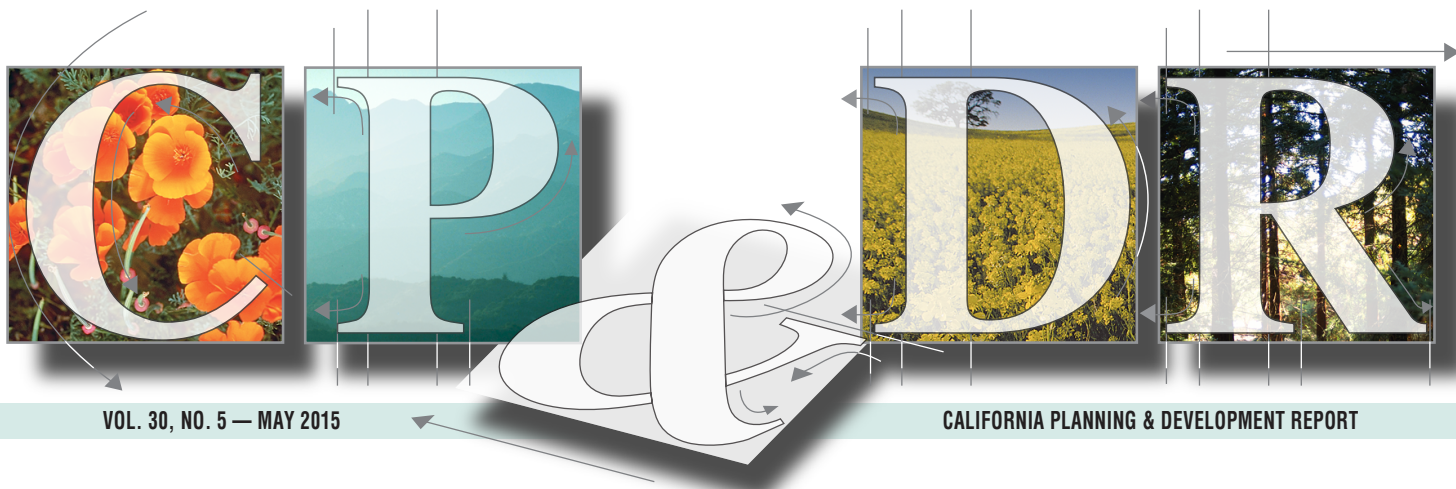




Beyond Almonds: Cities Face Immediate Water Cuts, Long-Range Uncertainty

BY JOSH STEPHENS

As California's drought continues to worsen, the state's 500-plus local governments face a twofold challenge: complying with state-mandated reductions in urban water use while at the same time planning for long-term development. While the state's housing needs are manifest – 220,000 units per year just to keep up with latent demand – the long-term water supplies required to supply new development and redevelopment have become less certain thanks to the drought.

In the wake of Gov. Jerry Brown's recent executive order, many districts are imposing cutbacks on institutional users, such as park and school districts, and

on homeowners collectively. But unlike the 1990s, only a few communities appear to be placing moratoria on new development as result of the drought. But experts predict that further water conservation measures – including more water-efficient new residences – could take the pressure off of development moratoria in the future.

The San Jose Water Company is one of the largest water providers at the high end of the reduction scale. It must cut 30 percent. That district is allocating thirteen 780-gallon units of water per home – as compared to the 2013 average of 19 units – regardless of a home's size. Homeowners will pay penalties for usage above their allocated units.

– CONTINUED ON PAGE 9

Desert Plan Pits Solar Goals Against Local Enviros

BY MARTHA BRIDEGAM

The Desert Renewable Energy Conservation Plan (DRECP) has taken on the difficult task of bringing high-flown talk about renewable energy goals down, literally, to earth, in the form of land use planning. It's asking members of the energy, planning and environmental fields to cooperate in adding a new dimension to the meaning of property ownership in California's southeastern deserts.

But it's also running into resistance from local governments that don't want the plan to restrict their own land use power – and some environmental groups are criticizing the plan because of the potential environmental impact of large-scale solar facilities. It's an ironic clash between a governor who wants rapid progress on renewable energy and local and environmental groups

– CONTINUED ON PAGE 13

Brown Ratchets Up Greenhouse Gas Targets

Gov. Jerry Brown [issued](#) an executive order to establish a California greenhouse gas reduction target of 40 percent below 1990 levels by 2030 – the most aggressive benchmark enacted by any government in North America to reduce dangerous carbon emissions over the next decade and a half. It also orders the state to prepare for adaptation to climate change. California is on track to meet or exceed the current target of reducing greenhouse gas emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32). California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent under 1990 levels by 2050. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 degrees Celsius – the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels.

“With this order, California sets a very high bar for itself and other states and nations, but it's one that must be reached – for this generation and generations to come,” said Brown in a statement. (See CP&DR [commentary](#) by Josh

Stephens and Bill Fulton on the order's potential impact on statewide Sustainable Communities Strategies.)

Group Takes Aim at Prop. 13; Calls for ‘Split Roll’

Another group has arisen in the long-running battle to challenge Proposition 13. A coalition of several public employees unions and other interest groups, the Make it Fair organization seeks to place a measure that would upend Prop. 13 on the 2016 statewide ballot. The proposed measure would seek a “split-roll” solution, taxing commercial properties at market rates while leaving residential tax rates frozen according to purchase prices. Prop. 13's freeze on property taxes has long been cited as a complicating factor in local government finance, particularly for school districts. Supporters of the measure say that its passage could result in an additional \$9 billion in annual tax revenue. “California is losing billions of dollars every year thanks to problems in the law that allow some big corporations and wealthy commercial property owners to avoid paying their fair share,” campaign spokesman Anthony Thigpenn said in a statement quoted by the [Sacramento Bee](#). “By continuing to raise taxes, the state is forcing businesses out of California, and they're taking our jobs with them,” Rex Hine of California Business Properties Association told the Bee.

Los Angeles Considers New Mobility Plan

The Los Angeles Planning Commission advised the City Council to adopt the city's proposed [Mobility Plan 2035](#), update the land use element of 35 community plans, and adopt an ordinance to implement new street standards and complete street principles. Updating the 1999 Transportation Element of the city's General Plan and the 2010 Bicycle Plan, the Mobility Plan 2035 has the goal of creating a balanced transportation system in the city of Los Angeles by prioritizing pedestrian, bicycle, and transit-oriented roads, and contains a five-year implementation strategy for the plan. The plan would promote complete streets, per AB 1358, and include a range of design guidelines to accommodate multiple modes of transportation.

Ruling Complicates Efforts to Build A's Stadium in San Jose

Another roadblock has come up against San Jose in its bid to lure the Oakland A's to a downtown ballpark. A judge recently [ruled](#) that under local laws the city should have gone to voters first before entering into a land-purchase agreement with the team for a site, thus invalidating the latest version of the deal between the city and the team. The San Jose City Council voted to appeal the court's

– CONTINUED ON PAGE 3



is published semi-monthly by

Solimar Research Group
Post Office Box 24618
Ventura, California 93002

Fax: 805.652.0695

William Fulton
Editor & Publisher

Martha Bridegam
Josh Stephens,

Morris Newman, Kenneth Jost
Contributing Editors

Susan Klipp
Circulation Manager

Talon Klipp
Graphics & Website

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

decision, but the setback is just one of several for the planned move to Silicon Valley: the San Francisco Giants also have protested the move, asserting territorial rights to the South Bay, and a federal appeals court sided with the Giants in an antitrust case.

OPR Releases Draft VMT Guidelines, Advisory on Tribal Resources

The Governor's Office of Planning and Research announced the availability of two documents related to the Guidelines Implementing the California Environmental Quality Act. The first document summarizes comments submitted to OPR on the preliminary discussion draft of changes to the CEQA Guidelines related to transportation analysis pursuant to Senate Bill 743. All comments that were submitted to OPR on the preliminary discussion draft during the comment period can be accessed through the [summary](#) (pdf). OPR is currently developing a revised draft which will be released for additional public review. The second document is a draft [technical advisory](#) (pdf) discussing new requirements, added by Assembly Bill 52, related to tribal cultural resources and CEQA. The provisions of the new law go into effect July 1, 2015. OPR is accepting input on the draft technical advisory. (See prior CP&DR [coverage](#) of SB 744.)

