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 California Chapter
Making Great Communities Happen

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CAL PLANNER IFORNIA

Planning News & Updates from APA California

Rendering for Hercules Lower Bay Front. Source: Opticos Design

MARCYEBER | VP-Public Information

Regulating Land Use... and Community Form

Depending on your perspective or stake in the planning debate, zoning can either one's boon or bane. This issue on codes takes no position on the topic, but rather highlights a few projects & perspectives on this regulatory tool used in nearly every planning endeavor. The prevailing code throughout the U.S. remains Euclidian zoning with Form-based code making significant inroads into the way planners shape our communities. Even though there are other types of zoning, performance- or incentive-base to name a few, the articles to follow focus on the juxtaposition of use- and form-based codes or some variation. This along with Chapter, Section and National updates, announcements and much more await your review. Thank you to all who contributed to this issue.

I am also taking this opportunity to express my gratitude to **Gabriel Barreras** who will be stepping down as Assistant Editor for the *CalPlanner* in order to focus on new responsibilities associated with fatherhood – CONGRATULATIONS!!! Gabriel not only helped to develop story topics, identify potential contributors, and refine article submissions, he wrote on a numerous topics. He brought talent, insight, and enthusiasm to the position. As such, today's *CalPlanner* has his DNA embedded in its overall tone and readability and for this reason the California Chapter is grateful for his service.

As usual, your comments are welcome by contacting me at myplanning@live.com.
 Happy Reading, **MY**

PERSPECTIVE | GABRIEL BARRERAS AND MARCYEBER, ASLA

Creating Places, Not Projects

Let's admit it...the land-use policy discussion can be a prickly topic to say the least. It is generally laden with verbiage that requires skilled deciphering and cross-referencing multiple levels of code, overlay zones, supplemental regulatory plans and design guidelines. In addition to development standards and guidance, these policies serve as safeguards from legal challenges. This should not surprise anyone when you consider that the first zoning code in 1916 was written by an attorney in Manhattan, New York, where it remained an active ordinance until 1961. Despite the gradual integration and evolution of land use policies, zoning codes and regulatory tools over time, built developments are often site or parcel-specific. This outcome leaves efforts to create meaningful and interconnected places – that ultimately define a community – largely marginalized.

Use-Based vs. Form-Based Codes

The codes in wide use today became formally known as the Euclidean zoning in 1926. Established by the *Village of Euclid v. Ambler Realty Co.*, the U.S. Supreme Court ruled that municipalities have the right to prescribe and restrict land uses in order to fulfill a community's intended vision, balancing property rights with public welfare. While Euclidean zoning has evolved into one of the most entrusted regulatory tools in planning today, these use-based codes are often framed by broad and publically-perceived abstract concepts such as density, FAR, and lot coverage, all of which are largely devoid of specifics on architectural design and urban form. By primarily focusing on these thresholds, Euclidean zoning provides architects and

developers with a simple list of clear details that potentially offer greater flexibility in design; however, the absence of standards for architectural details and larger urban forms has the potential to lead to ad-hoc, project-by-project developments that are often limited in their ability to create consistent urban patterns, building forms, and most importantly, meaningful places. In response, form-based codes have gained greater traction over the past three decades as they minimize the role of land use and instead focus on the value of creating a predictable public realm and consistent urban forms. In addition, form-based codes broaden the discussion to consider how development beyond a single parcel or project site can be coordinated to create a unified built environment consisting of streetscapes, public

“A form-based code model not only addresses development, but also the relationship of that development to the broader context of a community and it's public realm.”

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APL Creating Places, Not Projects

frontages, block sizes, public open space and numerous other land uses.

Another shortcoming of conventional zoning is its inability to quickly change or adapt a site's permitted use when shifting socio-economics and market forces continue to be in flux. The intentions of a policy document with a 25-year window rely heavily on a regulatory tool that is designed to provide established rules and assurances in spite of future changes. As a result, we planners can find ourselves spending more time and public resources reconciling projects that are viewed as incompatible with designated land uses through months (or even years) of rezoning, development agreements and variances.

