

SCAG Releases Regional Sustainability Strategy Based on 'Bottom-Up' Approach

BY JOSH STEPHENS

THE SUSTAINABLE COMMUNITIES STRATEGY unveiled in December by the Southern California Association of Governments struck its member cities and counties with all the uncertainty of an unwrapped Christmas gift.

Rather than surprise the six counties and 191 cities that make up the SCAG region, SCAG planners spent the better part of the past two years surveying their members' own plans and their own projections for population growth and future development in order to develop an SCS that would be far more predictive than prescriptive. As such, SCAG tried to build consensus pre-emptively for the regional plan rather than attempt to come up with a document that would compel cities and counties to change course or to otherwise compel jurisdictions to alter their development patterns. Under SB 375, SCAG must adopt an SCS by next April.

"This is very different from what some feared when SB 375 was adopted that we might see a top-down regional imposition of one-size-

fits-all," said Richard Lambros, senior policy advisor for the Building Industry Association of Southern California. "That is not what this plan is."

Though the SCAG region includes a diverse array of jurisdictions, the SCS attempts to bring some uniformity to the region by identifying a handful of "community types," defined according to density, jobs-housing mix, and transit access. These "types" include, in roughly descending order of density, urban, city, town, suburban, and rural. With these types in mind, the SCS encourages the development of housing in main street and downtown areas. Roughly 1 million new housing units will be directed towards urban, city, and town areas, with 417,00 units directed towards suburbs; suburban areas currently comprise roughly 40% of the region's households but will receive only 28% of projected growth. And much of that growth will be in denser housing types than the region has historically been accustomed to.

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Redevelopment Battle Will Rage on Even After Supreme Court Rules

insight
WILLIAM FULTON

EVERYBODY IN CALIFORNIA is waiting anxiously for the state Supreme Court to decide the future of redevelopment. But it's pretty clear that the Supreme Court's ruling won't be the final word on redevelopment in California.

No matter what the Supreme Court decides in *California Redevelopment Association vs. Matosantos* – and the decision is expected any day now – it's pretty clear that all parties will be headed back to the Legislature next year for another round in the never-ending battle over redevelopment.

The worst-case scenario for the redevelopment establishment – as *CP&DR* reported after the oral argument in November [↖] – would be to uphold AB 1x 26, which abolishes redevelopment, but strike down AB 1x 27, which permits redevelopment agencies to continue to exist if they pay a "remittance" to the state. The Court's ruling is urgent because the first remittances are due in mid-January.

The net result of that outcome would be that redevelopment would be abolished, period. Obviously, the

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COMPILED BY CP&DR STAFF

OFFICIALS AT Joshua Tree National Park announced that they are shelving a new general management plan both because of budget constraints and concerns about developments outside the park's boundaries that are considered more pressing. The plan update was intended to set the park's course for the next two decades. However, park officials said that the plan's "inward focus" would have failed to address key issues. Several solar power plants have been proposed near the park, as has a new community that would include up to 12,000 houses. The previous plan had been approved in 1996 and park officials were originally seeking to complete the new one on an accelerated schedule; the usual planning cycle is around 20 years. Park officials said they were not "prepared financially" to go through with the roughly \$2 million planning process.

IN RESPONSE TO extensive public comments and feedback from Central Valley residents, agricultural groups, and businesses, the California High-Speed Rail Authority Board agreed with the staff recommendation to carry forward the "hybrid alternative" route as the preferred alignment for the project's Merced to Fresno section at its monthly meeting in Merced. The hybrid alternative generally parallels the Union Pacific Railroad and State Route 99 between Merced and Fresno. To avoid impacts to downtown Madera, this route travels east to be adjacent to the Burlington Northern Santa Fe corridor.

THE SAN FRANCISCO PLANNING COMMISSION recently approved a plan intended to promote the installation of more public art in the city's downtown. The Public Art Trust Fund would allow developers to put the equivalent of 1% of their construction costs into a collective city-administered fund rather than include public art in their own projects, as currently required for downtown projects of at least 25,000 square feet. The city's Arts Commission would administer the fund and support not only permanent artwork in the area but also temporary and performance art, thus expanding the range of public art creations that developers could support. In other downtown San Francisco art and planning news, the Planning Commission has also approved the proposed \$480 million expansion of the San Francisco Museum of

Modern Art and certified its environmental impact report. Commissioners noted that the unanimous approval was highly unusual for such a prominent project; the new wing will add roughly 230,000 square feet to the museum.

LED BY ORANGE COUNTY SUPERVISOR Joe Moorlach, a movement is afoot to merge Seal Beach, Rossmore, and Los Alamitos – two small cities and one master-planned but unincorporated community cities on the edge of Los Angeles County – into a single "super city." A recent study concluded that the combined cities would save \$2.7 million annually in administrative costs by, among other things, eliminating dozens of city staff members and elected officials who would become "redundant" if the cities merged. The Orange County Local Agency Formation Commission had slated the matter for a preliminary discussion on Dec. 14, but the agenda item has been postponed. Officials in the respective communities have lodged their opposition to the idea of consolidation.

PLANNERS IN THE CITY OF SAN JOSE have recently submitted "Envision San Jose 2040," the city's latest general plan update, to the City Council. The plan is considered a deviation from the previous general plan updates by, among other things, promoting clusters of development in urban villages and accounting for the economic downturn that has plagued the city's residents and public sector alike. The state's third-largest city, San Jose developed with arguably greater emphasis on single-family homes than did some of the state's other large cities. The general plan update, however, calls for growth in the downtown area and along transit lines and a redesign of streets to encourage biking and walking. The plan projects that the city will gain 470,000 jobs and 120,000 housing units by 2040.

A COALITION OF 10 Inland Empire water agencies has filed its opposition to a plan to designate critical habitat for the southwestern willow flycatcher, an endangered bird. The U.S. Fish and Wildlife Service has proposed a plan that would encompass 2,090 miles of streams in California and other southwestern states. The water agencies are concerned about their ability to manage and draw water from the Santa Ana River and tributaries that the plan would encompass.

They contend that 44 of 113 miles of proposed habitat in the area is actually home to the flycatcher.

THE PLACER COUNTY Local Agency Formation Commission has approved the annexation of 3,800 acres by the City of Roseville. The annexation foreshadows the development of roughly 12,000 new homes, plus commercial and retail spaces, and an estimated population increase of 30,000. Roseville currently has a population of 118,000. The land, to the west of the city, is not considered prime farmland; the annexation therefore received relatively minor opposition. Build-out could take up to 30 years.

THE CITY COUNCIL OF SAN JUAN CAPISTRANO has approved the first phase of a new extension of the 241 toll road. Voting, 3-1, the council approved the Transportation Corridor Agencies' plan to extend the toll road south, ending near Ortega Highway, with two lanes in each direction and a median for widening. Officials estimate the daily traffic load will reach 41,000 by 2035. Several council members raised objections to the proposal. Councilwoman Laura Freese, who voted against the proposal, declared support for the idea of an extension but voiced concerns about the impact that ending the extension near Ortega Highway would have on traffic. Prior to the vote, which he was unable to attend, Councilman Derek Reeve expressed his reluctance on supporting a project that appears to prepare for a Rancho Mission Viejo development of 14,000 homes and 5 million square feet of retail and commercial space. The toll road will link the area for the prospective development to Rancho Santa Margarita and northeast Orange County.

THE ENVIRONMENTAL PROTECTION AGENCY has added two sections of the Santa Ana River and a section each of the Cucamonga and Temescal creeks to its official list of polluted waterways after finding high levels of lead, copper, and dangerous bacteria in the water. Why these waterways are polluted has yet to be determined, though leaking sewers, septic tanks, animal waste, and copper particles falling off automobile brake pads are common sources. According to the regional EPA office, the number of California waterways added to the polluted list has increased by

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50 percent since 2006 – not necessarily because pollution is worse, but because the quality of water testing methods has increased. There are more than 30,000 miles of rivers and streams in California on EPA's polluted list. In being placed on the polluted list, the waterways must receive more attention from the state. California is obligated to set minimum pollution levels for the waterways and can qualify for E.P.A. grants to clean them up.

