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CALIFORNIA PLANNING & DEVELOPMENT REPORT

SB 375 Draws Ire of Tea Party

Activists characterize Bay Area SCS planning as part of global conspiracy

BY JOSH STEPHENS

WHILE THE TEA PARTY MOVEMENT has been trying to “take back America” on the national stage since the election of Barack Obama, Tea Party activists have also turned their attention to taking back California – and, specifically, Senate Bill 375, the 2008 law that seeks to combat climate change by promoting density in the state’s metro regions.

Environmentalists and many fans of cities hail SB 375 as an important step towards both curbing global warming and creating more pleasant cities. But Tea Party activists nationwide have fought against local and regional planning efforts, often invoking the United Nations’ “Agenda 21” sustainable development effort as the enemy. In California, Tea Party representatives have increasingly turned up at regional and statewide planning sessions – including a recent SB 375 “One Bay Area” workshop in Concord, where they disrupted the meeting by challenging its premise.

Steve Brandau, head coordinator for the Central Valley Tea Party, did not attend any One Bay Area meetings. But he said that he understood the speakers’ skepticism about government-led planning and social engineering.

“We would be suspicious of projects that are built around population control and density control,” said Brandau. “We are leery of governmental agencies and their ability, based on the track record, to develop workable solutions.”

Brandau said that Tea Party supporters are likely to support the status quo no matter what policies a governmental body would propose. “We’ll continue to drive whatever we want to drive until we get a better working model,” said Brandau.

Despite its name, the Tea Party is not an official party or even a formal organization, and, therefore, has no membership requirements. But they have been more vocal at planning workshops around the state. At the One Bay Area meeting in Concord, they questioned presentations from the audience. An activist who goes by the username “cvminutemen” posted on YouTube a two-hour video of the entire meeting, with a preface suggesting that One Bay Area is part of a comprehensive, global conspiracy.

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insight
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Sacramento Should Reconsider Approach to Housing Elements

WELL, LOCAL GOVERNMENTS around California finally got their wish: The staff at the state Department of Housing & Community Development that reviews housing elements has been cut to the bone. So what does this mean about state review of housing elements – and, by extension, state law about housing elements as well?

In approving the 2011-12 budget back in June, Gov. Jerry Brown gutted HCD’s Housing Policy Division – the only office at HCD dependent on the General Fund and the one that handles review of housing elements. In all, 10 positions were eliminated. It’ll be almost impos-

sible for HCD to maintain a brisk schedule of reviewing housing elements, as it has done over the past few years. As *CP&DR* recently reported, interim HCD Director Cathy Creswell – who ran the Housing Policy Division for many years – says that the number of housing elements up for review next year will decrease and therefore HCD will be able to keep up with the work load (see *CP&DR* Vol. 26, Issue 14, July 2011 [↗]).

For now. But the next couple of years will be important in the world of housing elements – primarily because

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A GROUP CALLED Citizens for a Sustainable Treasure Island, which includes former Supervisor Aaron Peskin, has filed a lawsuit against the City and County of San Francisco for approving the developers' plans. The group claims that the completed Environmental Impact Report plays down the project's impact on traffic in the region and should be remade, which they believe can happen within the development timeline. The suit claims that the EIR downplays impacts to traffic on the Bay Bridge and claims that its plan for 8,000 units of affordable housing is unsustainable. The city approved the plans in the spring.

THE LAND TRUST OF SANTA CRUZ COUNTY has released its Conservation Blueprint, a comprehensive report to steer conservation efforts in the county for the next 25 years. The report announces that the population will likely grow by 35,000, which will put more intense pressure on the limited water supplies and other natural resources. The water supply in particular will be of significant concern, since the Blueprint also finds that the climate will probably be increasingly hot and dry in the next 25 years. With the combined tactics of buying land, better zoning, good policy and regulation, conservation easements, and stewardship incentives, the Blueprint pushes for a strategy to conserve 50,000 acres, or 20 percent, of the county as a whole.

THE PUBLIC POLICY INSTITUTE OF CALIFORNIA has released the findings of its survey on Californians' opinions and perceptions on the state's environmental policies. Californians still broadly support AB 32, the reduced greenhouse gas emissions law, at a 67 percent approval rate, and 57 percent believe the state should begin to enact more of its own policies to combat and adapt to global warming, rather than wait for the federal government. In addition, 61 percent believe that global warming has already begun to take effect. More than half of adults surveyed thought air pollution had gotten worse or stayed the same in their region, and two-thirds considered air pollution to be a big problem or somewhat of a problem. On energy, Californians have shifted their views. After the Fukushima nuclear crisis, support for new nuclear power plants in California has dipped significantly to 30 percent in favor, 14 points lower than last year. The BP oil spill has not had such an effect; according to the

SUPREME COURT AGREES TO HEAR REDEVELOPMENT CASE, ISSUES STAY OF PAYMENTS

CALIFORNIA'S REDEVELOPMENT AGENCIES have won a minor, but far from permanent victory, in their effort to shield a total of \$1.7 billion in tax increment funds from the state.

The Supreme Court of California agreed to hear *California Redevelopment Assn. v. Matosantos* (S194861), which was filed to undo a pair of budget bills that could decimate many of the state's nearly 400 redevelopment agencies. The court pledged to reach a decision by January 15.

The court also issued a stay of the dissolution of redevelopment agencies and remittance payments mandated by Assembly Bill 26 X1 and Assembly Bill 27 X1. The stay comes at the request of the California Redevelopment Association and League of California Cities, which two weeks ago filed a petition for the court to throw out both laws. The laws would effectively force redevelopment agencies to shut down or to make voluntary payments to the state in order to remain in business.

Agencies across the state have been deciding whether to make the payments or not, with most having to go to their respective city councils for approval. Technically, AB 27 X1 calls for payments to come from agencies' parent jurisdictions, not from the agencies themselves.

The stay, in effect, prevents redevelopment agencies from being forced to make the payments until the Court rules on the merits of the case. The court did not, however, extend the stay to the provision of the AB 26 X1 that puts a freeze on redevelopment activities prior to dissolution.

"We're very gratified that the California Supreme Court has agreed to take our case, issued the stay we requested to preserve the status quo, and that it is moving forward on an expedited basis," said Chris McKenzie, executive director, League of California Cities, in a statement.