L.A. Metro May Seek to Raise \$120 Billion Via Ballot Measure

The Los Angeles County Metropolitan Transportation Authority is exploring another ballot measure to raise billions of dollars for the county's

transportation system. Dubbed by non-profit Move L.A. as "Measure R2," the new sales tax would require two-thirds voter approval to pass and would likely go on the 2016 presidential ballot, hoping to get a better turnout to reach the needed supermajority. Metro's wish list totals about \$300 billion; the agency estimates that Measure R2 could raise as much as \$120 billion over 40 years by raising the county sales tax to 9.5 percent and extending the expiration of the 2008 Measure R sales tax by an extra two decades. The funds could be used for major transit projects such as a rail and automobile tunnel under the Sepulveda Pass, a rail link to LAX airport, and the extension of the subway to Santa Monica. According to the Los Angeles Times, a recent Metro [poll](#) suggests that the proposal has considerable support — as much as 79 percent depending on how the question was posed and how much information the respondents had.

State Audit of BART Describes Need for \$9.6 Billion in Capital Improvements

The California State Auditor's office [reports](#) that the Bay Area Rapid Transit District needs \$9.6 billion in capital improvement and reinvestment projects, but that funding for those projects is still up in the air. \$4 billion of the needed money would go to the "Big Three" projects: replacing its fleet of railcars (many of which have been in operation since 1972 and which the auditor says will reach the end of their useful lives by 2026), expanding its vehicle maintenance facility, and replacing its train control system. BART's ability to spend on the

capital improvements is constrained by an operating budget deficit that is projected to grow from \$5.9 million in 2015-16 to \$57.3 million in fiscal year 2017-18. Instead, it may have to look to the 2016 ballot for bonds or sales tax increases.

Bay-Delta Habitat Restoration Plan Curtailed

Gov. Jerry Brown [announced](#) that the state would significantly reduce the acreage slated for conservation efforts in the Sacramento Bay-Delta. The plan cuts from 100,00 to 30,000 the number of acres of fish and wildlife habitat that will be restored, dropping the cost from \$8 billion to \$300 million. Along with that announcement, Brown reaffirmed his support for a controversial \$15 billion plan to build water tunnels to deliver more water to the Central Valley. Critics contend that the reduced conservation area, which effectively nullifies the Bay-Delta Conservation Plan, is a precursor to an ecologically harmful "water grab." Supporters say that a smaller area will be easier to manage and restore.

Delta Smelt on Verge of Extinction

The delta smelt, a small, three-inch fish found only in the Sacramento-San Joaquin Delta—and the symbol of decades-long debates over water management in the delta—is likely headed toward extinction if water-use trends in California continue. In previous years, researchers have caught hundreds or thousands of the fish in surveys of the Sacramento-San Joaquin Basin. "Numbers are down this year. So the March survey we caught six. The April survey

— CONTINUED ON PAGE 4

— CONTINUED FROM PAGE 3

we caught one,” Lauren Damon, an environmental scientist with the California Department of Fish and Wildlife, told Capital Public Radio. The drought has exhausted habitats for many species in the delta, including the winter-run Chinook salmon, which saw 95 percent of its brood die last year. “If we let the smelt go, we’re essentially saying we don’t really need a functioning estuary, and California is going to be losing something very special if that fish disappears,” Peter Moyle told Capital Public Radio.

Carson, San Diego Stadium Deals Finalized

In the multi-pronged race to attract and retain NFL football teams that is being run throughout California, San Diego and the Los Angeles-area city of Carson have taken slight leads. A joint powers authority has taken over the 157 acres in Carson that is being eyed for a stadium to be shared by the relocated Chargers and Raiders. In San Diego, a mayoral committee revealed a complex \$1.1 billion financing plan for a stadium designed to keep the Chargers there. Roughly \$300 million would come from public

sources, and \$225 million could come from the sale of the current site of Qualcomm Stadium in Mission Valley. The Chargers still have to consent to the deal.

Santa Monica Restricts Short-Term Rentals

The Santa Monica City Council **voted** unanimously to strengthen a prohibition on short-term rentals through the home-share service Airbnb. The new ordinance allows “true” homesharing, wherein a homeowner can rent out rooms or guesthouses to travelers while the primary owner is on-site but prohibits rental of entire units by absentee landlords and managers. Short-term rentals, by which entire apartments or homes are rented out, number from 1,400-1,700 in San Monica and account for about five percent of the city’s 33,717 rental units. Residents expressed concerns that with Santa Monica already not filling needed housing supply, the short-term rentals are squeezing even more possible residents out of the market. The ordinance is believed to be the strictest regulation of home-sharing in California.

Natural Resources Agency Releases Application for River Parkways Grants

The California Natural Resources Agency announced the release of the guidelines and application for the California River Parkways (RP) grant program. Awards for this program will be made pursuant to the River Parkways Act of 2004. An estimated \$7.6 million will be available for projects that involve natural creeks, streams and/or rivers. Projects must serve at least two of the following purposes: recreation, habitat protection, flood management, conservation, conversion to river parkways. The agency will award funds to “projects that produce multiple benefits which reduce greenhouse gas emissions, increase water use efficiency, reduce risks from climate change impacts and demonstrate collaboration with local, state and community entities.” The application period runs June 1 to Sept. 1. ■

http://resources.ca.gov/bonds_and_grants/river-parkways/



IS ON TWITTER AND FACEBOOK!

Please follow our tweets @Cal_Plan,
and search for us and become a fan on Facebook.



Infill Group Seeks to Delay Implementation of VMT

BY JOSH STEPHENS

A developers' group is promoting a new piece of legislation that would postpone implementation of SB 743 — the bill that would change traffic analysis to vehicle miles traveled — for a year. The bill has apparently revealed a split among developers who say they focus on infill projects.

Sponsored by Assemblymember Cristina Garcia (D-Norwalk), who was elected in November, Assembly Bill 779 would postpone implementation of SB 743 until 2017. A lobbying group called the Infill Builders Federation is sponsoring a bill that, depending on its final form, would postpone the implementation of SB 743. Supporters insist that they embrace VMT but say that the two years are needed to help developers prepare for the switch and to work out what they see as kinks in the law.

The bill has progressed relatively smoothly through the legislative process. It passed easily, 15-0, through the Committee on Transportation and Natural Resources and has been heard by the Appropriations Committee. Whether Governor Jerry Brown, an avowed proponent of smart growth, will veto the bill remains to be seen.

The trouble, say the bill's opponents, is that California's cities need SB 743 yesterday.

"Sure, there's a transition, but that's not a reason not to go ahead," said Johansen. Garcia's office declined to speak to CP&DR on the record. IFB's lobbyist Erin Niemela declined as well. IFB board members did not respond to repeated requests for interviews. The Council of Infill Developers, which is a nonprofit advocacy group that was once affiliated with IFB, as well as other critics claim that the IFB does not truly represent the interests of infill developers but rather is a front for greenfield developers (some of whom also do infill).

"The idea that's coming out of a nominally infill builders organization is really disappointing," said Ethan Elkind, Associate Director of the Climate Change and Business Program at UCLA Law School and advisor to the Council of Infill Builders. "Their arguments are wrong, but I also question why a group of infill builders would be pushing a measure that would hurt infill."

The apparent concerns of AB 779's supporters are threefold:

1. VMT analysis may unfamiliar, and therefore potentially burdensome, to many developers;
2. because cities may still impose their own metrics, regardless of CEQA's requirements, some developments may be subject to two analyses;
3. given the litigious history of CEQA, VMT analysis — and, potentially, unforeseen holes in SB 743 — could provide more grounds on which opponents of a project could sue.

Supporters of VMT, and, specially, of the way SB 743 was crafted, reject all of these claims.