WORK CREWS HAVE BEGUN a \$1-million project to restore Santa Cruz Island's coastal wetland. The scope of the 60-acre project includes removing 1,800 nonnative eucalyptus trees, reshaping the mouth of the island's most prominent stream, and trucking gravel and dirt out of Prisoner's Harbor in order to restore the landscape to what it was pre-farming. The aim of the project is to reverse the harmful aspects of ranching and farming, allowing the ecosystem to repair itself. Beginning about 150 years ago, Prisoner's Harbor was used for sheep and cattle ranching and wine production, and became the island's main port in the 19th century. These activities degraded the land and impaired habitat of animals specific to the Channel Islands, such as the island fox and the island scrub jay. Wetlands restoration is viewed by officials as one of the most effective means for the survival of these species.

LAKE TAHOE IS AT the center of a controversial plan to pick up and move half of a beloved golf course. The Upper Truckee River, which flows directly into South Lake Tahoe and is the lake's biggest source of water, first runs through the 18-hole Lake Tahoe Golf Course, located in Lake Valley State Recreation Area. As it happens, the Upper Truckee River is also one of Lake Tahoe's single biggest sources of sediment and erosion, most of which comes from the golf course. In hopes of reducing erosion and restoring river clarity, the state's Department of Parks and Recreation has proposed moving half the golf course into Washoe Meadows State Park. This proposal has invited criticism from residents and golfers alike, though for distinctly different reasons. Residents near Washoe Meadows, who currently live near land that is essentially untouched, do not want to disturb the natural ecosystem. Golfers, on the other hand, are concerned about rising fees and changing the course itself. They argue that the economic benefits of the course outweigh the natural downsides, and if the course is moved, the economy will suffer.

TWO RIVERS IN CALIFORNIA, San Joaquin River and Los Angeles River, have recently received "blueway" status from the U.S. Department of the Interior. The designation gives local conservation and recreation groups access to federal resources and agency support. The report will also include potential actions by

Interior and its bureaus to support the projects identified. In California, for example, the Department could support restoration flows to the San Joaquin River, as well as the reintroduction of salmon. It could also support new recreation access to the river. Along the Los Angeles and San Gabriel rivers, additional trail improvements by local governments and nonprofits could be financed with grants awarded through State Parks' Office of Grants and Local Services. "Under the America's Great Outdoors Initiative, we are listening to the people of California and communities across America and working with them on locally-based projects that will conserve the beauty and health of our land and water and open up more opportunities for people to enjoy them," Interior Secretary Ken Salazar said in a statement.

THE BUREAU OF LAND MANAGEMENT has released a plan to create 17 "solar energy zones" on a total of 445 square miles of public land in the deserts of the American West. Two of the largest of those zones are in California's portion of the Mojave Desert. The zones are intended to direct solar leases towards land that is preferred for the use of solar power generation while directing development away from ecologically sensitive lands. Developers, however, can still apply to for leases of non-preferred lands. The plan is expected to be finalized next year.

IN A MAJOR STEP TOWARD the development of an arena in downtown Sacramento, the City Council voted, 7-2, in favor of a parking plan that could help finance the arena. Under the plan, the city would lease downtown parking operations to a private company, which would, in turn, generate a hoped-for \$200 million to be directed towards the development of the \$406 million arena. The city is expected to put forth a detailed financing plan by February, with a possible public vote on the plan June 2012.

A RECENTLY RELEASED AUDIT contends that the Division of the State Architect lacks enforcement authority and has weak oversight procedures, increasing the risk that school construction projects may be unsafe. The Field Act requires the department – which delegates its responsibilities to the division – to certify school construction projects when they comply with requirements in the act and with the building standards in Title 24 of the California Code of Regulations (building standards). However, the audit found that a significant number of the state's school construction projects remain uncertified. Twenty-three percent of the projects that the division closed in the last three fiscal years remain uncertified. Statewide, the division closed more than 2,000 projects out of nearly 8,800 without certifying them during the last three fiscal years. As of December 2010 the division estimated there were approximately 16,400 uncertified projects

in the State. The audit recommends updates to the Field Act and penalties for school districts that do not provide required certification documents.

LOS ANGELES COUNTY SUPERVISORS have approved, on a 4-0 vote, plans for the second phase one of the largest greenfield development projects in Los Angeles County: the 4,000-home Newhall Ranch project. The project will be built on 1,262 acres northwest of the San Fernando Valley. The entire, three-phase development has drawn opposition from environmental groups on the groups that it will destroy pristine habitat, sully the area's natural waterways, and heighten flood risks.

A NEW REPORT issued by the Urban Land Institute contends that Californians' housing preferences are changing rapidly – outpacing the rate at which the housing stock can be adapted. This will lead to a dramatic mismatch between housing supply and demand that could last through the next two decades, according to a new report released recently by the Urban Land Institute. "The New California Dream: How Demographic and Economic Changes May Shape the Housing Market," authored by Arthur C. Nelson, director of the Metropolitan Research Center at the University of Utah, analyzes housing demand in the state through 2035. According to Nelson, the existing supply of conventional subdivision lots exceeds current demand, and will continue to do for at least the next 23 years, even if no new supply is created during that time. Increased demand for multi-family housing, as well as townhomes, duplexes, three-plexes and four-plexes on small lots will dominate the housing markets of California's four largest Metropolitan Planning Organizations, the report says. This demand will be driven largely by the desires of Generation X, born between 1965 and 1978, and Generation Y, born between 1979 and 1996, both of whom are likely to be living in smaller housing than baby boomers. At least half of the demand will be for locations near transit. Nelson's assertions regarding the housing demand shift are based, in part, on the likelihood that California's homeownership rate of 57.9 percent (based on 2010 Census data) will decline due to continued instability in the housing market and tougher home mortgage underwriting requirements. Assuming the home ownership rate falls by 5 percent between 2010 and 2020, (the middle of three likely scenarios that Nelson outlines) rentals would account for about 75 percent of total new housing demand in California's four largest Metropolitan Planning Organizations between 2010 and 2035. ■

legal digest

San Diego Hotel Project Subject to Prevailing Wage Rates

Public rent credits qualify project as public

BY WILLIAM W. ABBOTT

THE LINE SEPARATING those privately undertaken improvements that are subject to prevailing wage requirements from those that do not has become less clear over time. The result is that some contractors, after bidding a project as a purely private undertaking, learn that they incorrectly bid their labor costs. It is common practice in construction agreements that this financial risk is borne by the contractor. Earlier this year, *CP&DR* reported the *Azusa Land Partners* decision. The most recent chapter in the story of prevailing wage comes from a challenged ground lease between the San Diego Unified Port District and a hotel developer in *Hensel Phelps Construction Company v. San Diego Unified Port District*.

The Port District was interested in developing a hotel on one of its parcels, and in 2002, issued a request for proposals for developing a “four star quality convention center headquarters hotel” with 1,000 to 1,200 rooms and related amenities. Four proposals were submitted, and upon review, the port entered into serious negotiations with one developer. At the outset, the developer identified that public investment, as part of the overall project, was likely. Deal points evolved during the negotiations, with one of the provisions allowing for a rent credit to the developer, and the amount of the proposed credit increased as the developer refined project costs during negotiations.

These negotiations eventually led to the Port District executing a long term lease. The lease specified minimum rents with separate provisions for rent credits and called for the Port to approve project plans and specifications. The project developer eventually contracted with Hensel Phelps Construction Company as construction manager. The Port Dis-

trict required that Hensel Phelps execute a completion guarantee, which assured completion of the project in accordance with the terms of the lease and construction plans.

The Carpenters/Contractors Cooperation Committee and similar interested parties (“CCCC”) then sought a determination from the Department of Industrial Relations as to whether the project fell within the parameters of the California Public Works Law (“PWL”). In April 2008, the Director of Industrial Relations issued an initial determination that the project was subject to PWL, a determination affirmed two months later.

