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N O R T H E R N N E W S

U.S. Supreme Court Rules Money Damages Available For "Takings"

by Fred Etzel

(Editor's Note: As Northern News was going to press, the U.S. Supreme Court handed down its much-anticipated decision in First English Evangelical Lutheran Church of Glendale vs. County of Los Angeles, California. The following article highlights the Court's opinion.)

After declining four previous opportunities to do so, on June 9, the United States Supreme Court decided whether money damages are available when there has been a "taking" of private property by public land use regulation. The decision was reached in the context of a campground located along a creek in the Angeles National Forest and owned by the First English Evangelical Lutheran Church of Glendale. After the creek experienced a severe flood in February of 1978 that destroyed all

of the buildings on the property, Los Angeles County enacted an "interim ordinance" prohibiting any construction in the flood plain of the creek, which included the campground.

The Church filed suit against the County, but the complaint did not seek to invalidate the ordinance as an excessive regulation and, in fact, did not assert that the Church intended to rebuild or that it would have rebuilt if the ordinance had not been enacted. The complaint sought only damages on the grounds that the ordinance deprived it of all use of the property. The trial court denied the Church's claims for damages, and the Court of Appeal, relying on the California Supreme Court's 1979 decision in Agins vs. Tiburon, held that damages were not available for the taking of all use of the property by the ordinance.

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1987 Northern Section Award Winners!

Thanks to Marta Self, Awards Program Coordinator, and a diligent jury, the 1987 Northern Section Awards Program was a great success. Congratulations to all the fine projects and people nominated to this year's awards program, including: Benicia Zoning Ordinance; Benicia Subdivision Ordinance; City of San Ramon General Plan; Danville Downtown Master Plan; Hillside and Greenbelt Assessment Study, City of San Jose; San Ramon Specific Plan; Downtown Gilroy Revitalization Action Plan; Windsor Specific Plan and EIR; "A" Street Historic District Preservation Guidelines and Standards, City of Petaluma; Near West Campus Plan, Stanford University; Nancy Gin; Moore Creek Corridor Access and Management Plan; Berkeley Waterfront Plan; and The Big Sur Coast/River Plan.

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ELECTION '87 Section Director



The Candidate's Statement appears on page 2. Please cast your vote by marking one of the boxes below. If you write in a candidate's name, print clearly in the space provided.

_____ Marlene Stevenson

_____ (write-in)

Please clip and return, no later than July 3, to:
Northern Section Election HQ
c/o Moore Iacofano Goltsman
1824 Fourth Street
Berkeley, CA 94710

Annual Dinner on July 16 Will Honor Award Winners and New Section Director

Northern Section's Annual Awards and Officers Dinner will be held on Thursday, July 16, from 6:00 - 9:00 p.m. at the UC Berkeley Faculty Club. This year we will be welcoming a new Section Director, as Steve Orlick steps down following a four-year term. Winners of the Section Awards will also be toasted for their achievements. (See page 3 for a list of this year's winning entries.)

Please make your reservation early by sending in the coupon at right, with your ballot at left, to: Moore Iacofano Goltsman, 1824 Fourth St., Berkeley 94710.

R E S E R V E

_____ places for me at the annual Section Dinner July 16, at the UC Faculty Club, UC Berkeley.

Enclosed is a check for \$_____ (\$17.50/person), payable to Northern Section, Cal Chapter, APA

Name

Address

City

SECTION DINNER

Northern NewsUPDATE

The Bay Area Council, a business-sponsored public affairs organization committed to the promotion of housing, is sponsoring the first Bay Area Housing Awards. This program will recognize the efforts of cities and counties, local officials, project sponsors, and other advocates in addressing the need for an increased supply of affordable housing. Nominations are being accepted in the following four categories: Best General Plan or Specific Plan that Encourages Housing; Best Affordable Housing Development; Best Housing Program(s) by a Local Jurisdiction; Most Effective Housing Advocate. If you'd like more information on how to submit a nomination, please contact Thomas Cook at Bay Area Council, 415/981-6600. Entries must be submitted by July 1, 1987.

As part of this year's San Francisco Fair, coming up in August, a design competition is being held to creatively deal with the freeway "stubs" around the city. Entitled "Freeways to Nowhere," the competition is open to architects, landscape architects, planners and the entire Bay Area design community. A professional jury will judge submissions, and the SF

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CALENDAR

Date	Program	Sponsor/Location	Info Phone #
Jun 15-16	Managing Transportation: Developers' Rules	ULI San Francisco	202/289-3321
Jun 17-18	Urban Street Design	UC Berkeley Berkeley	415/642-7350
Jun 21-23	Developer Fees: Help or Hindrance?	California Assoc. for Economic Development Ramada Renaissance, San Francisco	202/223-4735
Jun 21- Jul 3	Energy Decisions— A Seminar	Stanford University Stanford	415/642-7350
Jul 16	Annual Northern Section Awards Dinner	Northern Section, APA UC Berkeley	415/451-8046
Aug 19-21	Cal Chapter Conference	San Diego	See Cal Planner
Sep 26	Computer Applications Conference	Cal Chapter/Northern Section San Jose State Univ.	415/893-2285
Jul 30	Marina Development Dave Miller	Northern Section, APA Marina Village Alameda	415/345-6600

To announce events of planning interest for **Northern News** CALENDAR, please contact:

Matthew L. LeGrant
402 Grand Avenue #4
Oakland, CA 94610
415/644-6570

Section Director Candidate's Statement: *Marlene Stevenson*

Marlene is currently a Senior Planner with the Department of Neighborhood Preservation at the City of San Jose. She has served on the Northern Section Board as South Bay Liaison for four years and as Secretary for the past two years. During this time she has organized several South Bay special events.