While CEQA provisions have been used in unfathomably creative ways since the law's 1970 passage, concerns about litigation are, supporters say, covered largely by the fact that projects in what the law defines as "transit priority areas" — a half-mile radius around an existing or planned "major transit stop" — and that are consistent with specific plans that have already passed CEQA scrutiny are exempt from VMT analysis entirely.

"A traffic study is a huge component of the time and the cost involved with entitlement work," said Johansen. "To be able to get an exception by a well located project...(is like) getting a free pass."

Supporters of AB 779 question the effectiveness of this provision in practice, given the historical aggressiveness of many project opponents and CEQA attorneys. One proposed solution that supporters are reportedly proposing would give the Office of Planning and Research the authority to determine significance thresholds — the levels of impacts at which a project would be considered in violation of CEQA. This sort of authority would be unprecedented for OPR.

OPR is proceeding with its guidelines process. OPR staff declined to be interviewed for this article, but Chris Calfee, senior counsel at OPR, issued this statement: "The Office of Planning and Research has conducted extensive public outreach over the past year and a half on its preliminary discussion draft and is currently developing a revised draft that responds to input received from the bill's sponsor as well as other stakeholders. We look forward to completing the process that Senate Bill 743 set in motion."

This provision does not, of course, shield developers

>>> Infill Group Seeks to Delay Implementation of VMT

— CONTINUED FROM PAGE 5

outside transit areas, but that is by design. Under VMT analysis, they still may be subject to suits claiming insufficient analysis or mitigation just as they are today under LOS. Supporters of SB 743 say that this is intentional: the law discourages greenfield, less dense, and/or non-transit-adjacent development by measuring vehicle traffic and, in many cases, preventing developers from mitigating impacts simply by expanding roads (to relieve congestion at affected intersections).

“LOS basically allows you to buy your way out of traffic impacts,” said Johansen.

Whether VMT analysis — by itself or in conjunction with conventional LOS analysis — is more burdensome for non-exempt projects remains to be seen. Supporters of VMT say that the burden will be negligible, especially since much of the data-gathering will be identical to previous methods and that there are widely accepted methods for analyzing data to estimate VMT.

“All the factors you need to calculate LOS accurately are the same as the factors you would need to calculate VMT,” said Jeffrey Tumlin, principal and director of strategy at transportation planning firm Nelson-Nygaard.

“It’s incredibly straightforward,” said Elkind. “Compared to a stack of papers for a traffic study--you’re talking 3-4 phonebooks--it’s as off-the-shelf as it can get. The standard of review to challenge a VMT analysis is much higher.”

Tumlin noted that cities may have legitimate concerns about switching to VMT. Cities have often used LOS analysis as an exactions tool, to get developers to cover mitigation measures that cities otherwise might have to fund themselves. Likewise, SB 743 may impact highway projects developed by Caltrans. Neither cities nor Caltrans appear to be involved with AB 779. There are no representatives from any public entities on the IFB board.

While AB 779’s supporters claim to support infill

development and the wisdom of VMT, their opponents suggest that IFB and others are concocting objections to SB 743 in order to protect the interests of greenfield developers.

“I think what’s happening is both the sprawl industry as well as under-resourced municipalities are finally understanding that this is real and that it’s going to change the way they do business,” said Tumlin.

The debate over AB 779 is but the most tangible manifestation of a rift that opened several years ago between rival groups. Representatives of the Council of Infill Builders, which used to be aligned with the IFB, say that they have not been invited to discuss the bill with Garcia’s staff or with the IFB. CIB is a nonprofit advocacy group whereas IFB is a registered lobbying group.

“The makeup of the two organization probably speaks volumes about the principles that each one ascribes to,” said Johansen.

SB 743’s supporters say that its passage would undermine the aggressive climate change goals that Brown has consistently set and, of late, codified in an executive order calling for a 40 percent reduction in greenhouse gas emissions by 2030.

“This seems to me like it would be a step backwards, and I would be surprised if he supports it,” said Johansen. ■

SB 743 Legislative Information http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743

SB 743 Transit Priority Areas http://www.opr.ca.gov/s_transitorienteddevelopmentsb743.php

AB 779 Legislative Information http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB779

“LOS basically allows you to buy your way out of traffic impacts,” said Johansen.

legal digest

Banning Ranch EIR, General Plan Application Upheld

BY WILLIAM FULTON

The Fourth District Court of Appeal has upheld the City of Newport Beach's decision to "approve" a development project on Banning Ranch, saying that the city complied with both the California Environmental Quality Act and its own general plan. A trial judge had ruled that the city complied with CEQA but violated its own general plan.

The project is still pending before the Coastal Commission.

It was the second time in less than three years that the [Fourth District upheld Newport Beach's action](#) on the Banning Ranch project. In December 2012, the court ruled that the city's EIR had properly analyzed the impact of the project on adjacent parks.

[Banning Ranch](#) is a 400-acre parcel of land located on a coastal bluff above the Pacific Ocean in Newport Beach that was formerly the site of oil drilling. The [development plans calls for remediation of the oil drilling's damage](#), as well as construction of 1,375 residences, 75,000 square feet of retail space and a boutique hotel to be built on approximately one-quarter of the property. A local conservancy has [opposed the development project](#) and advocated for public purchase of the entire property.

Newport Beach's coastal land use plan, or CLUP, was approved by the Coastal Commission in 2005. However, the city has never submitted an implementation plan to the Coastal Commission, so even though the city reviews development projects in the coastal zone, the commission still must approve all permits. Furthermore, the coastal land use plan specifically excludes Banning Ranch, categorizing it as a "deferred certification area" – a strategy that was apparently intended to ensure that controversy over Banning Ranch did not hold up certification of the CLUP. Thus, any action on Banning Ranch must include not just permit approval but approval of the coastal land use plan for the Banning Ranch property.

The general plan's land use element calls on the city

to "coordinate with state and federal agencies" – more specifically to "work with appropriate state and federal agencies to identify wetlands and habitats to be preserved and/or restored and those on which development will be permitted." The coastal land use plan, which is part of the general plan, calls on the city to identify environmentally sensitive habitat areas, or ESHAs, in reviewing any coastal project.

In challenging the city's "approval" of the Banning Ranch project, the Banning Ranch conservancy argued that the city violated the general plan by not identifying and mitigating for the loss of wetlands and other environmentally sensitive lands prior to project approval; and that the city violated CEQA by not identifying ESHAs in the environmental impact report.

Orange County Superior Court Judge Robert Louis Becking ruled that the city complied with CEQA but violated the general plan. A three-judge panel of the Fourth District affirmed Becking on the CEQA issue but overturned him on the general plan issue, effectively upholding the city's final action.

Upholding Becking on the CEQA issue was a relatively straightforward matter for the appellate court. The court agreed that the CLUP states that the city must identify ESHAs in reviewing any project in the coastal zone. However, the court pointed out that Banning Ranch specifically excludes Banning Ranch, which will be subject to a separate land use plan that will require separate certification from the Coastal Commission.

The court's reasoning on the general plan issue required a much longer and more closely reasoned argument, which turned on the question of what constitutes "coordination" under the general plan.

In arguing that the city violated the general plan, the Banning Ranch Conservancy relied heavily on [California](#)

>>> Banning Ranch EIR, General Plan Application Upheld

— CONTINUED FROM PAGE 7

Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4th 603. In that case, the Third District Court of Appeal ruled that the City of Rancho Cordova, outside of Sacramento, did not sufficiently coordinate with state and federal agencies in designing mitigation for lost wetlands, as called for in its own general plan.

Judge Becking bought the argument. But the Third District did not. Referring to specific provisions in the Rancho Cordova and Newport Beach general plans, Justice Raymond Ikola wrote: "... [T]he City's LU 6.5.6 is not as clear as Rancho Cordova's NR 1.7.1. In the context of discussing the substantive requirements for mitigation, NR 1.7.1 issues a specific command to Rancho Cordova to coordinate with a specific agency ('Mitigation shall be designed by the City in coordination with the . . . Service') to accomplish a specific task (i.e., the design of the mitigation measures). ... The mitigation at issue pertained to a biological resources evaluation that had to occur 'prior to project approval.'