Hensel Phelps and the project developer then filed a writ in superior court challenging the determination. The trial court looked only at the issue of whether there were public funds used or if a public subsidy was involved. The trial court concluded that there was no baseline upon which to conclude that the rent credits were a subsidy, and that the transaction, with the rent credits, was otherwise an arms-length transaction reflecting fair market value. The CCCC, an intervenor in the trial court proceeding, then appealed. The issue on appeal was how should the provisions of California Labor Code section 1720 (b), which the Legislature amended in 2002 to define the phrase “paid for in whole or in part out of public funds” be interpreted.

The appellate court first addressed the threshold question of whether or not there was “construction . . . done under contract.” Labor Code section 1720 (a)(1). Although Hensel Phelps argued the Port District had only entered into a ground lease, the totality of documentation (relatively specific provisions of the project to be built and District approval of plans and specifications, along with the District required completion guarantee) was such that the appellate court concluded there was a contract for construction.

The contractor also argued there was no

connection between the public funds and the actual construction. The appellate court also disagreed, finding that based upon the evolution of negotiations, the credits were increased as a result of increased construction/development costs associated with developing the hotel project, and as a result, there was a connection between the construction and the public funds.

The court then turned to whether public funds had been paid in whole or part of the project. Looking at all of the evidence, including the history of the negotiations over an anticipated public contribution to the project, the separate provisions of minimum rent as distinguished from the contract terms applicable to rent credits, lead the appellate court to conclude that the credits operated as “rents . . . that are paid, waived or forgiven . . .” (Labor code section 1720(b)(4).) The contractor also contended that total rents, paid over the term of the ground lease reflected fair market value. In the face of the express terms of the ground lease, which separated minimum rent from the credits, the appellate court declined to look at the overall economic relationship as an alternative interpretation of what the parties actually negotiated.

On October 12, 2011, the California Supreme Court denied review. ■

William W. Abbott is a partner in the firm of Abbott & Kindermann, LLP, of Sacramento.

► The Case:

Hensel Phelps Construction Company v. San Diego Unified Port District (2011) 197 Cal.App.4th 1020; 2011 Cal.App. LEXIS 964. Filed July 26, 2011.

The Attorneys:

DeCarlo, Connor & Shanley and Desmond C. Lee for Intervener and Appellant

Altshuler Berzon, Scott A. Kronland and Matthew J. Murray for State Building and Construction Trades Council of California, AFL-CIO as Amicus Curiae on behalf of Intervener and Appellant.

Supreme Court Allows Class Actions Against Cities for Tax Relief

Plaintiffs permitted to file suit against L.A. for telephone user tax

BY CORI M. BADGLEY

IN *ARDON v. CITY OF LOS ANGELES*, the California Supreme Court held that class actions for tax refunds against a local governmental entity are permissible under section 910 of the Government Code (i.e., Government Claims Act) in the absence of a specific statutory tax refund procedure.

The Government Claims Act provides procedures for filing a claim against a governmental entity. Although the Government Claims Act (Gov. Code § 900 et seq.) exempts any “claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund of any tax,” the City of Los Angeles’ telephone user tax at issue in this case was not

governed by any statutory refund procedures. Therefore, the proper procedure for challenging the user tax was the Government Claims Act.

In this case, the plaintiffs wanted to file their claim as a class action, but upon filing, it was rejected by the City Attorney for lack of legal standing on the grounds that a claim could not be filed as a class action under Government Code section 910. Plaintiffs challenged the City Attorney’s decision, and eventually, the Supreme Court took review to determine the narrow legal question of whether a class action is permitted under the procedures of the Government Claims Act.

The court found that unlike the procedures for state-imposed vehicle license fees and use taxes addressed in *Woosley v. State of California* (1992) 3 Cal.4th 758, the Government Claims Act did not restrict the bringing of claims to in-

dividuals, but instead, “claimant” could be a class of claimants. Therefore, the court held that a class action was permissible. ■

Cori M. Badgley is an attorney in the firm of Abbott & Kindermann, LLP, of Sacramento.

► The Case:

Ardon v. City of Los Angeles (2011) 52 Cal.4th 241.

The Attorneys:

Wolf Haldenstein Adler Freeman & Herz, Francis M. Gregorek, Rachele R. Rickert; Cuneo Gilbert & LaDuca, Jon Tostrud; Chimicles & Tikellis, Nicholas E. Chimicles and Timothy N. Mathews for Plaintiff and Appellant.

Rockard J. Delgadillo and Carmen Trutanich, City Attorneys, Noreen S. Vincent and Michael Nagle, Assistant City Attorneys, Brian I. Cheng, Deputy City Attorney; Orrick Herrington & Sutcliffe, William Molinski, Valerie M. Goo and Frank D. Rorie; Colantuono & Levin, Michael G. Colantuono, Sandra J. Levin, Amy C. Sparrow and Erwin M. Benedicto for Defendant Respondent.

Individual Patients Cannot Sue for Access to Medical Marijuana

Court upholds ousting of dispensaries in City of Dana Point

BY CORI M. BADGLEY

THOUGH MEDICAL MARIJUANA may be legal in California, cities thus far have no obligation to ensure that patients have ready access to cannabis-based medicines. There have been several attempts by medical marijuana dispensary proponents to get the courts to recognize the right of prospective proprietors and co-ops to establish dispensaries, regardless of what the local zoning code allows. Thus far, these attempts have failed. The most recent attempt in *Traudt v. City of Dana Point* (2011) 199 Cal.App.4th 886, is no different. This time the court did not even make it to the merits, but struck the case down at the demurrer stage for lack of standing.

Plaintiff Malinda Traudt developed osteoporosis in her 20’s, and from that point on, lived a life of pain and constant illness, until she began taking medical marijuana. Traudt is also blind and suffers from several neurological conditions and chronic pain. According to

Traudt’s complaint, medical marijuana saved her life because it alleviated some of her pain. Due to her condition, Traudt cannot venture far from her house and must be accompanied by her mother, who is her caretaker. Her mother is also unable to leave her alone because she too is in fragile condition. Fortunately for Traudt, a dispensary opened up within walking distance from her home, and her mother could take her in her wheelchair to the dispensary.

Unfortunately for Traudt, the City of Dana Point began shutting down the dispensaries within city limits because they are not permitted under the local zoning code. This included Traudt’s dispensary. Although the dispensary brought suit against the city, Traudt decided to initiate a lawsuit of her own, which was dismissed on demurrer for lack of standing, even though lack of standing had not been asserted by the city. Traudt appealed, and the appellate court agreed with the trial court.

As the appellate court readily admitted, “Traudt’s condition is tragic and presents perhaps the most compelling case imaginable for individual standing.” Nevertheless, according to the appellate court, “an individual medical

marijuana patient is not the proper party to challenge generally applicable zoning provisions because – whatever the contours of the right to engage in cooperative or collective medical marijuana activity (see e.g., § 11362.775) – the Legislature invested this right in cooperative and collective groups and entities, not individuals.” Therefore, Traudt had no standing to bring an action against the city, and she will just have to wait and see if the dispensary has any more success. ■

Cori M. Badgley is an attorney in the firm of Abbott & Kindermann, LLP, of Sacramento.

► The Case:

Traudt v. City of Dana Point (2011) 199 Cal.App.4th 886. Filed and published Sept. 30, 2011.

The Attorneys:

Schwartz Law and Jeffrey M. Schwartz for Plaintiff and Appellant.

Rutan & Tucker, A. Patrick Muñoz, Douglas J. Dennington and Jennifer Farrell for Defendant and Respondent.

50 Years Later, Jacobs Still Leads a Sorority of Dissent

BY JOSH STEPHENS

THERE MUST HAVE BEEN something in the water affecting women in the early 1960s, and it wasn't just DDT.