The ruling calls on the respondents, which include the State Departments of Finance and the State Controller's Office, to show cause for why the stay should not be granted. They are required to file a return by Sept. 9.

The court outlined the upcoming schedule in the case:

- A reply may be served and filed by petitioners on or before Sept. 24.
- Any application to file an amicus curiae brief, accompanied by the proposed brief, may be served and filed on or before Sept. 30.
- Any reply to an amicus brief may be served and filed on or before Oct. 7.

The court does not anticipate extending any time set out above. The briefing schedule is designed to facilitate oral argument as early as possible in 2011, and a decision before January 15, 2012.

Justices Cantil-Sakauye, Baxter, Werdegar, Chin and Corrigan voted in favor of the stay. Kennard, J., is of the opinion a stay should not be issued.

report, drilling off the coast of California has become more popular than before, at 46 percent approval compared to last year's 36 percent.

ULI LOS ANGELES has announced that the two top leadership positions at the organization will be filled by Ronald A. Altoon and Gail Goldberg. Altoon is currently a partner at Altoon + Porter Architects, member of the ULI Los Angeles Advisory Board, and past

president of AIA. Goldberg was the Director of Los Angeles City Planning Department and more recently the Planning Director of the City of San Diego, where she managed the planning for the "City of Villages" revitalization model. In these roles, the two plan to tackle issues facing L.A. planning, including how best to improve transportation, preserve and create open spaces, and strengthen the city's infrastructure.

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IN JUNE, U.S. District Court Judge Marilyn Hall Patel found that the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the U.S. Forest Service had not done their utmost to protect 40 species of endangered animals living in four national forests in Southern California. Giving the federal agencies six months, she ordered them to create, plan, and apply long-term strategies to better protect the animals from human activities in the Angeles, Cleveland, Los Padres, and San Bernardino national forests. In addition, she shut down the Cherry Canyon section of Los Padres to recreational shooting ordered the agencies to “explain why [suction dredge] mining should not be immediately halted” in the San Gabriel River, considering its impact on the Santa Ana sucker.

THE U.S. SUPREME COURT has decided not to hear the state of California’s appeal of a 9th Circuit Court decision that complicates negotiations between Native American tribes and state governments. The Rincon Band of Luiseño Indians had sought to add hundreds of slot machines to the casino the tribe operates, Harrah’s Rincon Casino & Resort. To do so, the tribal leaders had to renegotiate the compact it holds with the state. California state officials, considering the dismal state finances, asked for 15 percent of the casino’s annual net revenue and 15 percent of the net revenue from the newly-added slot machines. The circuit court decided this was a tax, and found the state to be negotiating in bad faith. Since the Supreme Court declined to hear the appeal, the 9th Circuit Court decision stands, meaning that going forward, certain payments may be harder to collect from tribes, and state officials and tribal leaders may be compelled to settle their differences in mediation.

JOHN SHIREY, executive director of the California Redevelopment Association, will be the next city manager of the City of Sacramento. The City Council approved his hiring Aug. 5 on an 8-1 vote; Mayor Kevin

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AG HARRIS EXPRESSES OPPOSITION TO RDA SUIT

ATTORNEY GENERAL KAMALA HARRIS took the unusual measure of preemptively voicing her official opposition to the lawsuit that was filed two weeks ago to overturn the budget bills that force redevelopment agencies to either disband or pay a total of \$1.7 billion in “remittances” to the state. The petition was filed by the California Redevelopment Association and the League of California Cities in the state Supreme Court and calls on the court to declare the actions unconstitutional in light of Prop. 22. Though the court has not yet indicated whether it will hear the case — or whether it will grant a requested stay — Harris staked out her position in the form of an “informal opposition.”

In a brief filed with the court last week, Harris affirms what her office considers to be the state’s prerogative to support, or disband, redevelopment agencies according to the 1945 legislation that first gave rise to them. Her brief supports Gov. Jerry Brown’s longstanding contention that, by capturing property tax increment, redevelopment agencies are essentially hoarding funds that are needed in light of the state’s fiscal crisis.

To the central question of whether the dissolution of redevelopment would violate Prop. 22, Harris’ brief claims that precedent in California is to defer to the Legislature unless an act is expressly prohibited by the constitution, so that “[i]f there is any doubt as to the Legislature’s power to act in any given case, the doubt should be resolved in favor of the Legislature’s action.”

The brief also notes that, while Prop. 22 forbids the direct or indirect transfer of funds from redevelopment agencies to the state, it does not address the Legislature’s power to create or dissolve the state’s redevelopment system. The brief states, “had the voters intended such a sweeping limitation on the Legislature’s power, they certainly could have so indicated in a clearer or more direct fashion.”

Harris also interprets the two redevelopment budget bills not as a matched pair but instead as independent pieces of legislation. As such, they do not constitute a “Hobson’s choice,” which is how the petitioners characterize cities’ and counties’ options to either disband their agencies or pay a remittance fee. Harris contends that the Legislature first eliminated all redevelopment and then “then offered cities and counties that wanted to continue to pursue redevelopment goals an alternative and voluntary mechanism” in the form of the “Voluntary Alternative Redevelopment Program” enacted by AB1X 27.

Harris opposes the stay requested in the petition. Virtually only point on which she does agree with the petitioners is that the Supreme Court should exercise its original jurisdiction and rule as swiftly as possible.



Attorney General Kamala Harris

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Johnson cast the lone no vote. Shirey will be the fifth Sacramento city manager in as many years. He will oversee a budget of \$812 million and a staff of roughly 4,000. He previously was city manager for Long Beach and Cincinnati, Ohio. He starts Sept. 1.

A SAN FRANCISCO CIVIL GRAND JURY released a report in July recommending that Muni's plans to extend the Central Subway to Chinatown be reconsidered. The citizens' investigative council found that the exponentially rising cost — which has increased from \$648 million to \$1.6 billion since 2003 — and the already-stretched maintenance budget for the subway make the project inadvisable for the city to attempt. Transit activists have criticized the project from its inception, advocating instead for more efficient bus service in the area, but city officials insist that the rail extension will best serve the residents of the area.