"In contrast," he added, "LU 6.5.6 (entitled 'Coordination with State and Federal Agencies') does not compel coordination with the Coastal Commission prior to approval of the Project: 'Work with appropriate state and federal agencies to identify wetlands and habitats to be preserved and/or restored and those on which development will be permitted.' The Coastal Commission is not mentioned in the text or in the referenced implementation actions. There is no indication in LU 6.5.6 that this 'work' must be completed before the City approves the Project."

Justice Ikola criticized Judge Becking sharply for the way he interpreted the city's general plan. Ikola acknowledged that in the Rancho Cordova case, the general plan required "something in between consultation and capitulation". He added: "The appellate court declined to dictate the terms of

the writ of mandate, leaving it to the trial court."

In the *Banning Ranch* case, however, Judge Becking went much further, even though the general plan language required less. Justice Ikola took Becking to task for what he characterized as judicial activism: "The court does not explain what it means, in practical terms, to coordinate and work with the Coastal Commission prior to project approval.

Presumably, it is something in between consultation and capitulation. But the lack of specific guidance in the general plan indicates to us that it is unreasonable to find the City's view of LU 6.5.6 to be arbitrary.

He added: "It is improper for courts to micromanage these sorts of finely tuned questions of policy and strategy that are left unanswered by the general plan. Cities are free to include clear, substantive requirements in their general plans, which will be enforced by the courts. But courts should not invent obligations out of thin air." ■

The Case:

Banning Ranch Conservancy v. City of Newport Beach, No. G049691 (May 20, 2015)

The Lawyers:

For Banning Ranch Conservancy (Plaintiffs and Appellants): John G. McClendon, Leibold McClendon & Mann, john@ceqa.com.

For City of Newport Beach (Defendants and Appellants): Whitman F. Manley, Remy, Moose & Manley, wmanley@rmenvirolaw.com.

For Newport Banning Ranch LLC (Real Party in Interest): Susan K. Hori, Manatt, Phelps & Phillips, shori@manatt.com.

For Coastal Commission (Amicus Curaie): Jamee Jordan Patterson, Deputy Attorney General, jamee.patterson@doj.ca.gov

The coastal land use plan specifically excludes Banning Ranch, categorizing it as a "deferred certification area" – a strategy that was apparently intended to ensure that controversy over Banning Ranch did not hold up certification of the CLUP.

>>> Beyond Almonds: Cities Face Immediate Water Cuts, Long-Range Uncertainty

— CONTINUED FROM PAGE 1

Bakersfield is restricting outdoor water use to three days a week.

The Association of California Water Agencies has posted a list of water agencies, an interactive map, describing their responses at <http://www.acwa.com/content/local-drought-response>. Much of the information refers to regulations put in place in 2014, as many cities and agencies are still rolling out their plans to comply with current state restrictions.

One water official compared the statewide to reaction to the drought to the “five stages of grief.” “The first stage is denial,” said Celeste Cantú, general manager of the Santa Ana Watershed Project Authority. “I think we’ve pretty much moved past denial. We were in denial last year.”

Executive Order & Responses

Roughly 40 percent of the state’s water is “unused” and instead remains set aside for conservation, stream flows, and riparian habitats. Of the remainder, roughly 80 percent is used for agriculture and 20 percent for residential, industrial, and other urban uses.

With the state’s snowpack at less than 10 percent of average in what is now the fourth year of drought, Gov. Jerry Brown finally ordered mandatory water restrictions in March, when it became clear that the current rainy season was going to give little relief.

A cascade of events and policies has followed that declaration, which ordered a 25 percent cut in urban use statewide. The state Water Resources Control Board has set conservation goals for the state’s 400 urban water districts, with different reductions for different communities. Meanwhile, many of the state’s farmers—including the almost growers who have become the symbol for thirsty

agriculture – press on under their own set of water rules, many of which make their rights unassailable. (A group of farmers in the Sacramento-San Joaquin Delta recently proposed voluntary reductions of 25 percent.)

“There’s a lot of pushback on this from water inland districts. They feel that they’re being unfairly targeted because their weather is warmer and it takes a great deal more application of water to have verdant lawns and gardens.”

DWR has established a sliding scale for cities depending on their per capital water use. Water-efficient cities – which tend either to have strong environmental policies and/or relatively poor populations – must cut only as little as 8 percent compared to 2013 levels. They include places like East Los Angeles, Santa Cruz, and San Francisco.

The cities that must cut the most, 36 percent, are a mix of wealthy cities, like Beverly Hills and South Pasadena, and middle-class suburbs with relatively low density, such Hemet and Colton. Central Valley cities including Bakersfield and Redding are at

the high end too; their hot climates lead to extremely high water use, partly because water evaporates quickly from irrigated lawns.

“There’s a lot of pushback on this from inland districts,” said Jeffrey Mount, senior fellow at the Public Policy Institute of California. “They feel that they’re being unfairly targeted because their weather is warmer and it takes a great deal more application of water to have verdant lawns and gardens.”

Districts that fail to achieve these reductions can be fined up to \$10,000 per day. Cities and the water districts that serve them are employing a variety of penalties and incentives to compel residents to do their part. Gov. Brown’s order and DWR’s targets do not mandate the ways that districts must meet targets. They leave each district to develop programs, penalties, and incentives on their own.

While Mount said that this laissez-faire approach makes

— CONTINUED ON PAGE 10

>>> Beyond Almonds: Cities Face Immediate Water Cuts, Long-Range Uncertainty

— CONTINUED FROM PAGE 9

sense because “no two districts are alike,” Cantú said that many water districts are frustrated and, per the second stage of grief, “angry.”

“The water retail community is angry, and understandably so, because they’ve....successfully protected communities in Southern California from the impact of drought for years,” said Cantú. “Now we need to step it up because our designed drought of 3-4 years—we’ve kind of exceeded that.”

The Los Angeles Department of Water and power is restricting outdoor watering and is policing domestic runoff that flows into streets. DWP is also one of several water agencies to offer cash rebates for removal of lawns; a cottage industry of turf removal companies, such as Turf Terminators, has cropped up to remove residents’ lawns for free in exchange for the proceeds from the rebates. (Lawns consume far more water than anything that takes place inside a home.)

One method cities are not employing is charging more to heavy users, as proposed by San Juan Capistrano. That approach, called tiered pricing, was ruled unconstitutional by the 4th District Court of Appeal, in April.

A Few Moratoria

A handful of small communities have opted for the most extreme conservation policies: imposing moratoria on new water hookups as the drought has worsened over the past 1-2 years.

“Some of the coastal communities that were particularly hard hit in the Central Coast will find themselves having to ask some very painful and difficult questions because they don’t have a diversified water supply,” said Mount.

The perennially drought-prone community of Cambria,

on a remote stretch of the Central Coast, instituted a water hookup waiting list in 1986. New applications are accepted according to projected water supplies in any given year. The list was closed to new applicants in 1990, and currently no applications are being approved. The upscale

Los Angeles County city of South Pasadena, which is largely built-out, instituted a moratorium on new water hookups in July of last year.

The Paso Robles Groundwater Basin instituted and “urgency ordinance” in 2013 requiring new development to offset its water uses at a 1:1 ratio. Given the scarcity of water sources in the Paso Robles area, this ordinance effectively acts as a moratorium on new residential and agricultural development.

Some communities have pretty much run dry regardless of state targets and local policies. They largely include communities in the Central Valley that rely on tapped-out wells. For the most desperate communities, Gov. Brown approved a \$1 billion package of emergency assistance.

To Grow or Not to Grow

These cases of immediate moratoria and severely restricted development are, so far, anomalies. The vast majority of cities, large and small alike, are not deliberately restricting growth because of the drought. Ten or twenty years from now, water could be far more scarce than it is even today it could, effectively, be far more abundant. Both of these scenarios can occur regardless of whether normal weather patterns return.

Many officials assume that the vagaries of long-term weather patterns will even out and that water supplies will return to normal. In that sense, curtailing development today because of uncertain future shortages could prove pointless and reactionary.