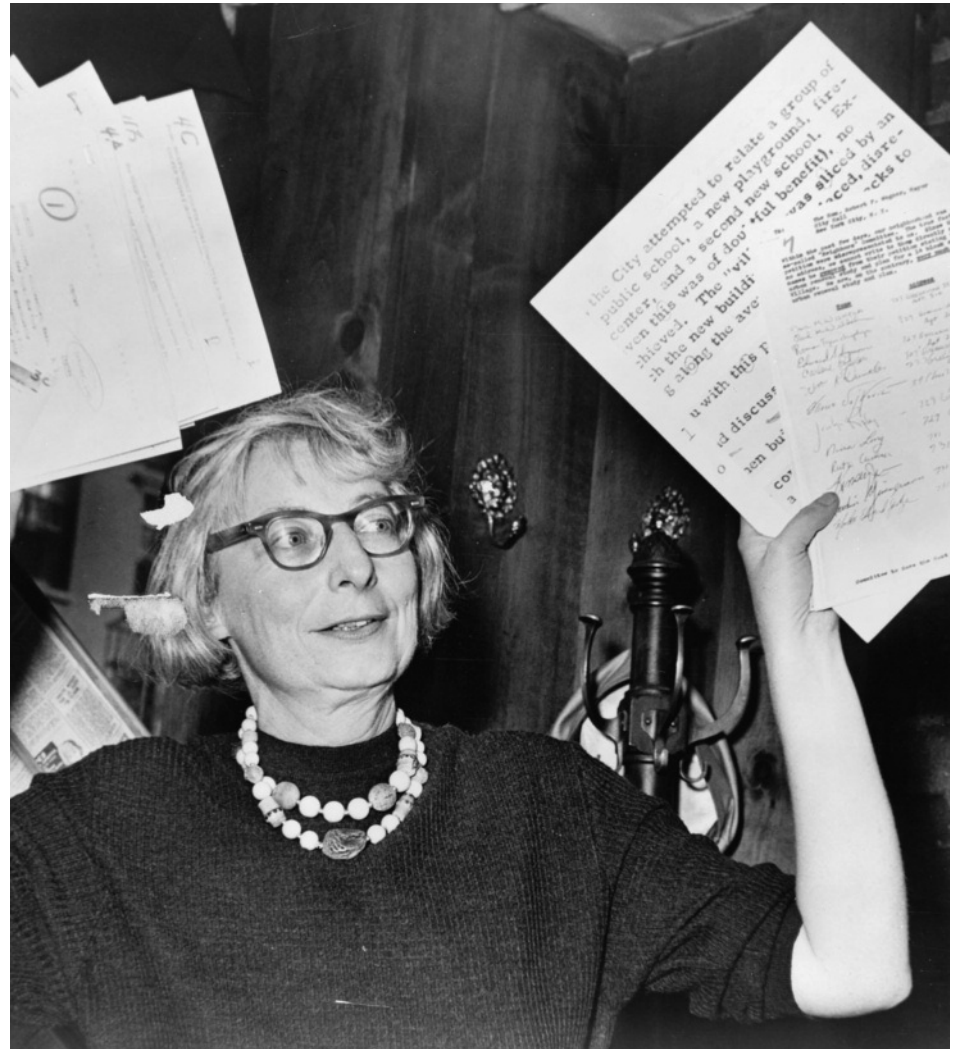
This year, planners have celebrated the fiftieth anniversary of the publication of a great book, it is not just one book or one author who deserves celebration. While eggshells collapsed, killing new life in the nest, three women – speaking for the countless other women (and men) who had grown weary of the false promises of the 1950s – issued crucial, intertwined dissents through equal parts activism and prose. That the planner is the most obscure among the three is unfortunate, but, ultimately, her impact may be no less profound than the other members of her sorority.

Rachel Carson, Betty Friedan, and Jane Jacobs tore at the social fabric of America at the very moment when the country's own global dominance was more assured than ever. They each published their pathbreaking works, in such rapid succession that the sequence hardly matters: Jacobs published *The Death and Life of Great American Cities* in 1961, having begun writing it in 1958; *Silent Spring* followed in September 1962; and *The Feminine Mystique* completed the cycle – from city to forest to bedroom – five months later.

Though Jacobs' ink was dry by the time *The Feminine Mystique* went to press, it's entirely likely that each was loosing her fury upon her Smith-Corona at exactly the same time, bound by common ribbons of outrage and lucidity.

I am not old enough to know whether anybody at the time marveled at this coincidence. But through the distance of 50 years, it seems that they arose at a remarkable moment. So close were their publication dates, and so original was each book, that surely none can be considered an influence on the others: they were, all together, products of both their time and extraordinary contemplation. E.O. Wilson wrote that Carson "delivered a galvanic jolt to public consciousness;" that Friedan did the same is indisputable. Jacobs' fame is more subtle.

A casual reading of *The Feminine Mystique*, *Silent Spring*, and *Death and Life* suggests that each relied on what can only be described as an abiding faith in perceptiveness, observation, and simple common sense – the type of com-



Jane Jacobs, author of *The Death and Life of Great American Cities*, appears at a press conference at Lions Head Restaurant in Greenwich Village, New York City, Dec. 5, 1961.

mon sense that social science often attempts to discredit. Each too spun literature out of dreary subjects: murderous chemicals, urban blight, ennui. All three relied focused not of the esoteric, learned, and complicated but instead of the achingly familiar: baked goods, birdsongs, stoops. They mix analysis with storytelling. Jacobs describes ideal streetcorners just as Carson invokes a pastoral ideal before burying it in invisible toxins. Friedan reveals the shocking complexity of the kitchen table upon which she herself served those fatal meals.

They reaffirmed the beauty – unquantifiable, nearly indescribable, but eminently palpable – that had been forgotten in the aesthetic cataclysm of the 1950s, and then they painstakingly explained what had happened and what could be done. They exposed the ego of the builder, the thoughtlessness of the industrialist, and the despair of the so-called housewife – things that turn into nonsense if you try to enter them into a spreadsheet. That's why each of their nonfiction tomes qualifies as literature: not because

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>>> Environmentalism, Urbanism, Feminism Share Common Roots

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they aren't based on fact (which they are) but rather because they, like any other great work of art, attempt to drive at truth.

Though they chose different images, they all wrote about the same thing. Carson's concern for nature echoes Jacobs' concern for the built environment. The lifestyle that Friedan describes is the almost-inevitable result of the urban form that Jacobs laments. Both Jacobs and Carson (not to mention Friedan herself) are shining examples of the types of women that Friedan believes women could and should be. They are to Friedan what the poet Whitman was to essayist Emerson: the embodiment, in a country that so much enjoys speaking of its greatness, of unspeakably great hopes.

How these particular truths all erupted in the span of two years is as delicious a question as history ever will provoke. As a historical coincidence, the ascendancy of Friedan, Carson, and Jacobs ranks up there — in all seriousness — with the question of how Wal-Mart, K-Mart, and Target all came into being in the same year, thus exacerbating to this very day the problems that all three women railed against. That year just happened to be 1962.

The great postwar sigh of relief that blew over the country in the late 1940s brought with it the toxins that would become the problems of the 1960s. The Baby Boom, Levittown, and even the chemical industry all seemed benign in their inception. Prior to 1919, women's most immediate goal had a name — suffrage — and therefore was easier to combat. But not until the end of the 1950s did women's problems, and so many others that arose in the years following World War II, reach critical mass.

What burst forth in the early 1960s was building up throughout the 1950s. It's no wonder that the regimented "Organization Man"

ethos of 1950s business culture found foils in independent, iconoclastic, literary women perhaps oppressed yet unbound by the hierarchy. Moreover, the task of exposing the defects of 1950s America may have fallen to women if only because many men were invested in the status quo, what with their black suits, skinny ties, and slide rules. They were not inclined to incite revolution — they were, in many ways, the ones against whom the revolution was incited.