Lastly, use-based codes result in a built environment that can significantly stray from the community vision, despite being in compliance with the established zoning. Herein lies the real rub for the community. Through the comprehensive planning process, the community has staked out their future via policy goals and a defined vision. The very nature of this exercise is to create a place that is steeped in meaning and experiential suggestions. Conventional planning applies use-based codes to help achieve such a vision, which are suppose to regulate the scope of a project on a particular site. Yet even though the zoning has been applied correctly, the outcome can be rather different from what was expected. The reality is that the legal tenants of this type of zoning do not extend beyond a project's site – or an adjacent site for that matter – and therefore cannot be expected to fulfill a more comprehensive vision to create a cohesive place.

Form-based codes attempt to remedy this. Under a form-based code, it is still possible to limit certain uses outright, but uses are typically self-selecting based on the scale, intensity, building type and public frontage required. Originally seen as an organizing strategy of defining building typologies to better communicate the intentions of zoning, the term of form-based code evolved out of happenstance. In fact, the label for this planning tool was coined as the result of an impromptu remark during a 2001 presentation where a new process was developed and the land-use regulatory framework was viewed and implemented through graphic or typological coding. It should be noted that this type of planning activity was initially introduced in the early 1980's under the banner of "urban code".

What is interesting about the 2001 presentation is that the Review Authority did not embrace rewriting the code as a regulatory tool, but saw it as a new method to improve and better communicate the existing code. Fifteen years later, various degrees of now what is now known as form-based codes and their related hybrids have been developed and implemented more than 400 times across the U.S.

Integrating Form in the Public Development Process

In general, the application of conventional zoning and development is applied in a fairly linear process. Also various professions involved in the process have a tendency to be siloed where such regulatory tools are applied in isolation often resulting in regulatory conflicts. Form-based codes, on the other hand, are grounded in an all-inclusive design process that integrates the public with planning, design and development professions from day one. During this time, community members are not only educated on various urban forms, but they are entrusted with a new language of design and architectural elements that allow them to engage in tangible conversations with planners, architects, engineers and development professionals. Furthermore, form-based codes allow a city to take a more proactive role in the final design and form of the city.

As described by form-based code pioneer Kaizer Rangwala (AICP):

"Form-based codes are an end-to-end integrated product that brings together the various disciplines of planning, design, economic development, engineering, and public safety early on to perform in unison. It becomes possible to analyze the community-supported vision from every point of view, to figure out the cost, and understand how various public and private partners can implement that vision. The results are therefore more predictable. At the same time, a lighter focus on use allows buildings to be nimble to the market."

A form-based code model not only addresses development, but also the relationship of that development to the broader context of a community and its public realm. It places emphasis on connection and interaction between public and private spaces, including interstices and frontages, as well as the form, massing and scale individual projects. In doing so, the use and treatment of complete places – whether they are active or passive, planned or impromptu – become the driving force that frames the public realm.

Making the Case for Place-centric Planning

This is not to imply that form-based codes are an indisputable or singular solution



Goal vs. Outcome. Source: Urban Advantage & Planetizen

to closing the gap between what was envisioned and actual development outcomes. In fact, there is reasonable argument and criticism against its underlying tenets, especially if applied in an exacting manner, to give one pause in considering such principles. Rather the form-based code model is just one tool to further engage the public, better predict outcomes, and ultimately close the gap between a community's policy document, design vision, and the regulatory tool used for implementation. The planning objectives of a typical community are to lay emphasis on creating places and not just building; using a form-based model as regulatory tool is just one possible solution to achieve such an outcome. Performance – or incentive-based zoning or even the infinite variations of form-based codes have also proven to be viable alternatives or additions to use-based codes.

If the goal is to ensure that an outcome to community development is to be more predictable, aesthetically pleasing, economically viable, functional and flexible for a changing market, and in ways that include the public in a tangible design process, then form-based codes allow us to start that conversation. Case after case, the result is continued community buy-in, reduced political uncertainty, and a predictable outcome of a future vision and built environment. That said, such form-based strategies place emphasis on the community's core values by shifting the focus of development to be less oriented around a single project and more place-centric.

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