interior depict an internal monorail system to deliver workers from one point to another within the circular periphery, which speaks to the difficulty of getting from A to B in this very large building.

By the by, we noticed that the approval of the new Apple HQ was somewhat overshadowed by the Congressional vote the same day to re-open the federal government. Apparently, there was a train wreck with a really bad website that was trying to redistribute wealth to minorities by providing health care to sick people, or something like that. I wasn't paying attention. Anyway, some of our readers would like to know more about the new Apple headquarters, so we are providing the following Frequently Asked Questions (FAQ).

The new Apple office building is the Cenotaph of Steve, with some of the arrogance and visionary power of the Apple co-founder finding expression in this impressive, if ultimately irrational design.

Question: In what way is the U.S. Congressional delegation similar to the new Apple headquarters?

Answer: They are both big zeroes.

Q: In what way do Congress and the Apple HQ differ?

A: Congress is a waste of time, while the Apple HQ is a waste of both time and space.

Q: What is the role of landscape in the form of this immense building?

A: Uh… none. Why do you ask? Is that important?

Q: How can such an immense building fit harmoniously with the rest of the surrounding city?

A: What city? Do you see a city? (peals of laughter, followed by a sharp elbow to the ribs.)

Q: What does this immense monolith say to the people who work in it?

A: "You miserable little ants! Watch out I don't step on you!"

Q: What does this circular oddity say about the late Steve Jobs?

A: Overcompensation for his inability to throw a Frisbee?

Q: How shall this building be known in the popular imagination?

A: Maybe as Steve Jobs' Circle Works? ■

legal digest

Inclusionary Housing Ordinance Must Be Litigated Under Exaction Rules, Cal Supremes Rule

The California Supreme Court has ruled that an inclusionary housing requirement is an exaction rather than a land use regulation – a distinction that means inclusionary housing could be judged by the same nexus and proportionality requirements as other exactions.

In a unanimous ruling last Friday, the Supreme Court reversed an appellate court ruling and sided with developer Sterling Park in an ongoing dispute against the City of Palo Alto. Sterling Park had sought to fulfill its inclusionary housing commitment under protest, as permitted by the Mitigation Fee Act (Govt Code Section 66020). Palo Alto claimed that the inclusionary housing requirement was not an exaction under the Mitigation Fee Act but rather a land use regulation under the Subdivision Map Act (Govt Code Section 66499.37).

Palo Alto's inclusionary housing program "is different from a land use regulation … (a limit on the number of units that can be built); instead, it is similar to a fee, dedication, or reservation under section 66020," wrote Justice Ming Chin for the unanimous court.

The Supreme Court did not decide the merits of the case, in which Sterling Park challenged the inclusionary housing ordinance as an impermissible use of the city's power to impose exactions in exchange for land-use permits. Instead, it remanded the case to the Sixth District Court of Appeal for that decision.

However, the Supreme Court's ruling certainly sets the stage for a possible ruling that would outlaw or significantly rein in inclusionary housing ordinances. Under exaction law, a jurisdiction seeing to impose an inclusionary housing requirement on a developer would have to prove a strong nexus between the construction of the project and the need for affordable housing.

In the 2009 case *Palmer v. City of Los Angeles,* 175 Cal. App.4th 1396 (2009), the Second District Court of Appeal called into question the legal validity of inclusionary housing requirements on rental housing projects. The court ruled that an inclusionary housing requirement on a rental development project near Downtown Los Angeles was effectively setting the rent on the housing units, thus violating the state's Coast-Hawkins Rental Housing Act.

Just last week, Gov. Jerry Brown vetoed AB 1229, a bill designed to overturn the Palmer ruling, by saying he wanted to wait to see what the Supreme Court did in the Sterling

– CONTINUED ON PAGE 7

– CONTINUED FROM PAGE 6

Park case.

The case began in 2006, when Sterling Park LLC sought approval of a proposal to demolish an existing commercial development on 6.5 acres of property on West Bayshore Drive and replace it with 96 residential condominiums. As a condition of approval, Sterling Park agreed, under the city's inclusionary housing ordinance, to set aside 10 units for affordable tenants and also pay the city a fee totaling approximately 5% of the actual sales value of the market-rate units.

Three years later, however, Sterling Park filed a letter of protest as permitted under Government Code Section 66020, a part of the Mitigation Fee Act, claiming that the developer had agreed to the conditions under duress and claiming that the inclusionary housing requirements were invalid.

The city did not respond and Sterling Park sued, seeking invalidation of the inclusionary housing requirement.

In response, the city argued that the inclusionary housing requirements were not exactions imposed under the Mitigation Fee Act but, rather, conditions of approval imposed under the Subdivision Map Act. The Mitigation Fee Act contains the protest procedure that Sterling Park followed; the Subdivision Map Act has no such equivalent procedure.

Both the Superior Court and the Sixth District Court of Appeal ruled in favor of the city, but the Supreme Court reversed.