While corporations hummed along, Friedan, Jacobs, and Carson were simply the first to look around them, realize how deeply the problems had sunk in, and then air their realizations publically. They were quite unlike, for instance, Martin Luther King, whose own protests of the early 1960s trace their lineage literally to the Old Testament; the injustices that he fought against and died for were manifest equally to all who suffered them and all who did not.

Betty Friedan launched feminism. Rachel Carson launched environmentalism. They tower over their fields like few other leaders — male or female — do. But, if you ask plenty of people involved with urban planning, her name belongs atop the Empire State Building, the Sears Tower, and the Space Needle all stacked atop each other. In 2009 the urban planning web portal Planetizen.com (whose parent company hosts *CP&DR's* website) conducted a poll — albeit an unscientific one — of history's 100 "greatest urban thinkers." Jacobs won with 6,000 votes out of 14,000 cast. Contemporary architect and planner Andres Duany came in runner-up and yet received only *one-fifth* as many votes. And, even so, a piece of each of his votes belongs to Jacobs, since Duany's New Urbanist movement is derived directly and unapologetically from Jacobs' ideas. Today,

nearly every urban plan that makes headlines can trace its lineage back to Jacobs' promotion of pedestrianism, mixed land uses, community cohesion, and local economies.

Yet Jacobs herself has no —ism.

Jacobs' relative obscurity owes itself to several reasons, not the least of which is the obscurity of her field. Nearly four billion humans live in cities entirely unaware of the forces that create those cities. Being the most local of political pursuits, planning is, for the most part, a leaderless profession. It relies on the principle that what is good for San Juan Capistrano is not necessarily good for San Juan Bautista.

There is also the problem of words. Protest though she might, even her impassioned literature cannot in and of itself effect change when the built environment is at stake. A reader can read *The Feminine Mystique*, or even just the first chapter, and join Friedan's movement instantly. Likewise, environmentalism lends itself to individual, and sometimes instant, behavioral changes. In Carson's case, it required the abandonment of DDT — an politically challenging but logistically simple gesture that culminated in its outright ban in the United States in 1972, only ten years after Carson brought its evils to light.

But what do you do when the enemy is set — literally — in stone?

Like many other revolutionaries, Jacobs wrote sometimes in militaristic terms. With an eye as much towards the cannon ball as the wrecking ball, Jacobs abandons diplomacy by the fifth word of *Death and Life*: "This book is an attack on current city planning and rebuilding." Although Jacobs' real-life conflict with New York's dictatorial "master builder" Robert Moses was a mighty contest and a great

— CONTINUED ON PAGE 8

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>>> Jacobs' Relative Obscurity Belies Her Impact

— CONTINUED FROM PAGE 7

story, Jacobs' real enemy was not a person, and anger would have gotten her so far. She hews to the inspirational in the very next sentence: "It is also, and mostly, an attempt to introduce new principles of city planning and rebuilding, different and even opposite from those now taught in everything from schools of architecture and planning to the Sunday supplements and women's magazines."

Jacobs spoke for a genuinely marginalized group: people who wanted to live in dense, diverse, stimulating vibrant cities. But because the urban instinct is not an immutable characteristic of either individuals or groups, these people do not define a protected class, and they have no human antagonist or oppressor. Instead, they have a system, so dispersed and purposeful that it seems almost to have no agency or leadership of its own, even as "whole communities are torn apart and sown to the winds with a reaping of cynicism, resentment, and despair that must be seen and heard to be believed."

What Jacobs fought against, in the 1950s and even today, was progress itself: progress as defined by an elite few.

Few concepts yield so many definitions as Modernism does, but for the purpose of Jacobs' activism it entailed the use of engineering, technology, and large-scale industry to alter and expand cities to accommodate the automobile; aesthetically it favors formal efficiency, "honest" use of industrial materials, and lack of ornamentation. Ideologically, Modernism is bound up in the curious fixation with "progress" that prevailed in the middle of the 20th century. At the time, progress achieved an untenably narrow definition that loosely correlated with the notion that the human condition could always be improved upon, typically through science, technology, and rationality. Jacobs' objection to Modernism was no esoteric academic exercise, of the sort that plays out at conferences, swaddled in obtuse theory and excess syllables. She despised Modernism with perfect clarity — the sort of clarity to which Modernist design often lays claim.

"Human progress," as Dr. King points out in his letter from a Birmingham jail, "never rolls in on wheels of inevitability." Indeed, if you ask Jacobs, it does not roll in on wheels at all. Just as Carson heard the silence, Jacobs needed little more than the halo of a streetlamp in order to view the failure that was so prevalent in New York City and just about everywhere else. She saw that "all the art and sci-

ence of city planning is helpless to stem decay — and the spiritlessness that precedes decay — in ever more massive swatches of cities." Jacobs was, perhaps, the first leader in history ever to lead a movement against progress without being branded an anarchist or nihilist. She ascribed, however, to a heretical notion: the old was better than the new.

By the time Moses proposed the evisceration of lower Manhattan, "progress" had long overshoot its mark (or missed its exit, if you will).

"All the art and science of city planning is helpless to stem decay — and the spiritlessness that precedes decay — in ever more massive swatches of cities."

—Jane Jacobs

The rest of the story is history doubling back on itself. Starting in 1968 with the Jacobs-led defeat of the Lower Manhattan Expressway, countless similar instances of would-be urbanicide were also halted. Since then, some highways have been disassembled and many ghastly public housing projects have been demolished. Formalized in the late 1990s, a wholesale movement to promote historically inspired neighborhoods has arisen in the form of New Urbanism and other ideologies, almost all of which openly proclaim their allegiance to Jacobs, who moved to Toronto in 1969 and, until her death in 2006, engaged in virtually no more rabble-rousing as she instead wrote several more excellent books.

For the purpose of today's progressive urbanism, *Death and Life* did all the leading, and it did so anachronistically, drawing planners and architects back in time to a moment when cities were built at a human scale and with human pleasures in mind. Jacobs led first and foremost by reminding readers that rationality — and its co-conspirator, paternalism — cannot constantly arrive at better and better answers.

A world insane enough to, say, deny black people their basic human rights surely cannot be neatly tamed by freeways, subdivisions, and glass towers.

Though Jacobs' her civic activism was based on the ideas that she articulated in *Death and Life*, the book was not a template for how to get what she wanted. Rather, it rather a vision of what she wanted. So, while Jacobs' two personas — author and activist — lend credibility to each other, they easily could have existed in each other's absence. New York is probably glad that they did not.

Though Jacobs probably is not a household name even today, she touched the lives of millions of people whose cities have been planned with her ideas in mind, and those numbers are growing. By now her eminence within the field is more than complete, but her veneration followed a slow process — possibly for the better, given the limits of veneration. To this day her goals are realized through countless dispersed, time-consuming, excruciating battles that take place over and over again and are fought by intimates, not by larger-than-life demagogues that sometimes pass for leaders.

Indeed, the revolution that Jacobs incited is condemned to take place at a nearly glacial pace. Building things takes long enough. How long it takes to not build things sounds like a calculation that only a Zen master could perform. Try putting that in your general plan update.

Then again, it's still easier to un-build a city than to resurrect an extinct species.

Though the American population is rooted in cities, the vast bulk of American literature that speaks of landscape does so of the natural landscape. Cities hardly existed when the early American novelists and short-story writers — Irving, Hawthorne, Cooper — were writing. The primacy of nature in American culture and consciousness was cemented by Thoreau and Emerson. Since their time, everyone from Mark Twain to John Steinbeck to Cormac McCarthy has reveled in the non-urban landscape, thus leading America through road trips, Frontier idylls, suburban disaffection rather than inquiries into back alleys and bursting subway cars.

But for everyone who lives in cities and believes in what they offer — including a way for Americans to achieve Carson's goal of leaving nature alone and a venue in which to achieve Friedan's goal of self-actualization — Jane Jacobs, even 50 years later, remains the leader who, more so than any other American, gave voice to their desires and a nest for their dreams. ■

>>> SCAG Region May Beat 2035 Emissions Targets

— CONTINUED FROM PAGE 1

“We’re portraying in our SCS 68% multi-family between today and 2035,” said Douglas Williford, SCAG’s deputy executive director. “That is about the reverse of what happened in the past.”