LOS ANGELES SUPERIOR COURT Judge John A. Torribio found that the California Coastal Commission's decision to change the local coastal program and allow expanded public activity in a Malibu area was outside of the commission's authority. The judge also determined that the Commission had not complied with CEQA requirements, finding that it had not allowed enough time for public review of its decisions. In 2009, the commission opened up the 22-acre piece in Ramirez Canyon for use by the Santa Monica Mountains Conservancy, which allowed overnight camping, public hiking trails and new party facilities — and outraged the locals. They challenged these actions by arguing that the Commission and the Conservancy had violated the local land-use authority.

THE SAN FRANCISCO REDEVELOPMENT AGENCY recently announced that it is looking for a developer to plan 500 housing units near the Transbay Terminal. The city previously attempted to redevelop a Transbay piece two years ago, but the recession disabled the city from pursuing that opportunity. This time, the city

seeks 350 market-rate and inclusionary housing units, 150 affordable housing units, neighborhood retail space, and a child care facility. The guidelines mandate two projects: a 300-foot tower and a 50-foot townhouse development, 15 percent of which must be affordable units; and the affordable project, which must include 100 to 150 family rental units.

U.S. GEOLOGICAL SURVEY RESEARCHERS have released damage report that details the effects of the 2009-2010 El Niño winter. According to the report, erosion on the beach was 36 percent worse than usual, due to the warm ocean, high water, and intense storms. The authors of the report caution that, with climate change, these factors will be more commonplace, and that the report might be documenting what climate change could look like in the future.

TWO SEPARATE BILLS before the Congressional House subcommittee on Indian affairs would expand the U.S. Interior Department's ability to create land trusts for Indian tribes. In 2009, the Supreme Court found that the agency would be overstepping its authority to take land into trust for Indian tribes not recognized by the Indian Reorganization Act in 1939. Opponents to these bills argue that putting more land into trust would lead to increased and unrestricted gaming operations, and would be ignoring concerns of non-Indian residents near reservations about rising crime rates and potential impediments to emergency services. Supporters say that, of the pending 2,000 requests to place land into trust, only five percent are for gaming purposes, and that it is time for the federal government to treat all Indian tribes equally under federal law — not just those recognized in the 1930s.

A LOS ANGELES SUPERIOR COURT ruled in favor of the City of Malibu in a lawsuit the city filed against the California Coastal Commission over sweeping changes to Malibu's land use regulations in the Local Coastal Program (LCP), which the city contended was

beyond the power of the Commission and in violation of California's environmental laws. Over the City's objections, the Coastal Commission approved the LCP Amendment in 2009 to accommodate the Santa Monica Mountains Conservancy/Mountains Recreation Conservation Authority's proposed "Malibu Parks Public Access Enhancement Plan." The court held that the commission exceeded the authority granted to it under the California Coastal Act by attempting to amend the Malibu LCP even though the City did not approve the amendment. The Court also agreed with the City's contention that the Commission violated the California Environmental Quality Act by failing to properly circulate its environmental analysis for a 30-day public comment period on the Conservancy's proposed LCP amendment. ■

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School Facilities Act Requires Disclosures in EIRs

EIR for Madera Co. development must disclose certain impacts on school services

BY CORI BADGLEY

IN 1995, THE COUNTY OF MADERA adopted the Rio Mesa Area Plan to guide growth for roughly 15,000 acres of unincorporated territory in Madera County. Nine years later, the Madera County Transportation Commission adopted a regional transportation plan that included traffic forecasts for the build-out of Rio Mesa, which was to include three villages. In 2006 Tesoro Viejo, Inc., requested that the county initiate environmental review for the development of one of the villages, a mixed-use development of up to 5,200 dwelling units. The development plan called for two elementary schools and possible junior high school.

Having responded to comments on the project's draft environmental impact report, including those filed by the Chawannee School District, the county approved the Tesoro Viejo project and certified the EIR in December 2008.

The school district, however, remained concerned that the development would adversely affect schools by generated greater enrollment, which could lead to overcrowding and environmental impacts such as traffic. Under Senate Bill 50, developers can mitigate these impacts only through paying a fee, which is capped.

In January 2009 the school district filed a petition and complaint against the county and Tesoro, contending the following:

- (1) the EIR failed to comply with CEQA,
- (2) the General Plan and Rio Mesa Area Plan were outdated and thus invalid, and
- (3) the specific plan was inconsistent with the General Plan and Rio Mesa Area Plan. After the parties briefed the matter, the trial court held a hearing on the petition in late August 2009. The court concluded the EIR was adequate and the specific plan was not inconsistent with the General Plan. In September 2009, the trial court filed a judgment denying School District's petition.

In November 2009, School District filed a notice of appeal.

The court relied on dictionary definitions to interpret the School Facilities Act, which essentially limits the degree to which CEQA can

be applied to the development of schools. The court found that direct impacts on school facilities did not have to be analyzed in the CEQA document, but indirect impacts were required to be discussed.

The court faced the difficult task of interpreting an amendment to the School Facilities Act and how it interacts with CEQA as an issue of first impression. The specific provision at issue restricts the "methods of considering and mitigating impacts on school facilities" to the fees provided in the School Facilities Act. (Gov. Code, § 65996(a).) The court held that although this provision obviated the need to discuss direct impacts on school facilities in the CEQA document, the provision did not apply to indirect impacts, such as traffic or construction.

The School Facilities Act establishes a method by which school districts can impose a school impact fee on any construction within the boundaries of its jurisdiction. (Gov. Code, § 65995 et seq.) The Act also provides a maximum fee, which school districts cannot surpass. Under the former version of the Act, Government Code section 64996(a) (at issue in this case) read as follows: "[the provisions of the School Facilities Act] shall be the exclusive methods of mitigating environmental effects related to the adequacy of school facilities when considering the approval or the establishment of conditions for the approval of a development project." The courts interpreted this provision to only apply to adjudicatory actions, such as a use permit, and not legislative actions, such as a specific plan. In reaction to the narrow judicial interpretation, the legislature amended the language in Section 64996(a) to state: "[the provision of the School Facilities Act] shall be the exclusive methods of considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act..."

In this case, the court grappled with the following two terms in the amended provision: "considering" and "impacts on school facilities."

