



Schwarzenegger Signs Smart-Zoning Bill

Op-Ed

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California Governor Arnold Schwarzenegger signs a bill that institutionalizes form-based zoning for the first time in California history.

On July 20, 2004, California Governor Arnold Schwarzenegger signed a bill that places "form-based zoning" into state statutes that regulate how California develops. **Assembly Bill 1268** (Wiggins) institutionalizes form-based zoning for the first time in California history.

Although California's Government Code does not currently preclude form-based planning and zoning, the current language of the general plan law certainly does nothing to encourage mixing uses or seriously considering urban form and design along with land use. Section 65302 currently states:

"The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements: (a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land."

For decades, most cities have taken this language literally, laying out areas for housing, for example, that are separate from areas for business and separate from every other land use. Most of us know that this has created the now all-too-familiar lifeless, sprawling, auto-oriented neighborhoods, towns and cities throughout California and the U.S. This conventional practice has created places where no one can walk to the store, to services or to work even if they wanted to, because the uses are so far apart and the streets are so hostile to pedestrians. Because of AB 1268, planning students will now be introduced to new language that formally allows mixed-uses and supports the regulation of relationships between the buildings and the streets. This new language will be in Government Code Section 65302.4 as follows:

"The text and diagrams in the land use element that address the location and extent of land uses, and the zoning ordinances that implement these provisions, may also express community intentions regarding urban form and design. These expressions may differentiate neighborhoods, districts, and corridors, provide for a mixture of land uses and housing types within each, and provide specific measures for regulating relationships between buildings, and between buildings and outdoor public areas, including streets."

It's an exciting time for planners in California. But it all came about because of a less-than-exciting experience in a small California city. Although the community and elected officials fully supported the walkable, community-based concepts of a form-based code, the city attorney questioned whether it was legal. This eventually led to a meeting with the Bay Area New Urbanists and Congress for the New Urbanism co-founder Andres Duany at the California Governor's Office of Planning and Research in Sacramento. At the meeting the Bay Area New Urbanists were invited to write a White Paper on the challenges faced by advocates of New Urbanism and Smart Growth in California's current planning environment.

This led to the paper titled, "**White Paper on Smart Growth Policy in California**" (PDF, 947 KB). The paper explained the structural obstacles to creating walkable, mixed-use communities in the State. The paper contained the language (page 6) that eventually became the basis for AB 1268.

California New Urbanists are excited about this bill because it removes all doubt that community plans and zoning codes in California can go beyond conventional land use planning and zoning techniques to make it easier to create great places.

Natural Transect