The SCS outlines a plan for integrating the transportation network and related strategies with an overall land use pattern that responds to projected growth, housing needs and changing demographics, and transportation demands.

“There was lot of outreach to all 191 cities and six counties,” said SCAG President and Santa Monica City Council Member Pam O’Connor. “The document is based on the existing general plan in all of those cities. That’s the core foundation.”

“It was the most collaborative process I think our agency has ever gone through,” said Williford. “It surprised us, to be honest, we ended up with over 80 percent attendance of our 197 jurisdictions within our region.”

The result of this approach, unveiled as the SCAG draft SCS/Regional Transportation Plan at the Dec. 1 Regional Council meeting in Los Angeles, is a twofold benefit: first, the strategy has been roundly praised by member jurisdictions; and, second, if followed in full by 2035, it may beat regional per capita emissions reduction targets set by the state. As mandated by Senate Bill 375, the SCS is intended to reduce the region’s per capita greenhouse gas emissions 13 percent by 2035; the draft SCS predicts reductions of 16% by 2035 and on-target reductions of 8% by 2020.

Williford said he is “100% confident” that the region can reach those targets. “We wouldn’t have gone over and above our initial targets unless we were completely confident of success.”

Although new development in the region has been relatively stagnant during the recession, SCAG’s growth projections call for the region to add 4 million residents and over 1 million households by 2035.

These optimistic numbers and a unanimous vote to release the draft plan for public review is a far cry from the last major discussions surrounding SB 375. Just over a year ago factions in the Regional Council were at odds over the per capita targets, with representatives of some suburban jurisdictions lobbying for less ambitious targets than SCAG staff had originally recommended. Those factions won out, and the California Air Resources Board assigned SCAG the lower targets.

Now that the targets are set, almost no one seems to have a problem with the regional

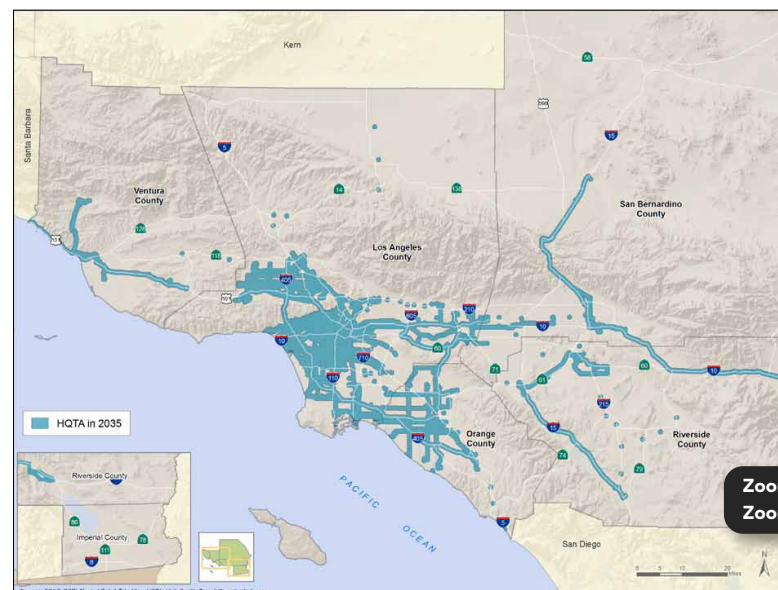
planning scheme that the SCS envisions.

“The fight that happened was important, because that’s the civil discourse that’s got to happen,” said Simi Valley City Council Member and incoming SCAG President Glen Becerra. “I think we’re there now. The agreement is there for the targets we need to hit.” Becerra originally led the lobbying in favor of lower targets.

Developers and builders were also wary of the higher targets, but they too have expressed support for the draft RTP/SCS.

dicts a healthy multiplier, of \$2.90 generated for every \$1 spent implementing the RTP/SCS.

Beyond these optimistic predictions, the SCS was devised in such a way that it would be nearly impossible for it to fail. The drafting has been more of an information-gathering process than a planning process. SCAG planners researched the general plans of nearly all of the region’s jurisdictions and matched them up against population growth predictions for the region. They confirmed that the vast majority of jurisdictions are already pursuing de-



The Sustainable Communities Strategy drafted by SCAG identifies “high quality transit areas” throughout the region.

“We have been focused on four key principles that we hoped to see in the SCS: local control, providing reasonable flexibility, positive economic impacts, and making sure it would be realistic in its market assumptions for real estate and housing,” said the BIA’s Lambros. “We’re very pleased that the SCS as drafted seems to have addressed all of our concerns.”

In fact, a certain amount of regional pride has come to surround the SCS, with Regional Council members suggesting that the SCAG region could be a model for cooperation—a model that policymakers in Sacramento and Washington, D.C., would be wise to emulate, according to some speakers at the Regional Council meeting. Adding to its appeal, the RTP/SCS is being pitched in part as a job-creation scheme, with transportation-related projects generating nearly 170,000 annual jobs, according to SCAG estimates. SCAG also pre-

development strategies that promote higher-density housing and place it along transit corridors. These patterns have long been advocated by SCAG through its Compass Blueprint regional planning strategy and other decentralized efforts.

“Beginning in the 1990s the amount of emphasis...on smart-growth type planning and implementation of actual projects that was already going on,” said Williford. “There were in fact hundreds of examples around the SCAG region of great projects that were either focused already on transit areas...or downtown mixed-use re-visioning that were entirely consistent with the goals of SB 375.”

“We did not want it to be a blue sky plan that was not realistic,” added Williford. “We wanted it to be a progressive plan that was absolutely realistic.”

— CONTINUED ON PAGE 10

>>> SCAG Sustainability Plan Relies on Local Autonomy

— CONTINUED FROM PAGE 9

Complementing this approach to regional planning are subregional SCS's that are being prepared locally for Orange County and for the Gateway Cities subregion (including Long Beach and neighboring cities of southern Los Angeles County). Of the four metropolitan planning organizations statewide that are required to craft SCS's under SB 375, only SCAG was granted special dispensation to draft subregional plans, in part because SCAG is by far the state's largest MPO region in both population and land area. The concession, as well as deference to cities' general plans, was considered crucial for buy-in among SCAG members.

The SCS attempts to create a unified picture of growth in the region by identifying "High Quality Transit Areas," in which a great deal of projected growth will occur. A HQTAs is generally a walkable transit village, consistent with the adopted SCS that has a minimum density of 20 dwelling units per acre and is within a ½ mile of a well-serviced transit stop, and includes transit corridors with minimum 15-minute or less service frequency during peak commute hours. The RTP/SCS assumes that 51 percent of new housing developed between 2008 and 2035 will be within HQTAs, along with 53 percent of new employment growth (compared with 39 and 48 percent, respectively in 2008). The RTP/SCS predicts that the number of households in HQTAs will double by 2035.

Then again, some are quick to point out that higher density does not eliminate the type of suburban, single-family developments that have long characterized Southern California.

"We want folks to recognize that there's still room in this plan for well-planned greenfield development," said Lambros. "We don't want folks to think that the adoption of the SCS means

the elimination of certain housing types."

Becerra, of Simi Valley, said that despite his initial skepticism about the emissions targets, these development patterns do not represent a major imposition, even for a largely suburban city.

"It won't really have a dramatic re-direction of our community," said Becerra. "Our community was already on-target with our updated general plan. We're not talking about 100 units to the acre. We're talking about 15 units to the acre."

Of course, an HQTAs can only succeed if the transit actually exists. The RTP calls for \$216.9 billion of investment in transportation infrastructure. That includes roughly \$50 billion for local bus and rail transit, plus \$72 billion for highway upgrades. Infrastructure to promote walking and bicycling alone is budgeted for \$6 billion, to increase the region's bikeway miles from roughly 4,000 to over 10,000 and to upgrade 12,000 miles of sidewalks.