Interestingly, this was the only portion of the case that was published. "Published" means that it can be cited in court as legal authority. "Unpublished" portions of cases should not be cited in court, or if they are, they are only considered potentially persuasive but not legally binding. In this case, the majority of the case

dealing with the application of the court's interpretation of the School Facilities Act to the specific facts at issue was not published and cannot be cited as legal authority in court.

The published portion of the court's opinion began by determining the meaning of "considering." According to the school district, amended Section 64996(a) still required a full, detailed analysis of the impacts on schools, despite the limitation on mitigation. After dissecting the word "considering," the court disagreed with the school district. The court found that the term "considering" means "viewing attentively, examining carefully, studying," and applying this definition to Section 64996(a), the legislature clearly meant to obviate the requirement to analyze "impacts on school facilities." Therefore, the court held that an EIR does not need to contain a description and analysis of a development's impacts on school facilities.

On the other hand, the court found that the term "on" narrowed the application of the statute to direct impacts only. The court found that "the use of the term 'on' indicates a direct relationship between the object (i.e., school facilities) and the impact and excludes impacts to other parts of the physical environment." The County of Madera had argued that "impacts on school facilities," included both direct and indirect impacts. Applying what it determined to be the correct interpretation of "on," the court held that although the EIR did not have to discuss or analyze direct impacts on school facilities, the EIR was required to analyze the indirect impacts, such as traffic from building new schools.

Based on this interpretation, the court went on to hold in the unpublished portion of the opinion that the county was required to go back and analyze traffic and constructions impacts arising from the increased number of students in the school district.

It is unknown yet whether either party will file a petition for review with the Supreme Court. ■

► The Case:

Chawannee Unified School District v. County of Madera (2011, No. F059382) Cal.App.4th Filed June 21, 2011.

► The Attorneys:

For Plaintiff: Barth & Tozer and Thomas W. Barth

For Defendant: David A. Prentice and Douglas W. Nelson

Census Depicts Aging, Urban Population in California

Trends point toward urban lifestyles and grim future for urban fringe, says USC's Myers

BY JOSH STEPHENS

THE PRELIMINARY RESULTS of the 2010 U.S. Census are in, and so far they depict a California quite different from the one that the state's localities have been planning for the past few decades.

It is no longer a young, family-oriented state that lives in detached homes but rather an aging, childless state that is turning back towards the center cities. And, though California's population – estimated at 37.2 million – is bigger than ever, its growth rate is a shadow of its former self.

To sort out this preliminary data and offer an idea of the demographic trends planners should be aware of, **CP&DR** spoke with Dowell Myers, professor of Urban Planning and Demography at the University of Southern California.

CP&DR: What have we learned from the Census data? What surprises have you found?

DOWELL MYERS: There are questions of how much growth there is. There's a lot less growth than was expected by the Department of Finance. The DOF has been working with a much higher number.

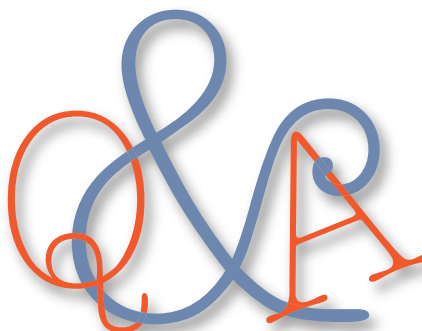
The final count came out pretty close to what the Census Bureau had been estimating. We were further off on the count than was any other state. It could be that this is the first census in 50 years that has come in a recession. The census has always come at the end of an economic expansion. Because it's in a recession, it throws everything off. People aren't moving the way they normally are. Construction is way down. To some extent, maybe that is why California's numbers are so low in the count.

CP&DR: Is this a trend? Has California's growth slowed permanently? Or is this a blip because of the recession?

DM: The growth has not been constant over the last 40 years. Alternating, there have been big decades and small decades. The 1970s were really low, then the 1980s boomed really big, then the 1990s were up a little bit.

Normally, a big place grows more slowly, but in the '80s we took off. That had to do with some odd things like the Cold War, Ronald Reagan being president and aerospace spending; it also had to do with the Rust Belt and the Texas oil collapse. A lot of growth was flushed in our direction for different reasons. We all thought the '80s were normal. Maybe in the bigger picture, this last decade is more normal. I would expect in the next decade, it will go up again.

The bigger picture is that the population is getting older, and it is transitioning from older whites to younger Latinos, Asians and others. The whites are down to 30% of the total population. Latinos are in the high 40s. They're not a majority either; they won't be a majority until 2040.



WITH **DOWELL MYERS**

Dowell Myers,
professor
of Urban
Planning and
Demography,
University of
Southern
California



CP&DR: You and your colleague Linda Liu wrote a brief on aging in Los Angeles County. What is the implication for cities?

DM: The shocker was that Los Angeles County lost 20 percent of its kids between ages 5-9. That's about twice as much loss as we had foreseen. It changes the whole family character of the county. Meanwhile, you have the children of the baby boom – Generation Y, or the Millennials – moving into their early 20s. They are driving major development changes throughout the state. That means many more potential apartment occupants.

In the '90s we actually had a net loss of people in their 20s, and in that environment, no developer can float a new (urban) building. Now it's the opposite, with revitalization and changing attitudes towards the city. A lot more young people want to live in cities. And their parents, who are getting older, are sitting in their houses and getting ready to sell.

When they sell, it's raising questions about, whom will they sell to? And where will they move to when they sell? That's going to be answered towards the end of this decade. It's going to be a very volatile decade: one of urban revitalization, one of declining suburbs, and fewer families with kids.

CP&DR: Some research says that Latinos have their own urban patterns. Are those patterns going to become more mainstream or is there something new on the horizon?

DM: The state's homeownership rate has dipped a little bit, but it's stayed within a constant band of 55-59%. Latinos ages 35-44, are up to 41% homeowners. So they're a little bit below, but not far below average. As they get older,

they'll go higher. That's a lot of homeowners when you multiply 41% times that many Latino young households. They're going to dominate the housing market. They already account for 78% of the growth in homeowners over the last decade. Whites contributed a decline in homeownership: they lost 160,000 homeowners. Older whites sold and young whites couldn't buy enough. Young Latinos stepped up and took up the slack.