A handful of small communities have opted for the most extreme conservation policies: imposing moratoria on new water hookups as the drought has worsened over the past 1-2 years.

— CONTINUED ON PAGE 11

>>> Beyond Almonds: Cities Face Immediate Water Cuts, Long-Range Uncertainty

— CONTINUED FROM PAGE 10

“The governor’s emergency declaration doesn’t specifically step in and address the land use question,” said Mount. “I think we’re going to see more and more people talking about that as this drought grinds on.”

To optimistic planners and developers, four years of drought is nothing compared to the decades of anticipated development and population growth. The state projects an increase in population from 38 million today to 50 million by 2055.

Santa Barbara city planner Renee Brooke said that her city council is not yet concerned about new development. “They see it being such a small percent of our overall water demands, they don’t want to unnecessarily restrict development or a particular sector of our community,” said Brooke.

Flinn Fagg, planning director in Palm Springs, said that the idea of a moratorium “pops up occasionally in public forums” but that no such restrictions are being seriously considered. “I think development is going to occur based on the market rather than on water supply,” he said.

Growth in California is often seen as a force of nature, as inevitable as earthquakes if not rainstorms.

“In my experience, growth happens regardless of whether you plan for it or not,” said Cantú. In 2014, roughly 85,000 new homes were built in the state, about as many as the previous year, according to the California Homebuilding Foundation.

One reason why development might continue is that cities’ financial droughts may be more powerful than their hydrological droughts. Proposition 13, the 1978 ballot measure that curtails property taxes, is one of many incentives for cities to keep growing.

“This is one of the perverse side effects of Prop. 13,” said Mount. “It spurs communities to create new development in order to increase revenue.”

Prius Desert

Some speculate, in fact, that the drought may be a blessing in for those who want the Golden State to keep on growing.

For all the pains that cities and water agencies are now going through, this much is clear: the more comfortable Californians become with brown lawns, the greater the state’s water supplies will be in the future.

“One of the things we may see from this big push in conservation is that if conservation during this drought is kept in place afterward, that’s going to probably free up a lot of water for development,” said Mount. “That’s one of the side-effects nobody thought about.”

In other words, conservation methods adopted today are likely to stick around even when the rains return.

“We’ve had a long history of being an oasis in the desert, especially Palm Springs and it was appreciated for its rather lush landscapes,” said Fagg. “That attitude is changing... and I think people are generally aware of the severity of the drought that we are in and recognize that we do need to make some changes in our lifestyles.”

Mount noted that the state’s population has grown by 8 million since 1990 without an appreciable increase in domestic water use.

Moreover, new development tends to be more water-efficient than many existing developments. So the marginal impact even of suburban single-family homes may be negligible. Dave Codgill, president of the California

For all the pains that cities and water agencies are now going through, this much is clear: the more comfortable Californians become with brown lawns, the greater the state’s water supplies will be in the future.

— CONTINUED ON PAGE 12

>>> Beyond Almonds: Cities Face Immediate Water Cuts, Long-Range Uncertainty

— CONTINUED FROM PAGE 11

Building Industry Association, said that home built today, “have 50 percent reduction in the amount of water used in new homes compared to homes built prior to 1980.” He noted that 9.1 million of the 13.6 million homes in the state were built before 1980 and may be ripe for retrofitting or replacement.

Brooke, of Santa Barbara, confirmed that “new development can result in a reduction in water use overall just because everything is so efficient.”

Any major development must comply with Senate Bills 610 and 221, a pair of addendums to the California Environmental Quality Act that require large developments – and general plans – to provide adequate water supplies for 20 years. Technological improvements, such as low-flow toilets, can be factored into a proposed development’s long-term water needs fairly easily, according to David Todd, of the Department of Water Resources’ Land Use Water Program. But shorter showers and xeriscaping may hold less promise for cities that want to grow.

“If it was a behavioral thing, that would be far more difficult to document” for the sake of SB 610 and 221, said Todd.

Codgill said that his industry is more than willing to institute further efficiency measures in order to keep up the

pace of development. He supports the statewide application of the Model Landscape Ordinance and the speeding up of a “purple pipe” ordinance that was not scheduled to go into effect until 2017.

“We definitely consider ourselves as an industry as part of the solution and not part of the problem,” said Codgill. “I’ve made it very clear to the governor and the water boards that we’re willing to do whatever we can to help.”

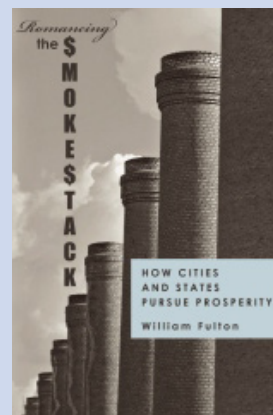
On the opposite end of the planning spectrum from faucets and cactuses, new state planning strategies might also curb some of California’s demand. Senate Bill 375, passed in 2008, is intended to reduce driving and greenhouse gas emission. But, by promoting compact development – which, by definition, includes less green space – SB 375 might also result in less use of thirsty landscaping.

“I hope that is the direction that we go in,” said Cantu, referring to SB 375. That will give us a much more secure vision of what a resilient community will look like down the road. “more density...is healthier anyway. We can easily accommodate growth and have a robust economy and a healthy environment in our current (water) budget.

“I think this drought is a wake-up call that puts us firmly into the 21st century,” said Cantú. ■

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

Bill Fulton’s Book On Economic Development



>>> Desert Plan Pits Solar Goals Against Local Enviro

— CONTINUED FROM PAGE 1

who are concerned about the environmental impact of large-scale solar facilities.

The plan is a state and federal “landscape-scale” effort to find room in the Mojave and Colorado Deserts for large wind, solar and geothermal projects that would generate 20,000 more megawatts of power by 2040. It’s driven by ambitious state carbon-reduction goals, especially the [current Renewables Portfolio Standard \(RPS\)](#) requires utilities to buy 33% of all their energy from renewable sources by 2020. This standard is driven, in turn, by former Governor Arnold Schwarzenegger’s [Executive Order S-3-05](#) to reduce greenhouse gas (GHG) emissions 80% below 1990 levels by 2050, and [Gov. Jerry Brown’s recent Executive Order B-30-15](#), which sets an interim goal of 40% reduction by 2030.

The plan is further encouraged by less strenuous federal policies promoting alternative energy. The affected area extends from Calxico to the Tehachapis to the Owens Valley across some 22.5 million acres in seven California counties: Inyo, Kern, San Bernardino, Los Angeles, Riverside, Imperial and (less extensively) San Diego.

The 20,000-megawatt scale of the plan presumes that by 2040 California will be populated by some 48 million people who draw about two-thirds of their electricity from zero-carbon sources without the help of nuclear power, using long jolts of that power to run at least 18 million electric vehicles.

That scenario presumes California will restrict emissions more sharply in the future in order to meet the goal of the two executive orders. The DRECP plan’s calculations presume about two-thirds of energy used in California will have to be from renewable sources by 2040. In his [fourth inaugural speech](#) this January, Governor Brown called for increasing the RPS from 33% in 2020 to 50% in 2030. Bills are pending in the Legislature to write the 50% goal into law: [AB 197](#), [AB 645](#) and [SB 350](#).

(Separately, an appeal [before the California Supreme Court](#) is [testing](#) how much consideration metropolitan planning organizations must give to EO S-3-05 in preparing Sustainable Communities Strategies. State Sen. Fran Pavley has introduced [SB 32](#), which would anticipate the court’s ruling by writing EO S-3-05 GHG reduction standard into law more firmly.)

A Managed Collision

Environmental advocates, local officials and others have different ideas about the uses and purposes of desert land and the means available to generate and conserve power. Among key criticisms is the allegation expressed in a [Basin & Range Watch](#) comment that “As drafted, the DRECP errs by positioning a single means, utility-scale desert renewable energy, to be an end unto itself.”

In interviews, California Energy Commission officials defended the plan as an exercise in understanding existing policy -- working out where and how sufficient generation projects can be built to meet state renewable-energy goals that are already established policy. To them, the plan innovates by working to connect the institutional worlds of energy planning and land use planning in a large-scale advance regional planning process, rather than wait for those worlds to collide piecemeal in the contexts of individual projects.