"The Supreme Court's ruling certainly sets the stage for a possible ruling that would outlaw or significantly rein in inclusionary housing ordinances."

The appellate court had relied heavily on *Trinity Park, L.P. v. City of Sunnyvale* (2011) 193 Cal.App.4th 1014, which held that the Mitigation Fee Act covered only impact fees designed to defray the cost of infrastructure needed to serve the project.

By contrast, the Supreme Court relied heavily on *Fogarty v. City of Chico* (2007) 148 Cal.App.4th 537, which held that the phrase "or other exactions" contained in the Mitigation Fee Act should be interpreted broadly. The Fogarty case, in turn, depended in large part on an appellate court ruling in *Williams Communications v. City of Riverside* (2003) 114 Cal.App.4th 642.

Using the reasoning of *Fogarty* and *Williams*, rather than the ruling in *Trinity*, the Supreme Court ruled that so long as the number of units being constructed is not being challenged – an issue that would be covered by the Subdivision Map Act -- the *conditions* attached to how those units may be rented or sold can be litigated under the Mitigation Fee Act during or after construction of the project.

"The procedure established in section 66020, which permits a developer to pay or otherwise ensure performance of the exactions, and then challenge the exactions while proceeding with the project, makes sense regarding monetary exactions," wrote Justice Chin for the court. "By the nature of things, some conditions a local entity might impose on a developer, like a limit on the number of units … cannot be challenged while the project is being built. Obviously, one cannot build a project now and litigate later how many units the project can contain — or how large each unit can be, or the validity of other use restrictions a local entity might impose. But the validity of monetary exactions, or requirements that the developer later set aside a certain number of units to be sold below market value, can be litigated while the project is being built."

In the case of the Sterling Park development, Chin wrote, Palo Alto's inclusionary housing ordinance "offers developers two options, either of which, by itself, would constitute an exaction. The imposition of the in-lieu fees is certainly similar to a fee. Moreover, the requirement that the developer sell units below market rate, including the City's reservation of an option to purchase the below market rate units, is similar to a fee, dedication, or reservation." ■

>>> OPR Issues Draft Environmental Goals and Policies Report

– CONTINUED FROM PAGE 1

by 2020, contained in AB 32 – although litigation against the sustainable communities strategy in San Diego has successfully used the Executive Order's target as a de-facto state goal.

The EGPR contains specific sub-goals for energy conservation, but only general descriptions of desirable goals and metrics regarding land use.

The proposed EGPR is organized around six high-level goals:

A strong economy

Thriving urban areas

Prosperous rural regions

A clean environment

Clean and efficient energy system

Efficient and sound infrastructure

This is fine rhetoric – and not surprising – but the EGPR also seeks to set up a series of metrics that would measure the state's progress toward the goal. The metrics fall into five categories:

1. *Decarbonize the State's Energy and Transportation Systems*
2. *Preserve and Steward the State's Lands and Natural Resources*
3. *Build Sustainable Regions that Support Healthy, Livable Communities*
4. *Build Climate Resilience into All Policies*
5. *Improve Coordination Between Agencies and Improve Data Availability*

Each of these five areas of measurement contain a set of more specific targets. For example, the "decarbonize" goal calls for a 33% renewable energy generation by 2020 (already a state law) and 1.5 zero-emission vehicles by 2025.

Targets #2 and #3 above – natural land and sustainable communities – have a direct impact on the planning and development world in California. But the metrics in these areas contained in the EGPR are not as quantitative as those for the energy sector.

In the case of natural and agricultural lands, the proposed metrics are:

1. *Land conversion*
2. *Land protection status*
3. *Water consumption*
4. *Use of recycled and reclaimed water*
5. *Bioenergy development and use*

Though the draft EGPR includes some information about the state's measurement of conversation of agricultural and natural land for development, it does not include or propose specific metrics.

Similarly, Target #3 – Build Sustainable Regions that Support Healthy and Livable Communities – includes some broad discussion of possible metrics but not a whole lot of specifics in the way of metrics. This target contains four specific goals, including environmentally sensitive infrastructure investment; a transportation investment strategy that focuses on walking, biking, and safe routes to school; and better education and workforce training.

Perhaps the most interesting specific goal under Target 3 is "Build a redevelopment program that allocates funds in alignment with environmental goals as evidenced through some of the following activities". At first glance,

– CONTINUED ON PAGE 9

– CONTINUED FROM PAGE 8

one might think that this is pretty earth-shattering: The Brown Administration is endorsing a new "redevelopment program". But because it's a high-level document, it's short on specifics. As possible strategies it lays out the following:

1. Alignment of local General Plan with regional sustainable communities strategy (where applicable).
2. Coordination with school districts on long-term planning issues.
3. Natural resource protection plans that reflect long-term environmental goals.
4. Adoption of climate change or sustainability plans that address emission reduction as well as steps to build climate resilience.
5. Develop plans to help communities manage planned retreat from rising sea levels.