That's the future right there. Can these young Latino homebuyers pay the older whites the prices they expect for those homes in those nice suburban neighborhoods? We're going to find out. It's going to depend on how well educated they are, what kind of jobs they have, and what kind of mortgage they can qualify for. That's going to depend on what kind of taxes we pay for what kind of public education. There's going to be a bit of a time lag – about 20 years – but the chickens are going to come home to roost.

If you cut funding for higher education, you cut off your future supply of homebuyers. Or your homebuyers still show up but they're only high school educated and can only pay you 2/3 the price you would have gotten if they were college-educated.

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>>>> Myers: Planners Must Look a Generation Ahead

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CP&DR: Where is that going to hit hardest?

DM: It's probably going to be in the least well-located counties. You drive until you qualify, so if you don't drive, you don't get out there. The only people out there are on very marginal incomes. They can't afford to pay very much, so those houses stay vacant. Those houses that are best located haven't dropped very much. Along the coasts or better-located areas that are close to transit or hubs of economic activities are going to maintain their markets.

CP&DR: The biggest policy driver of the next decade is arguably SB 375. How does that policy match up with the demographic trends you're seeing?

DM: It looks to me like they line up pretty well. It seems like the demographics are really consistent with that. And that's a miracle, isn't it? It's totally unplanned. The climate change stuff is totally unrelated to demographics. Knock on wood, this could work out.

CP&DR: The other big trend of course is the hampering or even the demise of redevelopment and the affordable housing funds associated with redevelopment. Is there going to be a growing number of poor households that are going to be out of luck?

DM: That is an example where policy is at odds with demography. We have this client base for older cities and suburbs, living more densely, and we don't have the public subsidies for that. Redevelopment was the main money for that.

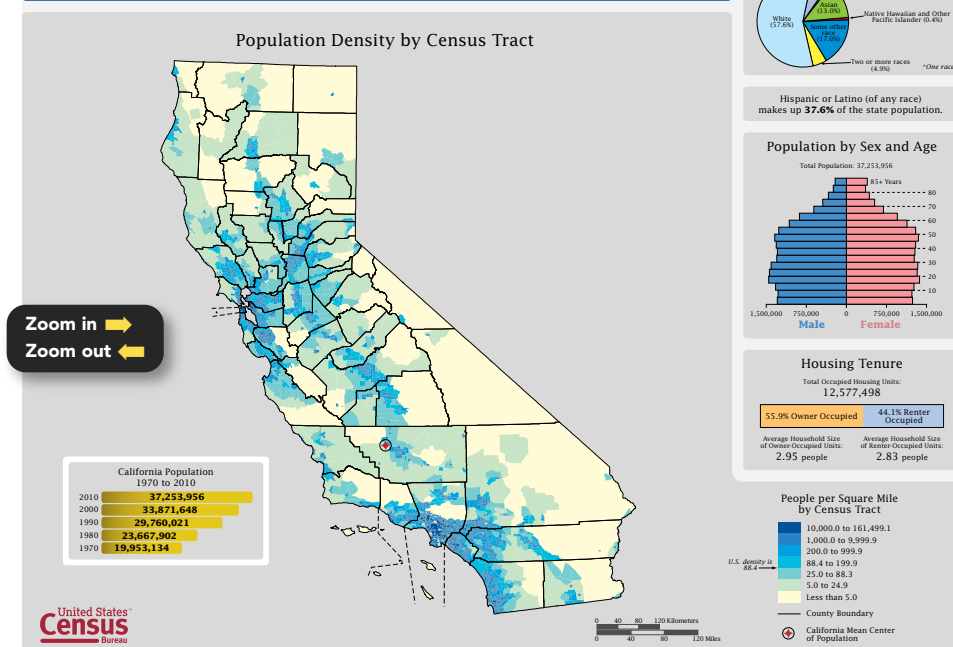
What would happen is that these people are going to have to find a way in the existing housing market and they're going to scrounge out the neglected housing. I see a bit of a Palmdale scenario, where there's an inordinate number of Section 8 families because they can get more apartment for their money farther out. They don't need to be close to employment because they don't have a job. You'll have these outer settlements of people who desperately need cheaper housing and don't have to worry about commutes to work.

You'll see more unpermitted subdivision of larger houses in the more remote locations. Some entrepreneurs will figure out they can subdivide them into three units and park pickup trucks on the lawn and then people can go to work from there. People are going to find ways to re-use the stock more efficiently. It just won't be up to code. That's going to cause problems with the neighbors.

CP&DR: What advice do you have for urban planners who are trying to plan in anticipation of these numbers?

DM: You have to look very closely at the changes by age group in three different decades: the last decade,

2010 Census: California Profile



California population rose by 3,382,308 between 2000 and 2010, according to 2010 U.S. Census figures. "There's a lot less growth than was expected ..." says USC professor Dowell Myers. "...We were further off on the count than was any other state."

the current decade, and the decade after that. So often we don't pay attention to these dynamics of change.

You can graph it out very easily and you can see what the changes are each decade and see what's lining up in each decade. There is a very understandable sequence of shifts that are occurring. And we need to get the development lined up so it comes on line at the right time for the right age group. Each age group has different types of housing at each stage of life.

Aging is predictable, and planners haven't used that enough. We think in terms of race or income, but those are harder to predict and they're also not as descriptive of the type of housing. Income tells you how expensive a house, but it doesn't tell you what kind. And that's more from age than anything else. Shrinkage in age groups is even worse. That's what craters demand. This is California. We should be able to ride the waves.

CP&DR: Are we better equipped now to analyze this data and respond to it?

DM: Yes and no. We have a lot better data now because of the American Communities Survey, which comes out every fall. I'm not sure planners have better analytical skills, because we haven't really kept up

to speed. We've put a lot of attention on geographic information systems, but maps don't measure change very well. We need to spend a lot more time learning how to use Excel and use it better to show the trends over time and put them into PowerPoints so we can share better with the citizens and get everybody on board. All these changes shouldn't be debated like political footballs. They're just facts of life.

CP&DR: Are there any major differences among the regions in California?