“Land use types of considerations in planning have not traditionally been thought of very much in energy planning at all,” said Karen Douglas, who is the lead California Energy Commission member for the DRECP process. Where planners or local officials would view local land use permitting, including CEQA environmental review, as the central “point of approval” for a project, she said energy planning focuses more on procurement and transmission.

The disconnect is such that the [2014 Integrated Energy Planning Report](#) mentions a stakeholders’ discussion where parties disagreed on what might seem an elementary question: “whether and how environmental information should factor into procurement.” (That’s in Chapter 8 of the report, which Douglas recommended as relevant context; the chapter also discusses long-term progress in connecting procurement processes with land use planning.)

The DRECP plan seeks to merge these two planning processes farther upstream. It would steer utility-scale renewable energy projects toward “development focus areas” while shielding more valued cultural and natural resources under the National Landscape Conservation System or requiring mitigation. It would coordinate regulatory changes and agreements among multiple agencies, led by the “Renewable Energy Action Team” (REAT): the California Energy Commission, California

— CONTINUED ON PAGE 14

>>> Desert Plan Pits Solar Goals Against Local Enviro

— CONTINUED FROM PAGE 13

Department of Fish and Wildlife, U.S. Bureau of Land Management, and the U. S. Fish and Wildlife Service.

Because the DRECP applies previously established energy policies, Douglas said “what this project does not do is affect the state energy policy decisions going forward about how we’re going to achieve our goals.” For example, she said, it doesn’t control how strongly the state encourages or subsidizes rooftop solar generation. Hence, in discussing the rooftop solar issue, she said, “What I hope is that people don’t see sending a comment letter in on the DRECP as the most effective step to promote rooftop solar if that’s their overall goal.”

Begun under Governor Arnold Schwarzenegger, the planning process has continued through multiple changes of leadership. Douglas said she and Kevin Hunting, chief deputy director at the Department of Fish and Wildlife, had worked on the whole process from Schwarzenegger’s first executive order, while Michael Picker served as lead representative from both governors’ offices, and was succeeded by Ken Alex, director of the Office of Planning and Research, as of Picker’s appointment to head the California Public Utilities Commission.

12,000 comments

Some 12,000 [comments](#) were submitted by the February 23 comment deadline for the DRECP’s [draft Environmental Impact Report and Environmental Impact Statement \(EIR/EIS\)](#). Generally those letters did not hark back to the happy notions that were popular during Governor Edmund “Jerry” Brown’s first term about solar and wind generators as environmentally benign sources of free energy. Instead, many insisted that although wind, solar and geothermal power sites make minimal use of fossil fuels, the habitats and human land use possibilities that they displace aren’t so renewable.

Comments were thick with technical recitals of 21st-century limits and protests about embattled desert tortoises,

unique oases facing groundwater risks, and constricted tax bases. They reflected a political transition, driven by the recent Recovery Act solar projects, toward identifying large-scale “clean” energy plants with the hazards of grandiose public works rather than the benefits of avoiding fossil fuels.

(In a few current renewable energy conflicts meanwhile, Inyo County has passed a General Plan amendment discouraging solar thermal projects such as the Hidden Hills installation, and the Energy Commission [joined the county in opposing that project](#). Imperial County has [placed a moratorium on new](#)

[solar project permits](#). Recently the Commission posted a [report](#) saying that about 3,500 birds appear to have been killed by the Ivanpah thermal solar generator in one year. And the Manzanar Committee has been [petitioning against](#) a plan by the L.A. Department of Water and Power to place a “Solar Ranch” installation near the Manzanar National Historic Site.

Environmental advocates -- [and the U.S. Environmental Protection Agency \(EPA\)](#) – argued in their comments that the proposal, in planning for 20,000 megawatts of additional renewable power, overstated the need for large installations. They argued the DRECP paid too little attention to air and water impacts, and would not sufficiently protect important habitats and resources, such as parts of the Amargosa River watershed.

But some utility advocates, especially those concerned with wind power, argued that the 20,000-megawatt figure was too low and that that proposed development focus areas gave them too little usable space. [Wind](#) and [solar](#) industry advocates wrote that a larger proportion of installations could go on BLM land rather than private property.

Groups concerned with historic preservation, recreation and tourism objected similarly to disruption of existing landscapes. There were protests from tribal governments,

Inyo County has passed a General Plan amendment discouraging solar thermal projects such as the Hidden Hills installation, and the Energy Commission joined the county in opposing that project.

— CONTINUED ON PAGE 15

>>> Desert Plan Pits Solar Goals Against Local Enviro

— CONTINUED FROM PAGE 14

notably the [Quechan](#) and [Torres Martinez Desert Cahuilla](#). There were objections to visual impacts on historic and tourism destinations, and to possible limits on hiking and off-road vehicle recreation.

Imperial Valley business, farm and [local government](#) commenters worried about effects on farmland and the Salton Sea. The *Desert Sun* reported Imperial County officials feared the DRECP's mitigation program could compete financially with the [Imperial Irrigation District's](#) existing [Salton Sea Restoration and Renewable Energy Initiative](#), a plan to fund Salton Sea remediation with proceeds from geothermal energy projects. Douglas, in response, said she had "followed pretty closely some of the interest in using revenue" from geothermal projects on mitigation work, and the plan drafters would work with the county to resolve the matter.

Los Angeles County is by far the most coordinated with the DRECP process. Its freshly updated General Plan for unincorporated county land designates expanded Significant Ecological Areas (SEAs) for conservation and Economic Opportunity Areas to concentrate development. County officials said the DRECP's drafters have agreed to keep their Development Focus Areas out of both types of zones, and that the final DRECP plan would reflect the recently finalized new boundaries.

Los Angeles County was among recipients of renewable energy planning grants under AB X1 13, passed in 2011. Other recipients in the DRECP area were Imperial, Inyo, Riverside and San Bernardino Counties, all of which have therefore worked on planning updates for renewable energy.

Small business and farming groups objected to the DRECP's preference for placing installations on private rather than public land. [In inland counties](#) where much of the land is public, [county officials protested](#) the potential loss of tax revenue, either through direct construction of renewable energy projects or through mitigation measures

creating habitat easements. Several comments bristled defensively about the primacy of local land use authority.

The Wilderness Society's [comment](#) observed that in passing last year's [SB 871](#) solar project tax exemption, the Legislature created a "huge disincentive for counties to be willing to site projects on suitable private lands."

The 20,000-megawatt scale of the plan presumes that by 2040 California will be populated by some 48 million people who draw about two-thirds of their electricity from zero-carbon sources without the help of nuclear power

A step back via 'phasing'

In what was widely [reported](#) as a concession to pressure, the REAT agencies [announced plans](#) March 10 to separate the DRECP's three regulatory parts, handling them one by one in a "phased approach" that starts with the less controversial Land Use Plan Amendment (LUPA) affecting lands administered by the Bureau of Land Management (BLM).

That will leave the agencies more time to negotiate over the latter two components of the

plan, which more directly affect private property and local government authority. Those are the General Conservation Plan (GCP), drafted for U.S. Fish and Wildlife Service approval and intended to govern federal "incidental take" permits on damage to species in non-federal lands; and the Natural Community Conservation Plan (NCCP), prepared for approval by the California Department of Fish and Wildlife to apply to the whole project area.

The phasing approach won't solve everything: the [Sierra Club responded](#) to the announcement by warning that "more federal public lands could be developed for renewable energy, at least in the short term." Phasing does not directly address the expressions of confusion about function, authority and geographic detail that appear in many comments -- including comments from the [California Desert Renewable Energy Working Group](#), a roundtable of environmental and energy industry players.

Why 20,000 megawatts?

