

On the Hot Seat

Climate action plans become a new reality for California cities' long-term master plans and land-use documents.

By **Sky Stanfield** and **Steve Vettel**

Even before California committed to reducing greenhouse gas emissions, and long before the federal government will do so, many cities and counties in our state voluntarily committed to reducing their carbon footprint. These concerted efforts to analyze a jurisdiction's greenhouse gas emissions and to map out a path towards reductions over time are generally referred to as climate action plans, or CAPs.

In many ways these local CAPs are as important as any state-wide or national legislation at reducing greenhouse gas emissions. Without commitments to reduce the carbon intensity of local development patterns, it will be difficult to reach the targets set out at the state or national level as land-use planning is done almost exclusively at the local level in the United States. The San Francisco Planning and Urban Research Association recently estimated that nearly three million metric tons of carbon could be saved each year if regional compact land-use development were implemented. Many estimate the savings could be even higher. The California attorney general's office also has recognized the importance of local efforts and the need to act, as land-use patterns take decades to noticeably change.

For California property owners and developers, the rise and growing ubiquity of CAPs may have a significant impact on land development going forward. The promotion of infill development in many—but not all—core Bay Area cities is well known and established. With CAPs, the trend is spreading to outlying areas where suburban, low-density development has remained the norm. In addition, the push toward even greater densities within urban cores is likely to accelerate.

For many cities, the commitment to reductions came naturally, and a comprehensive plan was an obvious outgrowth. San Francisco adopted a resolution in 2002 that called for reductions



in the city's emissions and issued a climate action plan in 2004. Other cities that have been slower to look at managing their emissions have started to get not-so-subtle nudges from new state laws, an active effort by the attorney general's office and opportunities for funding through the federal stimulus bill and local air districts. While the preparation of a CAP, or equivalent, is not yet directly required by law, there is enough momentum that many more cities will feel obligated to prepare one within the next few years.

So what is a climate action plan? The answer varies considerably across jurisdictions. Generally speaking, a CAP includes three basic elements. It tends to quantify a city's or county's present emissions by sector, and it may also calculate 1990 emissions, the year from which the Kyoto Protocol measures reductions. Second, the plan outlines how a jurisdiction intends to reduce its carbon footprint. Finally, many include an adaptation strategy for managing the physical impacts of a changing climate. Beyond that, there is considerable variation. Some include a specific numeric target. Some are an integral part of the community's general plan.

Most important, however, is the degree to which the plans set out binding measures to attain their lofty goals. Plans often include a lengthy list that the city or county could take to reduce emissions, but sometimes the binding nature is limited or non-existent. The City of Berkeley recently went through a multi-year process to develop its CAP. Then, reacting to homeowner pressure, the city council voted to remove many of its mandates that required owners to make energy-efficiency upgrades to existing homes and instead recast them as goals or recommendations.

The types of actions in the CAPs fit into a couple of categories. On the direct land-use front are changes to zoning controls to incorporate more mixed use and higher-density developments, fee-incentive programs for certain sustainable types of development, transit proximity requirements, green-building ordinances and waste-reduction and -diversion programs, to name a few. Clearly many of these measures will affect where development may occur, what types are permitted and the economic feasibility of pursuing traditional car-centric and single-use development.

For California property owners and developers, the rise and growing ubiquity of CAPs may have a significant impact on land development going forward.

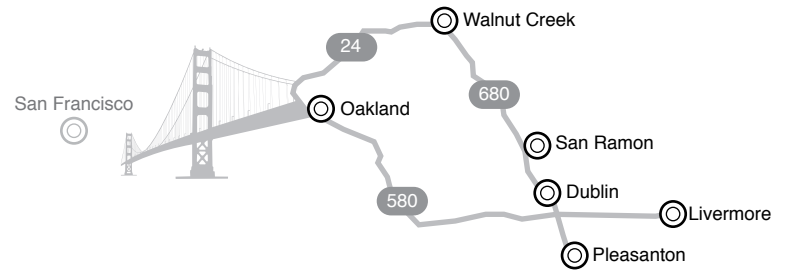


Right:
Stockton riverfront



EAST BAY CREW

Commercial Real Estate Women



Often, there are steps to reduce the local government's emissions through improved vehicle fleets, energy-efficiency retrofits of municipal buildings and climate-friendly purchasing policies. Yet, as in the Berkeley example, the measures aimed at individual resident and business emissions are more controversial but could potentially account for a considerable portion of the overall reductions. These include requirements for energy-efficiency upgrades to existing buildings, creative financing programs to encourage such upgrades, carbon taxes and parking fees.

An example of an agency that needed coaxing is the City of Stockton. In some ways this city typifies the development patterns that California has experienced in the last 50 years. It has rapidly expanded its physical footprint, largely through suburban, car-dependent, residential and retail subdivisions. When it recently updated its general plan without considering how the envisioned growth would contribute to climate change, the Sierra Club sued to block the plan. The attorney general's office brokered a settlement where Stockton committed to preparing a CAP that would encourage infill development through less-restrictive building height limits, reduce permit fees in downtown commercial areas and even subsidize certain infill growth. Stockton will also adopt a green-building ordinance and require that all new development be transit-friendly.

The attorney general's office also has submitted comment letters on the general plan EIRs for numerous Bay Area cities. In a letter to the City of Petaluma, for example, the office complimented the city on committing to a reduction target, but noted that the proposed general plan lacked sufficient evidence of those intentions in the actual land-use designations. The letter pushed the city to take such steps as increasing the density in single-family residential areas near transit corridors, requiring mixed use instead of just allowing it and developing a comprehensive parking management plan to discourage driving. Similarly, in its letter to the City of Concord, the attorney general pushed the city to further develop its commitment to adopt a Greenhouse Gas Reduction Plan (another term for a CAP). In another letter to Pleasanton, the attorney general's office criticized the city for inadequately accommodating its fair share of regional housing.

In short, it seems obvious that climate action plans are not going to go away and that they will become increasingly common and may eventually be mandated by law. Once again, California developers and property owners are finding themselves constrained, but also potentially liberated, by new government regulations. ■

Sky Stanfield can be reached at 415.954.4991 or sstanfield@fbm.com. Steve Vettel can be reached at 415.954.4902 or svettel@fbm.com.

The East Bay is home to many major corporate headquarters, some of the nation's top educational and research institutions, and to a wealth of valuable real estate.

Our members are some of the most influential commercial real estate leaders here in Northern California and are committed to providing expertise and assistance in every phase of your commercial real estate transaction.

For more information about upcoming events, go to www.eastbaycrew.org.

Connections. Commitment. Confidence. East Bay CREW.

THANK YOU TO OUR 2009 SPONSORS

PLATINUM

GOLD



**MILLER STARR
REGALIA**



TIMKEN JOHNSON HWANG
A Professional Law Group LLP

SILVER



ARGO
INSURANCE GROUP

BERDING | WEIL
ATTORNEYS AT LAW

BJG ARCHITECTURE +
ENGINEERING*



**COLLIERS
INTERNATIONAL**

Mechanics Bank

MorganMillerBlair
A LAW CORPORATION

Sunset
DEVELOPMENT COMPANY
1951

BRONZE

MEDIA



Standard Parking

**SAN FRANCISCO
BusinessTimes**

THERegistry