DM: There definitely are big differences between north and south. But inland is different from Coastal. I'm amazed at how different it is everywhere. The baby boomers are everywhere and baby bust is everywhere. But every county is different. Orange County is becoming a lot more like L.A. County now. It used to be a lot more like Ventura or Marin. It's more diverse, it's denser, and it has more jobs. It's not a bedroom community and hasn't been for 20 years. The big question will be the Inland Empire: how will they build community? Will they densify around core areas and develop employment centers? I think they will. It will have a unique character. It won't look like Orange or L.A. It won't look like Fresno either. ■

>>>> Tea Party Activists Speak Against One Bay Area

— CONTINUED FROM PAGE 1

The preface to the video (*click on video image on right to play*) characterizes smart growth, liveable communities, and social justice as attacks on “freedom,” “your prosperity,” “your property rights,” and “the American dream.” And it ironically questions planning that claims to serve “the greater good.” (One Bay Area is the brand name for the nine-county Sustainable Communities Strategy being developed by the Association of Bay Area Governments and the Metropolitan Transportation Commission.)

“There were Tea Party activists – and that’s very much self-identified – no question that there was a group organized to participate in the meetings,” said Randy Rentschler, spokesperson for MTC. He added that videographers by the name of Tea Party TV have filmed meetings.

At those meetings, self-identified Tea Party supporters decried nearly every goal of the SB 375 planning process. Speakers criticized the plan for forcing residents into dense housing and impinging on suburban lifestyles. Speakers questioned the notion of regional planning, claiming that top-down planning would usurp local control. These and other objections at one meeting were captured on a two-hour video shot by a Tea Party supporter and posted on the Internet.

“The things they brought to the table were: ‘leave us alone, we don’t need your land use rules. We don’t need people telling us what to do,’” said Rentschler.

At that meeting and others, participants say that Tea Party opinions all but drowned out other views, according to some.

“They were very vocal and in some respects they would get obnoxious,” said Joel Ramos, a community planner with the nonprofit group TransForm, who said he attended several meetings in Contra Costa County. “I think that it was ultimately a detractor and that it devalued the overall conversation.”

“The hard part with the Tea Party’s participation was to get past their own agenda and think out what they want and to ask for it,” said Rentschler.

Leaders of Tea Party organizations throughout the state – including the East Contra Costa County Tea Party, the East Bay Tea Party, the California Tea Party, and Tea Party Patriots – were contacted repeatedly for comment for this article over the course of several weeks. Only Brandau made himself available for comment.

ONE BAY AREA: "AGENDA 21", the UN's diabolical plan comes to the San Francisco Bay Area

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Uploader Comments (cvminutemen)

To whoever shot this video...would've been better to be able to see the screen of data instead of watching that "bozo" in the blue shirt standing there pretending to gather information, but then maybe not...What a scam!!! This country is LOST!!!! The future of Amerikkka is one big FEMA camp!

mobiadviser 1 month ago

@mobiadviser

Why do you spell America with 'xxx'?

cvminutemen 1 month ago

Let's move right along, folks. We don't have time to HEAR what you have to say. We've already GOT our plans. All we want you to do is check the box so we can PRETEND we're actually gathering data. SEEMS TO ME THE "DISCUSSION" should take place BEFORE the "SURVEY". Bunch of JERKS putting on this seminar. The agenda is pre-determined...they just need to SAY they had # bodies there who AGREED WITH THEM. I would vote 5 on everything.

99barrels 2 months ago 5

@99barrels

Many of us attended four of these meetings and they were all the same. Crooked answers or 'we'll get to that later'. So why did they ask for 'public input' in the first place?

cvminutemen 2 months ago 4

Suggestions

- Invisible Empire A New World Order Defined Full... by ChangeDaChannel 1,981,667 views
- Agenda 21 For Intelligent People by Humptydumptyrby 6,370 views
- Millions to be KILLED under Agenda 21! (Look fo... by RestoreConstitutions 13,860 views
- U.S. Army prepares to invade U.S. by corbelreport 676,615 views
- Agenda 21 for lower living standards by dhove76 7,453 views
- Proof: Bin Laden Death Another Gov't Lie by TheAlexJonesChannel 644,008 views
- Debunk This! Full Length by ChangeDaChannel 138,377 views
- H.A.A.R.P. Agenda 21 and Google's Role in The ... by whatsthehow19791 12,147 views
- Obama and Facebook: The Social-ist Network! by cvminutemen 11,201 views
- Plan Bay Area Community-Based Outreach by mtsabaglibrary 159 views
- The Alex Jones Show 1/2 AGENDA 21 by TheAlexJonesChannel 19,178 views

Lawrence Rosenthal, director of the Center for Comparative Study of Right-Wing Movements at UC-Berkeley said that the Tea Party’s objections to SB 375 are not surprising. Libertarian movements have always been wary of government’s use of eminent domain, and Tea Party members may assume that the construction of compact development and the empowerment of local governments to promote compact development will necessarily result in the taking of single-family homes and other private properties.

Supporters of One Bay Area insist that one of the purposes of the regional plan will be to promote density in center cities and at key transit nodes with the effect of preserving the character of many single-family areas, especially exurbs.

“The people who reside in less dense areas would probably have figured out, if they had allowed themselves, that we’re not planning on doing anything to Clayton,” said Rentschler, in

reference to a city on the edge of the Central Valley. “The cities are taking things that you don’t want.”

The online video suggests that One Bay Area is advancing Agenda 21, a theme that Tea Party activists around the country have promoted.

“We didn’t even know about the ‘conspiracy’ until we were told about it,” said Rentschler. “I had to look up Agenda 21.”

Agenda 21 is, in fact, a UN program urging cities to voluntarily promote density, public transit, and other strategies to reduce greenhouse gas emissions. Whether high-density apartment buildings will be delivered via black helicopter is another matter, say the sponsors of One Bay Area.

Many of the Tea Party’s concerns about SB 375 are grounded in far less outlandish concerns. Brandau said that, regardless of the particular concerns or personal inclinations, nearly all members of the Tea Party movement

— CONTINUED ON PAGE 9

>>>> Planners Welcome Tea Party Views

— CONTINUED FROM PAGE 8

share a fundamental distrust for government. They believe that government actions both constrain civil liberties and fail to generate acceptable returns on investment.

Brandau said that many Tea Party members are inclined to oppose SB 375 purely because they do not trust the state government and regional planning agencies to come up with anything beneficial, regardless of what a plan might actually look like.