All of the proposed DRECP scenarios call for the same volume of new renewable generation capacity: an additional 20,000 megawatts by 2040. The [EPA](#), [Sierra](#)

— CONTINUED ON PAGE 16

>>> Desert Plan Pits Solar Goals Against Local Enviro

— CONTINUED FROM PAGE 15

[Club](#) and [Basin & Range Watch](#) were only a few of many commenters making that argument. A [Sierra Club analysis](#) (see p. 54 ff) argued that 10,000 to 15,000 megawatts would be a sufficient goal and suggested the DRECP numbers were incorrectly slanted in favor of utility-scale renewable energy installations rather than other means of carbon reduction. A [MoveOn petition](#), reporting more than 1,400 signatures, was among comments calling on the DRECP agencies to give rooftop solar generation more of a chance in calculating demand for power.

By the DRECP agencies' own account, the 20,000 figure is rounded up from estimates that are themselves uncertain. Douglas said it isn't a forecast, only "a planning framework for some reasonable amount of renewable energy that may happen." In fact she said the planning group chose to project numbers for 2040, not 2050, because scenarios for meeting the EO S-3-05 goal call for a huge further increase in electric vehicle use that would double total demand for electricity from 2040 to 2050. And the more distant the projection, "the less comfortable we are."

But Douglas argued it was less risky to over-plan than to under-plan, saying the plan itself didn't create procurement or transmission line approvals, and "We could sit here and say there are potential future scenarios where none of this is needed, or we could do the planning work today in case it is needed."

The calculations underlying DRECP energy demand assumptions were downplayed in the draft EIR/EIS,

appearing not in the [executive summary](#) but in the [Appendix F3](#) "acreage calculator" section. Analyst David Vidaver of the Energy Commission's Energy Assessments Division, who led the work on the calculations, pointed out the main demand figures used for the DRECP land use proposals on Page 21 in the third column of a table displaying four possible sets of assumptions. It's the one captioned "15,000 MW CSDG Scenario."

That scenario calls for 49,233 megawatts of "zero-carbon" energy generation statewide by 2040, of which 18,327 would come from utilities' energy installations in the DRECP's seven-county desert area. (The 20,000 figure is rounded up from there.) The "15,000 MW CSDG" is an assumption more generous to rooftop solar than some scenarios: it presumes that "customer-side distributed generation" -- likely to be rooftop solar-- will generate a further 15,000 megawatts by 2040 statewide.

Meanwhile, Energy Commission spokeswoman Laurie Sinsley called attention to a [comment](#) from the California Wind Energy Association that argued the 20,000-megawatt estimate was arbitrarily low, especially its wind energy component. It cited to higher figures in studies cited by the Air Resources Board and in a recent [study](#) by Energy and Environmental Economics, Inc. (E3). Vidaver said the [E3 study](#) called for more "standalone" wind and solar facilities although it started from assumptions similar in the DRECP calculations. ■



Californians Show Their Bravery on Climate Change

This morning, Hector Tobar, a respected Los Angeles-area commentator, personally heaped all the ecological sins of humankind on to the current residents of Los Angeles in an [editorial](#) in the *New York Times*, a publication that has gotten increasingly feisty about its hatred for California of late. Tobar writes:

“As a native of Los Angeles, I am significantly more responsible for global warming than your average resident of planet Earth. We pioneered an energy-guzzling lifestyle for the masses and taught the world to follow our lead. Now a parched, endless summer is our punishment.

“My own sins against Mother Nature started when I was 15, growing up in the suburb of South Whittier in the 1970s. Every day, I drove my mother’s Pinto station wagon an hour to my first job, downtown. Back then, we burned gasoline with abandon, churning greenhouse gases into the atmosphere before any of us were familiar with the phrase. The clouds of smog that choked the Los Angeles basin of my childhood eventually came to smother Beijing, New Delhi and Cairo.”

As a “native of Los Angeles,” Tobar should know better.

If *The New York Times* is going to report old news, why not tell us about the sinking of the *Titanic* while they’re at it? You could poll all 40 million collective residents of Beijing, New Delhi, and Cairo and every one of them would tell you something unflattering, and at least partly true, about Los Angeles’ environmental impact. It’s not like people didn’t notice the 250-mile scar that William Mulholland dug in the Earth in 1913. In the 1950s, Los Angeles wasn’t called “Smog City” for nothing.

I can accept old criticism if it’s useful and true. Dispiriting self-flagellation is another matter.

In blaming his 15-year-old self, Tobar implies that every choice about releasing carbon is a conscious, autonomous act that inherently acknowledges and accepts its own consequences. Of course, nothing could be further from the truth — especially in the 1970s. Humanity did not know then what it knows now about climate change. We learn slowly as a species, and we implement policy changes even more slowly. That doesn’t mean that a kid in Whittier — or any of the 10 million others who live in the L.A. area — needs to blame himself.

People in Los Angeles, even those blinded by some

orange-hued vision of the American dream, did not just wake up one day and decide that they “wanted” what they got. The sprawl, freeways, and (not incidentally) segregation of Southern California was as much a function of policy as economics. The federal government’s role in suburbanization (partly through the GI Bill) is well documented. Banks contributed too. Plenty of companies, from homebuilders to pipe-forgers loved the idea of building sprawling, infrastructure-intensive developments. This pattern persisted all over the country. (Levittown, the first mass-produced suburb, is in Long Island.)

So let’s also look at the national picture. Tobar’s ecological footprint isn’t large because he’s from Los Angeles. It’s large because he’s from the *United States*. With the exception of a few oil-rich states, we as a country use more energy and create more emissions per capita than any other peoples in the history of the world. Amid this orgy, guess where California ranks among the states in per capita energy consumption? *Forty-ninth*.

We’re not Manhattan — which is remarkably efficient, because of shared walls and non-car transport — but we’re not Bloomfield Hills either. (Here’s an interactive nationwide [map](#) of carbon footprints. See if you can spot the center cities.)

Tobar blames Los Angeles for ushering in the global age of the automobile. But being first doesn’t mean that we are responsible (or even that we are “we” — anyone who had a drivers license in 1925 is long dead). If L.A. hadn’t done it first, I’m sure Detroit would have found some other place willing to build roads, highways, and parking garages. Some other city’s trolleys would have fallen into disrepair, and the people of that city probably would have been just as thrilled to discover the freedom of the automobile as the people of L.A. were.

I’ve published many choice words about the short-sightedness and intellectual myopia of Modernist planners — the ones who, following Le Corbusier, dreamed of motion, freedom, and compartmentalization -- but I don’t necessarily blame them. Even Robert Moses was doing what seemed right for the time. What’s wrong is to keep doing that same thing in the face of evidence of its harm. If I may agree with Tobar for a moment, it’s further inaction that makes us sinners today. It just seems like Tobar would have us cut off carbon and turn all of that ticky-tack into

Californians Show Their Bravery on Climate Change

– CONTINUED FROM PAGE 17

apartment buildings all at once. (Elon Musk might be able to help us with the first part; developers will tell you that the second part is going to take a while.)

Tobar solemnly decries our past reliance on driving only to imply that nothing has changed: “In response to the drought emergency, the state is trying to force people to use less water, but *only the bravest California politician would suggest we force people to drive less to fight global warming*” (emphasis added). In so doing, he ignores the literally millions of people who are trying to repent, incrementally, at least — and who didn’t need his beratement to understand their opportunities and responsibilities to create a more sustainable Southern California.

In fact, by Tobar’s measure, California’s politicians should be storming the beaches of Normandy. Since the editors of the *Times* op-ed page didn’t bother to check Tobar’s facts here, for the record, are a few tidbits that Californians have supported, signed, voted for, and implemented:

- [AB 32](#): The Global Warming Solutions Act (2006)
- [SB 375](#) and the regional Sustainable Communities Strategies (2008 and ongoing)
- [SB 743](#): Replacing Level-of-Service metrics with Vehicle Miles Traveled (2014)
- Los Angeles Measure R: \$40 billion for [transportation](#), only 20 percent of which is for roads (2008)
- Los Angeles’ Sustainability City “[pLAn](#)” (2015)
- Gov. Brown’s [executive order](#) on greenhouse gas emissions (2015)

In cities and counties across the state, not to mention at the Capitol, this list grows nearly by the day. This may not

qualify as heroism. We haven’t reversed the thermometer yet. But I’ll be damned if people aren’t trying. And, yes, every one of these policies calls, explicitly or implicitly, for Californians to drive less. I literally cannot go to a conference without multiple public officials touting a car-free future.