And it contains no specific proposals for metrics that would suggest how to measure progress toward these goals or targets.

The EGPR was required as a result of a law carried by then-Assemblyman Pete Wilson in the early 1970s. Since Brown's 1978 "Urban Strategy," no governor has released an EGPR, though both the administrations of Wilson and Arnold Schwarzenegger worked on drafts that floated around Sacramento.

The draft EGPR is a high-level document laying out overall policy goals, focusing especially on climate change and greenhouse gas emissions reductions But the draft shows how difficult it is to set hard metrics in the world of land use and transportation compared to the world of energy conservation.

The 1978 Urban Strategy [http://www.opr.ca.gov/docs/urban_strategy.pdf] was similarly lofty to the current draft in its goals and aspirations, but – unlike the current draft – it did contain a detailed "action plan" of specific steps the state should take. Among the proposed actions: A CEQA exemption for housing in infill locations. ■

insight WILLIAM FULTON

>>> OPR Takes On CEQA and General Plan Reform

– CONTINUED FROM PAGE 1

Meanwhile, OPR also must undertake implementation of the many revisions to the California Environmental Quality Act that Gov. Jerry Brown has pushed through the Legislature since he took office – most importantly, rethinking the "Level Of Service" standard for traffic.

"We are looking very seriously at vehicle miles traveled as a more appropriate measure of a particular development on traffic and traffic services and what are the impact on complete streets and transportation alternatives," OPR Director Ken Alex said in a keynote speech in Visalia.

"All of the feedback I've been getting is that CEQA eats the life out of your general plan – the tail wags the dog,"

- OPR's Chris Calfee

The timelines for each of these updates are tight. Under the terms of SB 743 – recently signed by Gov. Jerry Brown – OPR must come back with a report and a proposed game plan by July. Meanwhile, OPR hopes to complete the General Plan Guidelines update by December.

As one tweeter from Visalia suggested, OPR is not preparing "your father's General Plan Guidelines update." Key to the state's approach is the availability of thousands of layers of geographical data on the state's "geoportal" (http://portal.gis.ca.gov/geoportal/catalog/main/home.page).

But it may be the connection to CEQA that is most important part of the General Plan Guidelines update.

Regarding the way CEQA "eats" General Plans, Calfee said in Visalia: "We can address some of that if we look at how we do timing of General Plans and EIRs. We want to revamp the section on CEQA and General Plans to better address what are the key intersections between development of General Plan and development of CEQA review. We may put out a time line in order to get people to think about environmental issues at the very front end of the process."

He added: "Also, we want to set forth other key linkages between General Plans and environmental review. Project objectives in the General Plan -- those should be linking up to project objectives in EIR. Alternatives prepared for General Plan should be the alternatives in your EIR. And so forth."

A lot of the momentum around CEQA is focused on SB 743, the reform bill that was passed by the Legislature this fall. Senate leader Darrell Steinberg turned to 743 at the last minute after he gave up attempting to pass SB 731, a reform bill that had bounced around Sacramento all year long. It appeared several times that Steinberg had consensus on 731 but the consensus kept unraveling. Finally, in the last week of the session, Steinberg turned to SB 743 – a bill designed primarily to streamline the CEQA process for a new arena in Sacramento.

SB 743 contained several reforms that further move CEQA in the general direction of "two CEQAs" – one for infill and transit-oriented locations and the other for greenfield locations. The bill declares that visual impacts and parking are not to be considered "significant" impacts in designated transit priority locations (which local governments can designate based on state criteria).

It also directs OPR to examine alternatives to Levels of Service as a traffic analysis standard. So stay tuned on that front.

SB 743 came on the heels of 2011's SB 226, which provides streamlined CEQA review for infill locations. OPR is still working on guidance for how to implement SB 226.

Brown himself has repeatedly indicated support for streamlining CEQA wherever possible, calling such streamlining "The Lord's Work." But environmentalists – especially environmental justice advocates -- and some labor unions have continued to resist CEQA streamlining. These groups often use CEQA lawuits as a way to hold local governments accountable to environmental or, in some cases, labor-oriented goals.

So it's unclear how far down the line the Brown Administration will be able to go in CEQA reform if two core Brown constituencies – labor unions and environmental groups – are still resisting. But in the

– CONTINUED ON PAGE 11

– CONTINUED FROM PAGE 10

meantime, SB 226 and SB 743 give OPR and local governments around the state plenty to work with in revising their approach to infill locations under CEQA. And in his recent Visalia speech, Alex indicated that it may be time to give CEQA reform a rest – especially since next year is an election year for Brown.

"My fond hope and I said this to the governor," Alex told the assembled planners in Visalia, "is that can we take a break. I've spent much of my career work on CEQA issues, and if we could take a year or two off and kinda chill out it would not break my heart. I realize we probably have no chance of that happening." ■