"We're not against infrastructure and we're not against what we would call smart planning," said Brandau. "Most of us feel betrayed by planning and these huge projects." Brandau cited high-speed rail as an example of planning that is destined to disrupt the livelihood of Central Valley residents in exchange for dubious benefits.

Rentschler noted that the Tea Party's anti-government ethos simply doesn't apply to places where many people live in close proximity and, therefore, have competing interests.

"In some communities there might be (no need for government-led planning). Maybe that's in Alaska," said Rentschler. "I think that the hard part in dealing with the Tea Partiers is that the message wasn't subtle to the complexities of the world we inhabit."

Many speakers in Contra Costa County claimed that One Bay Area had arisen out of nowhere and was being imposed on an unsuspecting public. The difficulty for MTC and other regional planning agencies, of course, is that they are seeking to implement a state law that was adopted in 2008, no matter whether the Tea Party likes the law or not. Rentschler said that he knew of no Tea Party participation in any public meetings or hearings regarding SB 375 over the past few years.

Supporters of SB 375 say that Tea Party opposition is grounded in ignorance of both planning principles and the public process.

Ramos said that Tea Party supporters' combination of vehemence and ignorance threatens to undermine the public process — and even SB 375 itself.

"I would like to hope that we could move forward," said Ramos. "I've seen horrible things come as a result of politicians being scared of an angry group of loud, vocal minority groups."

UC-Berkeley's Rosenthal said that further debates are unlikely to change Tea Partiers' minds.

"If there were a key to engaging them in a way that got past their dismissiveness of this

panoply of issues that they regard as elites trying to shove their fancy ideas down their throats...a great deal of progress would have been made already with the Tea Party," said Rosenthal. "Ideology, by its very nature, gives you the answers when you know nothing about the facts."

Despite the seeming frustration of working with such stubborn participants, the sponsors of the One Bay Area meetings say that they welcome all participants and all opinions. The Silicon Valley Community Foundation has sponsored several meetings with the express purpose of expanding participation.

"We feel incredibly positive about the success we've had in terms of the number of people we've been able to engage in discussion and the diversity of people we've been able to engage," said Erica Wood, vice president of community leadership and grantmaking at SVCF.

Rentschler said that the participation of the Tea Party, despite some counterproductive rhetoric, is a welcome component of the democratic process.

"If your comment is that climate change is fiction and you're part of a UN conspiracy, I can't do anything about that," said Rentschler. He did say, however, that Tea Party voices offer a welcome contrast to the discourse that often dominates discussions in the Bay Area.

"We often get the far left comments," said Rentschler. "It was kind of refreshing to get the far right to comment."

Rentschler added that the Tea Party raises an issue on which activists along the entire political spectrum should be able to agree.

Should stakeholders be skeptical of government? "Yes. I am," said Rentschler. ■

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>>>> Housing Assessment Process: ‘Annoying, Weak’

— CONTINUED FROM PAGE 1

the Regional Housing Needs Assessment process (which determines how many housing units each local government must plan for in its housing element) is now tied to SB 375. As regional planning agencies approve their “Sustainable Communities Strategies” under SB 375, a whole new set of regional housing concerns will emerge — and the next round of housing element review will ramp up. Will HCD be ready? And will the agency be sufficiently plugged in with the Air Resources Board and other state agencies that are driving SB 375 implementation?

But maybe asking whether HCD will have the resources to do things the same way the agency’s always done them is the wrong question. Framing the issue that way reduces the discussion — unfortunately — to the question of how much money HCD is going to get out of the General Fund in any given year. The answer for the foreseeable future is: Not much. So maybe it’s time to revisit the whole question of what a housing element is, what it is supposed to accomplish — and consider making changes to the law that will make it both more effective and less expensive for the state to administer.

When I teach classes about planning in California, my standard joke is that the housing element law is just strong enough to be annoying and just weak enough to be useless. Not everybody thinks this joke is funny, least of all my longtime friend Cathy Creswell, who will point to any number of communities where sites for high-density housing have been identified and rezoned, thanks to state review.

Fair enough. But the housing element law has always been caught in the crossfire of all kinds of political attacks and counter-attacks. The housing element is the only part of the general plan subject to state review, which makes

it an especially annoying part of life for local planners. It was originally designed as a “fair housing” exercise (and must deal with housing for a whole series of special populations, such as the homeless and farmworkers). Yet increasingly HCD focuses on the supply of housing — hence the concern about high-density zoning — rather than just its distribution.

And there’s a constant battle in Sacramento — more like a stalemate — between affordable housing advocates who want to box the local governments in, and the local governments that don’t like state control. As an elected official, I have to say that a mere explanation of the housing element law almost always leads to this question: “How can the state tell us how much housing to build?”

Finally, and perhaps most important, it’s a law that focuses on planning for housing, not building housing. It’s a topic of ongoing debate whether good housing elements actually lead to more housing. HCD claims that this is so; while some independent research, including from the Public Policy Institute of California, claims that this is not so.

As he had with redevelopment, Gov. Brown has the opportunity to use the budget crisis to reform the way the housing element law works. Housing element activity will be brisk in the next few years; yet there is no scenario that would suggest HCD will wind up with enough money to review housing elements in the manner it has been done in the past. If the state is going to be effective in overseeing how the locals deal with housing, it’s going to have to be done differently. But how?

This is where the stalemate makes it tough. HCD’s traditional approach has been to act as a pretty persnickety regulator, telling the locals

— almost literally — which words to change in their draft housing elements. This is an understandable approach, given that many local governments have proven untrustworthy on housing in the past and that affordable housing advocates in Sacramento are always looking over HCD’s shoulder to make sure the law is implemented clause-for-clause. But it won’t fly in the future, if only because the state can’t afford it.

So it’s time for the Brown Administration to think about several reforms, including:

- Stripping housing element review down so that it focuses on a few key issues, like adequate sites for multifamily housing.

- Making it easier to transfer housing obligations from city to city, at least within the same housing market.

- Tying all housing funds over which the state has control — including redevelopment housing set-aside money — to the goals in the housing element.

