Local control over land use: the need for guardrails to honor community creativity & realize civil rights commitments
Sweeping local control over land use

- Gov. Code § 65302(a) – general plan land use maps designate the general location of land uses

- Gov. Code § 65800 “the Legislature declares...its intention to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters.”
Racist foundations of local land use planning & present-day consequences of local control scheme

- Joint evolution of racist housing & land use policies & practices
- Normalization of land use planning directing polluting facilities to communities of color
- Lack of meaningful (or any) public process in facility siting
- Disparities in environmental quality, public health outcomes, and access to opportunity
- Existing statutory environmental protections necessary but not sufficient
Tension with evolving state goals and mandates

• State and local agencies’ duties & commitments under civil rights laws & equity declarations

• Local gov long-range planning requirements relating to environmental justice, air quality, climate adaptation, and fair housing

• State investments to improve environmental quality in disadvantaged communities
Proposals for legislation & guiding principals

• Need for state legislation to realize civil rights & community environmental protection commitments in land use
  • Guardrails on land use & zoning
  • Public process minimums

• Considerations about merits of state mandates & local control should include:
  • awareness of how power operates at all levels
  • evaluation of present disparities impacting protected classes & historic antecedents
  • Recognition of passive and active state for activities deemed within local purview
  • Intersecting state policy goals & duties