These laws, policies, and funding measures — which have made California the [greenest jurisdiction](#) west of Iceland -- represent the will and effort of politicians like former Gov. Arnold Schwarzenegger, former Assemblymember Fran Pavley, former Senate President Pro Tem Darrel Steinberg, the board and staff of the Los Angeles County Metropolitan Transportation Authority, former Los Angeles Mayor Antonio Villaraigosa and his staff, current Los Angeles Mayor Eric Garcetti and his staff, the majorities of the state Assembly and Senate, the staffs and boards of the state’s metropolitan planning organizations, and, indirectly, the voters who elected them.

Speaking of voters: one of those policies, Measure R, represents 67 percent of Los Angeles-area voters in the 2008 countywide election. That’s 2.039 million people -- 2.039 million people in our smog-choked wasteland who get to be proud of the progress they are trying to make and who are primed to support more efforts to come.

I guess Tobar wasn’t one of those voters. But that’s OK. We don’t need him. We have a long road ahead of us (hopefully one with fewer roads) and many brave souls leading the way.

– JOSH STEPHENS, MAY 22, 2015 ■

Planning & Visioning Websites Internet Marketing



URBAN INSIGHT

Phone 877-872-6150 Fax 877-944-6792
www.urbaninsight.com

World's Business Leaders Converge on L.A., Give a Few Nods to Cities

BEVERLY HILLS—This week's [Milken Institute Global Conference](#) brought together more CEO's, heads of state, hedge fund managers, and industrialists than, I reckon, any other annual gathering in the United States. It's a strange event at which to be an urbanist – and not just because it takes place in one of our most unusual cities, Beverly Hills.

Planners, developers, and sundry folk love and believe in our cities. Many of us love our cities, and we are inspired daily by their dynamism and, in some case, their enormity. Los Angeles has *4 million* people. And it functions (sort of). Amazing, right?! I think so.

But then you pass the Splenda to a CEO in the coffee line and realize that the annual revenue of his or her company might exceed that of a city's budget, or even its gross metropolitan product. That's humbling. It's more humbling when you consider that some of these companies, from Twitter to Google to all the finance companies, hardly exist in physical space. They might employ a handful of people and deliver all of their products online. .

As global capital becomes more powerful, more autonomous, and more placeless, it's crucial to consider how the capitalists feel about cities.

One version holds that global capital has colonized a few cities, or parts thereof, that serve the business and lifestyle demands of the ultra-wealthy. They offer hotels where meetings can take place, airports where they can land private jets, free-trade office parks where they can avoid taxes, and overpriced real estate that they can collect when they need some shut-eye. The capitalists don't care about these cities' fortunes as such, and they are happy to displace and exploit local populations. These are the “boutique” or “luxury” cities of Manhattan, Moscow, Dubai, London, Paris, Hong Kong, and Beverly Hills.

That's the dark, Mike Davis version.

The more sanguine version holds that the world's financial leaders appreciate cities for many of the same reasons that planners do. They bring people together and embrace diversity. They foster innovation and development of new knowledge. When designed well and not crushed by debt, they are great places for everyone to “live, work, and play”

(to cite my least-favorite reduction). They hold the key to environmental sustainability. They drive national economies and create wealth for countless people. Sentiment aside, the economic data backs up all of these claims: a full 60 percent of the \$77 trillion of the gross planetary product is produced in the [top 600 cities](#). Funny that many of the same

American politicians and parties that are pro-business are also vehemently anti-urban.

A handful of panels focused explicitly on urban and urban-related issues. Here are a few highlights from the sessions I attended, from the local to the global:

“Why L.A. is Working”: This may be news to San Francisco, but the

rivalry between Los Angeles and the Bay Area lives on. By most accounts, Los Angeles is doing all right. The cluster of tech startups known as “Silicon Beach,” located in Santa Monica and Venice, solidifies by the day and a diverse, diffuse array of tech firms makes Los Angeles County the leading manufacturing county in the country. Of course, all of that activity pushes up office rents and cost of living for the employees of Silicon Beach. It makes you wonder where those companies were when the Santa Monica City Council [voted](#) to down-zone the city last week. I guess they were too busy Snapchatting each other to go to the city council meeting.

Detroit: A Case Study in Rebuilding a City's Fortunes: Some of the leaders of Detroit's bankruptcy settlement and recovery shared some lessons for how to deal with a crisis – and how not to. The consensus was that the only thing worse than declaring bankruptcy today is declaring bankruptcy tomorrow. They said that, despite the depths to which Detroit had sunk, the past two years have brought back a semblance of stability, and the private sector is responding. (I covered this session at length [here](#).)

Conversation with U.S. Governors: Democratic Governors Hickenlooper (CO) and McAuliffe (VA) have their differences with Republican Governors McCrory (NC), and Ricketts (NE) have their political differences. But they expressed clear consensus on the need to improve education – including vocational training and two-year colleges – and to invest in infrastructure. McCrory and Ricketts did not explain how they intended to convince

“This may be news to San Francisco, but the rivalry between Los Angeles and the Bay Area lives on.”

World's Business Leaders Converge on L.A., Give a Few Nods to Cities

— CONTINUED FROM PAGE 19

their fellow GOP'ers in Washington to adopt their sense of urgency.

“The Urban 6 Billion:” There's a strange comfort in hearing facts and concepts that you already know – and a surreal feeling to realize that other people in the audience don't know the same. For the record, half the people in the world live in cities, and the urban population is indeed hurtling towards six billion.

Of all the panels I saw, this one touted most strongly the benefits of urban agglomeration and made me believe that capital and cities can get along. There was consensus that stolid “anchor institutions,” such as universities and medical centers, are important, but possibly not as important as the helter-skelter of today's startups in the innovation economy (see my [Q&A](#) with innovation sage Enrico Moretti). The lesson for developers: reject the dogma of asset classes. It's not about investing in “office space” or “residential.” Connections matter more than typologies, and diversity matters more than comparative advantage does. Planners have known this for a long time. The future is about mixed-uses, placemaking, design, and neighborhoods. It's time developers and funders figured it out too.

Finally, former Greater London Authority Chief Economic Advisor Bridget Rosewell heaped on Los Angeles the highest praise I've ever heard: “Los Angeles is the only successful polycentric city I know.” I'm not sure I agree, but cheers to that.

Innovative Cities: It's funny to think that a half-century ago, the Modernists felt that they had the keys to the future. Many of today's visions of the future are now trying to un-do that vision of the future, now that the future has come and gone. We hear a lot about urban innovations

these days: buildings are greener, transportation networks are smarter, cities are wired within an inch of their lives. The 128-story [Shanghai Tower](#), designed by L.A.-based Gensler, will have turbines on top and “sky gardens” at 14-story intervals. Urban accelerators like London's [Level 39](#) are simultaneously fueling and employing these innovations. Nonprofits like Atlanta-based [Purpose Built Communities](#) are addressing place-based poverty. Some technologies are baubles, and some will be crucial for cities' future health, especially amid climate change and sustainability goals. One thing is for sure about Future 2.0: cars will drive themselves. Or maybe they won't.

Gov. Jerry Brown: The conference concluded with one of Gov. Jerry Brown's two announcements about his ambitious new targets for reduction of greenhouse gas emissions: 40 percent below 1990 levels by 2030. The business community often has a fraught relationship with environmentalism, to say the least. But, if Detroit can rise from bankruptcy, Shanghai can turn into a megacity, a sexting app can be worth \$19 billion, and developers can embraced mixed-use, then anything is possible. Especially in the state that, with the world's eighth largest economy, is a giant among nations.

The conference presented many reasons why urban stakeholders and global businesspeople alike should be optimistic about the state of the world's cities. Everyone has to recognize the symbiosis between healthy cities and general prosperity. While powerful people discussed all this and more at the Beverly Hilton Hotel, parts of Baltimore burned.

— JOSH STEPHENS, APR 30, 2015 ■