- Switching to a performance-based system, so that localities are held accountable for housing constructed rather than housing planned for. The locals always squawk that they can’t control the market as to when housing actually gets built, and that’s fair enough. But comparing housing entitled and housing built compared to some regional average is certainly reasonable.

It’s possible that even the budget crisis will not force reform in the housing arena. After all, the redevelopment issue this year was not about reform but about money, even though the administration promised reform at the beginning. But if reform doesn’t come now, when HCD is up against the wall on the budget, then I don’t know when or how the stalemate will ever be broken. ■

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Help Wanted: CRA Executive Director

NEWS ITEM: John Shirey, longtime executive director of the California Redevelopment Association, has resigned to accept post as city manager of Sacramento.

COMMENTARY: Seeing that the CRA has more important things to do than write a want ad for a successor to Mr. Shirey, we have risen to the occasion, like a pancake with too much baking powder, to compose the ad ourselves. For the proper effect, please imagine the following text set in the eentsy-weentsy agate font of the classified section of your local newspaper. If your local newspaper still exists.

WANTED: Executive Director of Association of Public Agencies

REQUIREMENTS: Candidate must be smart, tough, resilient, with a skin of a rhinoceros, the charisma of the Kardashian women, the optimism of a motivational speaker at a Jaycees convention, the friend-making skills of a Republican fundraiser, the raffish charm of George Clooney, and the fiery rhetoric of Billy Graham. Candidate must be aware that assoc. is currently sailing through some rough water, so a strong stomach and a stiff upper lip are recommended for this position. (Must provide one's own flask.) Ability to smile through tears highly recommended. Candidate must also possess outstanding vocabulary, including every possible definition of the word "blight."

The ability to tell inspirational stories is also invaluable. Study and memorize the following sentences for the interview: "Ten years ago, this town was nothing but a strip of machine shops, feed lots and pool-and-spa dealers. Today, Bittville has an annual tax increment of \$600 million, and enjoys the presence of Costco, Walmart, Home Depot, Lowes, Target, Best Buy, Quizno's Subs, and 20 new auto dealerships. And we haven't neglected our obligation to affordable housing: We also built 10 units of old-folks housing – in a neighboring city!" Candidate must be able to dismiss any scholarly studies to the contrary.

Candidate is also required to know the words to the Redevelopment Fight Song:

*We love you redevelopment
For all the good you yield
To see commercial value
In blighted home and field*



*To sweep away the ugliness,
The tawdriness and blight
So WalMart and its minions
Can build monuments to light.*

*We pledge to redevelopment
Our merchants and their stores
To generate tax increment
So we can house the poors.*

EXPERIENCE: Nothing can prepare a candidate for this job. Experience with trench warfare preferred but not required.

COMPENSATION: Negotiable, with \$1.7 billion performance bonus. Candidates are also advised to keep options open. It is recommended to have another job offer in your hip pocket, just in case. Please direct all inquiries to:
Morris Newman, Initial Screener of All
Redevelopment Executive Director Candidates, Sacramento, Ca.
No telephone calls, please.

– MORRIS NEWMAN | JULY 27, 2011 ■

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Gallery Review: Rethink/LA Depicts Creative Visions for L.A.'s Future



SOCIOLOGIST **FREDERIK POLAK** once said that “the future may well be decided by the images of the future with the greatest power to capture our imaginations and draw us to them, becoming self-fulfilling prophecies.” The organizers the Rethink/LA, an eponymous group consisting of some of the city’s creative intelligentsia, seem to agree. The exhibit, on display through Sept. 4 at the Architecture+Design Museum, presents bold visions of a future Los Angeles that should challenge the thinking and capture the imaginations of most Angelenos. This multi-media exhibit includes photographs, interactive displays, short films, sound installations, and a 3-dimensional model.

While I enjoyed all aspects of the exhibit, I was most intrigued by the series of 18 images that show what the city could be like 50 years from now. As a public transit user and a park planner, my favorite piece was the collage by **MOCK Studio**, which reimagined lanes of the downtown 110 Freeway as spaces for solar powered personal rapid transit, bicyclists, pedestrians, passive and active recreation, and community gardens. It depicts a future in which Angelenos are not completely dependent on the automobile and thousands of acres of land, including freeways, are for open space linkages, community gardens, and infill development. This image further prompted me to consider how other auto-related uses, such as gas stations, auto repair shops, and car dealer lots, may be reused in the future.

I was also fascinated by **XTEN Architecture**’s vision of the Sepulveda Pass – between the Westside and San Fernando Valley – which consists of a high speed rail/vehicular tunnel and a mix of cultural, park and recreational, office and related uses above. This exciting, colorful image offers a striking contrast to the river of automobiles that characterizes the 405 today. Another memorable image shows the seaside Hyperion Water Treatment Plant transformed into a hybrid desalination plant, water reservoir and recreation center which uses engineered waves as a training

ground for amateur and novice surfers. This proposal is based on the assumption that the Los Angeles Department of Water and Power will be able to meet the city’s growing water demands by expanding the treatment facility to include desalination of seawater directly from the Santa Monica Bay.

Since I, like probably most other planners, grew up playing or “building” with Legos, I found myself spending considerable time admiring the “Wilshire on Wilshire” exhibit, the result of an interactive planning project facilitated by **James Rojas**. This 3-dimensional model is not a miniature version of Wilshire Boulevard as it currently exists; instead, it shows what the corridor could be like in 50 years. Having participated in a similar exercise previously, I understand firsthand how this approach empowers participants by allowing them to shape and share visions in a supportive environment without the fear of providing a “wrong” answer.

Rethink/LA is a wonderful exhibit for all. Unfortunately, its audience is likely limited to only those with interests in architecture, design, and urban planning because it is housed at a storefront, specialty museum. To achieve the organizers’ goal of generating a significant dialogue with Angelenos regarding the city’s future, the exhibit may be more appropriately displayed at a prominent location like the Los Angeles County Museum of Art (LACMA) across the street.

Rethink/LA is on display through September 4 at the Architecture + Design Museum, 6032 Wilshire Boulevard, Los Angeles, CA 90036. www.aplusrd.org/exhibitions-current

Clement Lau is a freelance writer and a planner with the Los Angeles County Department of Parks and Recreation.

– CLEMENT LAU | AUGUST 18, 2011 ■