The RTP includes financial projections that would fund these investments. Some funding comes from local tax measure that have already been implemented, while other funding comes from more speculative sources, including a mileage-based user fee intended to replace the current gas tax. That fee is projected to raise \$110 billion. However, many officials are cautious about spending funds that have not yet materialized.

"Every plan is implemented incrementally," said O'Connor. "We build what we can."

Funding also poses a challenge to cities, many of which are hoping to update their general plans to complement the SCS and yet do not have the funds for such an intensive planning exercise.

"City governments...are more than ready to respond to this marketplace and respond to changes and do intelligent long-term land-use planning," said Williford. "But they need help."

Though Williford and others admitted that funding is tight, especially with the possible elimination of redevelopment throughout the state, he said that SCAG is disbursing planning funds through a grant program. SCAG gave out \$14.5 million in planning grants this year and Williford said that SCAG hopes to put out another call for projects shortly, though a timeline has not been announced. ■

► Contacts & Resources:

SCAG RTP/SCS site:

<http://rtpscs.scag.ca.gov/Pages/default.aspx>

Glenn Becerra incoming president of SCAG, Simi Valley City Council Member

Lucy Dunn, Executive Director, Orange County Business Council, 949.476.2242

Rich Lambros, Sr. Policy Advisor to BIA Southern California, 949.553.9500

Pam O'Connor, President, Southern California Association of Governments, Santa Monica City Council Member, 213.236.1800

Douglas Williford, Deputy Executive Director, Southern California Association of Governments, 213.236.1919

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>>> Insight: RDA Suit, continued

— CONTINUED FROM PAGE 1

League of California Cities and the California Redevelopment Association would head back to the Legislature immediately to try to bring redevelopment back from the dead.

But that's not the only possible scenario. It's also possible that the Supreme Court could strike down both laws, which would take everybody back to square one. That would push the Brown administration back to the Legislature to start over again. And it's possible that the Supreme Court could uphold both laws. That would likely push the redevelopment establishment back to the Legislature in an attempt to minimize the damage.

Let's take a look at these scenarios one by one.

First, there's redevelopment's worst-case scenario: Eliminating redevelopment is upheld but the system of paying a "voluntary" remittance to keep going is struck down. This outcome would require the Supreme Court to conclude that the existence of redevelopment is not subject to Proposition 22, the 2010 initiative that protects redevelopment funds; but that the remittance system violates the same initiative. This is actually a pretty plausible scenario; the only way to avoid it would be for the Supreme Court to buy the redevelopment establishment's argument that Proposition 22 implicitly protects redevelopment's existence in the Constitution, which is a stretch.

If the Supreme Court delivers the worst-case scenario, that's clearly not the end of the story. The redevelopment establishment will immediately go back to the Legislature and Gov. Brown and begin to negotiate the terms of redevelopment's continued existence. It's hard to know exactly where the redevelopment folks would start, but one possibility would be to go back to the proposal they had on the table last year: a voluntary payment to school districts in exchange for a longer life for project areas.

It's also hard to know whether this would fly in Sacramento, since it didn't go over very well last year. The state's initial impulse might simply be to stand fast, since the worst-case scenario would deliver \$3 billion a year — far more than the remittance scheme would produce. The result would be a true test of the political clout of cities and redevelopment agencies. Why would the state do anything at all unless there's enormous political pressure in favor of redevelopment — which, frankly, there wasn't last year.

The second scenario would be that the Supreme Court strikes down both the redevel-

opment elimination bill and the remittance bill. This seems like a less likely scenario but still possible. If the Court found that Proposition 22 protects the existence of redevelopment constitutionally — thereby striking down AB 1X 26 — it would be logical to conclude that the remittance scheme is unconstitutional as well.

Under this scenario, the power relationship would flip upside-down. Cities and redevelopment agencies would be fine, but the state would be out \$1.7 billion in remittances in this fiscal year. That would create a new budget hole for the state even after the automatic mid-year cuts go into place because other expected revenue didn't materialize.

So the Legislature would probably move fast to try to pass some new legislation to shift money away from redevelopment agencies, but it would be a lot trickier because the cities have a favorable court ruling on their side. The state would have to find a path that moves money without eliminating redevelopment and without violating Proposition 22. Under this scenario, the cities' voluntary-payments-to-schools alternative doesn't look so bad.

Then there's the third scenario: Both AB 1x 26 and AB 1x 27 are upheld. In that case, the state is in the driver's seat — but the redevelopment agencies are going to want to play defense on the remittances in future years.

AB 1x 27 sets a target of \$1.7 billion in remittances in the current fiscal year and \$400 million in future years. But nobody seriously believes that the state will stand pat at \$400 million. Once the state's figured out how to shift \$1.7 billion from redevelopment agencies, everybody's betting is that the number will only go up, not down, in future years. So under the third scenario, the redevelopment establishment works overtime to hold future remittances down — maybe not at \$400 million, but well below \$1.7 billion.

So the redevelopment drama will continue next year no matter what the Supreme Court does. And in case you didn't read between the lines, this much is obvious: This whole thing is still *not* about reforming redevelopment so it makes sense. It's *still* about money and nothing more. True reform will have to wait until another day ... if ever. ■

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Cities, Schools Should Team Up to Realize Benefits of Joint Use

EVERYONE LOVES PARKS, RIGHT? They're a crucial amenity for young and old alike. Well, apparently not everybody.

As the *Los Angeles Times* recently reported, the City of Los Angeles recently spent over \$600,000 designing and building a pocket park in South Los Angeles. However, not a single resident got to enjoy it because the Los Angeles Unified School District (LAUSD) soon acquired the land via eminent domain and bulldozed the park to make way for a new school. This is an extreme example of the lack of coordination between the city and LAUSD. Ideally, to meet the educational and recreational needs of communities, the two entities should not only be talking to each other, but should also be pursuing joint use projects that serve residents as both schools and parks.

Increasing access to recreational facilities that already exist at schools is one of the oldest and most effective ways to provide more opportunities for physical activity and play in neighborhoods. After all, even the most underserved areas have schools. At a time of budget cuts and shortfalls, maximizing access to existing facilities – rather than focusing on constructing new ones – is the most efficient and economical use of public resources.

Schools offer recreational amenities, which may be made available to the public during non-school hours. However, many school facilities are often locked and inaccessible to residents who might otherwise use them on weekday evenings and weekends. Understandably, some school districts restrict access to their facilities because they lack the capacity and/or funds to run programs, and they may have concerns about additional legal or maintenance costs that might arise from using school property beyond regular school hours. But these obstacles are not insurmountable.

A joint use agreement offers a way for school districts to open their facilities for community use. It is a written agreement between a school district and one or more public or private entities setting forth the terms and conditions for sharing the use of the district's facilities. Such an agreement can provide community access to school property by allowing the district to share with another agency the costs and risks associated with opening the property for after-hours use.

In recent years, the Community-School-Park Plan developed by People for Parks has emerged as a strategy to maximize the use of and enhance existing facilities in Los Angeles by opening up elementary schools for public recreation and community services. The plan also calls for the replacement of asphalt on school playgrounds with lawns and trees, and

the creation of new joint use facilities that serve the community as both schools and parks. This approach is slowly being implemented, with the projects at Trinity Street (South L.A.) and Vine Street (Hollywood) elementary schools completed this year.

In an ideal world, school facilities should be planned, constructed, and used in a way that enables them to effectively serve the requirements not only of the schools but also of the community at large. In reality, however, schools are under the jurisdiction of school districts formed with an important, but narrow mission: to meet the educational needs of students.

There are also administrative challenges associated with joint use. In the case of new schools, issues can arise in the planning phase because the needs and budget contributions of the school district and the local jurisdiction have to be ascertained and coordinated. The two parties must negotiate compromises to resolve conflicting requirements. Also, successful implementation of a joint use agreement requires the approval and cooperation of the new principal and staff assigned to the new school.

Intervention by local and/or state political leaders may be necessary to make joint use happen. Over the years, I have learned that discussions and negotiations at the staff level can drag on for extended periods of time with or without progress due to the complexity of such arrangements and the bureaucratic nature of the organizations. To expedite matters and actually get agreements reached, politicians would need to get involved and be in direct contact with the leadership of school districts.

The joint use of schools as recreational facilities has been successful in many communities in California. Local jurisdictions and school districts should work together to pursue joint use projects that meet both the educational and recreational needs of underserved communities, especially those lacking parks and other amenities. To do so, they must first talk to each other, avoid the bureaucratic disaster referenced earlier, overcome challenges, and truly plan together. After all, planning is all about vision, foresight, and coordination.

– CLEMENT LAU | DECEMBER 23, 2011 ■

Clement Lau is a planner with the Los Angeles County Department of Parks and Recreation. He is currently working with several L.A.-area school districts on joint use issues.

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Top California Planning Stories of 2011

CP&DR USUALLY publishes a top-10 list of the biggest planning stories of the year, but the process of enumerating the stories this year took a strange turn. Until they repeal Proposition 13 or Nevada launches an invasion, the convoluted quest to kill the state's nearly 400 redevelopment agencies and/or send their tax increment back to Sacramento is a mega-story

for the ages. **CP&DR** has published a news story, feature, or piece of commentary in nearly every biweekly of the past year, since the governor released his budget in mid-January. While redevelopment and its nuances could have occupied an entire top-10 list, we nonetheless decided to include eight other stories that also impacted California this year.

Many of this year's other top stories refer to long-term trends, including the future of high speed rail and the implementation of Sustainable Communities Strategies in fulfillment of Senate Bill 375. Then again, if you're impatient, you can pull a permit for a parklet and have a new urban space up and running in no time.

1&2

DEATH AND LIFE OF REDEVELOPMENT

The first chapter in this year's redevelopment saga is that of the governor's original budget [↗] and the confusion, lobbying, and negotiation that followed. The second was the legislative battle, which ended in the passage of AB x27 and AB x27 [↗], the paired bills that disband redevelopment agencies while offering them the option to stay in business if they agree to pay remittance payments. The third story, which is still ongoing, is that of the lawsuit [↗] filed by the California Redevelopment Association and League of California Cities in order to repeal the two budget bills. The state Supreme Court has heard oral arguments [↗] and is currently deliberating on a fate that could include everything from reinstatement of the status quo to outright elimination of all redevelopment in the state.

4

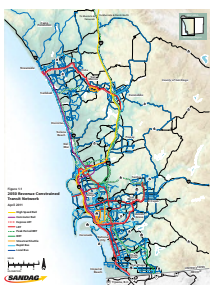
JERRY BROWN



Planners had high hopes [↗] for the governorship of Jerry Brown, who recently came off a stint as the mayor of Oakland and therefore, it was assumed, would bring an urban sensibility to the job. His choice of a downtown loft in Sacramento burnished his urban cred, and many consider him to be a friend of planning and of cities. While the governor's Office of Planning and Research had languished over the past few years, and faced legislative attempts to kill it, Brown re-energized it with the appointment of attorney Ken Alex [↗] to head the office and with the occasional cameo appearance at Strategic Growth Council meetings [↗]. Nevertheless, Brown will be forever remembered as the governor who came into office with a \$20 billion budget shortfall and for coming up with what some consider a nearly heretical scheme to do away with redevelopment in order to help balance the state budget.

3

SB 375 IMPLEMENTATION



After years of anticipation, the state's 'big four' metropolitan planning organizations have begun to roll out their Sustainable Communities Strategies, the centerpiece of Senate Bill 375's effort to link land use planning with transportation planning. So far, the San Diego Association of Governments and the Southern California Council of Governments have released their draft regional transportation plans and sustainable communities strategies. SANDAG's plan [↗] has already drawn fire for focusing too heavily on highways and passenger cars. Environmental groups recently filed suit against the agency, under the contention that the plan runs afoul of CEQA. Meanwhile, SCAG's brand-new draft has received an enthusiastic response. Once these plans are adopted, they will guide development in their respective regions for over 20 years. That is, of course, if recession ever ends and development picks up again.

5

HIGH-SPEED RAIL

A few weeks ago, the estimated price tag for California's planned high-speed rail network went from roughly \$40 billion to nearly \$100 billion. Though its supporters press onward, this revision may mean that the system's odds of ever getting built has become ever more slim. The demise of high speed rail might delight certain jurisdictions – such as those on the San Francisco Peninsula that have sued over perceived negative local impacts [↗] – and would devastate others, such as those that are planning major multimodal stations and transit-oriented development. For the time being, planning in places like San Jose, Fresno, and Palmdale continues apace, but until the first spikes are laid, it's unclear whether those cities' train will ever come in.

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Top California Planning Stories of 2011, ctd.

6

TEA PARTY

We know about NIMBY’s and LULU’s, but they probably didn’t teach you about the Tea Party in planning school. This year the Tea Party have not only raised a fuss about the whole concept of regional planning – by speaking out against the Sustainable Communities Strategy in the Bay Area [↗], among other places – but have even gone so far as to reject the use of federal funds for a transit center in Lodi [↗]. Many Tea Party activists simply do not trust government to do anything right and therefore are wary of any new land use plans. Others, however, oppose smart growth in part on the grounds that it’s part of a United Nations conspiracy. Whether the UN really is out to control the world one city at a time or whether the Tea Party proves to be a short-lived political fad, they have made the year far more interesting for planners in California.

7

INSTITUTIONALIZATION OF INFILL

Infill development has been a trend for a while now, but not a lot of developers know how to do it – or can afford to do it in this economic climate. The mid-2000s saw major developers set up “urban” units, many of which failed. This year, though, infill has gone from a concept to an organized movement, led in part by the newly established Infill Builders Association [↗]. The IBA wasted no time in trying to sway lawmakers in Sacramento, with the introduction of AB 710 [↗]. Though that measure failed – setting up a potential rivalry between for-profit infill builders and nonprofit affordable housing developers – it’s likely that we’ll see more from them in the coming year to promote what might become the signature development pattern of the next generation.

8

CEQA REFORM

Has a crack finally formed in the armor of the California Environmental Quality Act? While many planners and developers are clamoring for wholesale reform of CEQA based on claims that it unnecessarily slows development and makes projects vulnerable to frivolous lawsuits, radical reform may still be a ways off. However, with the advent of Senate Bill 375, which offers modest CEQA exemptions for certain infill projects and, more importantly, the passage of SB 226 [↗], which offers modest streamlining for certain projects in urban areas.

9

CENSUS RESULTS

In 2011 we learned that California is getting bigger, but it’s also getting slower. Preliminary number-crunching [↗] of the 2010 U.S. Census reveals that the state’s rate of growth has declined to its lowest rate since annexation from Mexico. Many of those 39 million Californians who are already here are pushing into retirement age, and demographers predict that this shift will have deep, long-term implications for development. Elderly residents may return to urban cores, while there may not be a large enough influx of new residents to occupy the already built housing stock in the outer suburbs.



ANDRES POWER

San Franciscans relax and enjoy café seating, landscaping and bicycle parking at this parklet in San Francisco.

10

PARKLETS & STRETCARS

Anyone who needs some nice news going into 2012 need look no further than parklets. Parklets likely will not save California’s cities, but they do represent what advocates describe as an inexpensive, low-impact way to create public space atop conventional curbside parking spaces. As major interventions rely on huge expenditures of public capital, parklets hew towards the do-it-yourself movement. They have caught on in San Francisco [↗], and major cities around the state – including Los Angeles, Oakland, and Long Beach – have parklets programs in the works. CP&DR’s parklet story was one of the most-read articles of the year. Meanwhile, several California cities have caught on to the streetcar craze. While decidedly more expensive than 120-square-foot wooden platforms, streetcars [↗] are being promoted for much the same reason that parklets are – as place-making strategies as transportation strategies.

– JOSH STEPHENS | DECEMBER 26, 2011 ■