Talking to planners from all over North America at the APA conference in New York, it was brought home to me one more time that California is on the cutting edge of planning, and Northern Section, with the largest membership in California, has as resources the largest number of highly-skilled experienced planners in California. The dramatic increase in the number of nominations for Section awards over the past two years and the impressive number of Section award winners at the State and National levels clearly demonstrates the amount of talent available and the pride in the work being done in Northern California. Over the next two years, I will work with the Board to feature these award-winning plans in our newsletter and to arrange workshops where this information and experience can be shared.

Through the many contacts I have developed over the past six years, I will work with the Board to contact public agencies and private sector planners to sponsor sessions in local areas. These sessions can be evening workshops, workday seminars or informal lunch and dinner exchanges. I intend to broaden our perspective by sponsoring events in conjunction with other professional organizations.

The other major function of the Section Director is to represent the Northern Section at the California Chapter Board meetings and to be the liaison with APA national. Our current director, Steve Orlick, has continuously pressed for a fair method of calculating dues and for an increase in the small percentage of funds given back to the Section for local services to its members. I intend to carry on these efforts.

Supreme Court Decision

continued from front page

The U. S. Supreme Court by a 6-3 majority reversed the Court of Appeal. The decision holds that money damages are available if a local government enacts a regulation which is ultimately found to be a "taking" and compensable under the "just compensation" clause of the Fifth Amendment, even though the enactment is either invalidated by the court's decision or subsequently repealed or amended by action of the governmental entity. The decision makes clear that the "temporary" nature of a taking does not mean that compensation is not owing. While recognizing that its decision could limit the freedom and flexibility of land use planners and governmental entities when enacting land use regulations, the Court concluded that such consequences flowed from applying the constitutional mandate of just compensation.

The Court expressly refused to decide whether Los Angeles County had actually taken the property of the Church. When a regulation effects a taking has, as a matter of fact and of law, been found to be a difficult and complex question. Similarly, when such a regulation may be justified by "safety" or possibly other considerations of health and community welfare and thus does not give rise to the duty to pay compensation, will also be a difficult issue in many factual settings. Getting clear answers will require much litigation.

The majority of the Supreme Court could not help but be aware that a major impact of the decision, and perhaps its most important effect, will be to constrain cities and counties from enacting some land use regulations in the first instance out of a concern for the possible fiscal impact of a successful challenge to the proposed regulation. The threat of having to pay compensation may ultimately prove to be significantly more important than the obligation to pay. This and other implications of this far-reaching decision will be analyzed in a subsequent issue of Northern News.

Fred Etzel is a partner in the law firm of Henn, Etzel & Mellon, San Francisco.

"Laurels and Lemons" Program Launched

You are invited to participate in a free, fun and exciting competition. You don't have to pay, draw, sell, scheme or write much. Just think a little, and submit a plan, project or building you consider to be deserving of a "Laurel" or "Lemon" award.

Your nomination need not be limited to just Bay Area planning, plans or planners, or even to this year; but it should be contemporary. It can be about planning, architecture, historical preservation, civil engineering, an idea, a teacher, a book or some civic fine arts work related to planning. It should be good, bad or at least controversial. Pictures and/or drawings will be appreciated when appropriate, but are not mandatory.

Your submission will be anonymous (unless you want to be identified). Winning submissions will be

published periodically in Northern News' "Laurels and Lemons" column. (This is not associated with our Section, Chapter or National planning award programs.)

The purpose is to recognize quality, effort and significant contributions to our profession and to the environment. It is also meant to show examples of poor land stewardship, ugliness and insensitivity in a constructive, critical, yet tactful way.

If you want to serve on the jury which will evaluate submissions, please let me know. Jurors can also anonymously submit candidates in both "lemons" and "laurels" categories. My hope is that we will get a good number of responses in both. Send your submissions to: Donald Bradley, 3392 Brittan Ave., San Carlos, CA 94070

Northern NewsMAKERS!



Erwin Willams, a planner from San Rafael, has been appointed by the Marin Independent Journal to serve as a Public Member of the newspaper's Editorial Board. Congratulations, Erwin!

Ann L. Bogush, former City of South Lake Tahoe Planning Director, has joined the San Francisco planning and environmental consulting firm of Environmental Science Associates, Inc. (ESA). She recently returned to California after several years in Colorado, where she was a planning consultant, served on the Colorado State APA Board and chaired the 1986 Colorado State APA Conference.

UPDATE continued

Chapter of AIA will host a reception for all entrants. Winners will be awarded prizes and will have their entries exhibited. Look for more information and an entry form in the July/August issue of **Northern News**. Submissions will be due August 11.

NORTHERN NEWS

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Daniel Iacofano

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An idea? A suggestion? An observation? An article?

This is your newsletter: a fount of knowledge; a forum for opinions; a chance to see your name in print! Whether it's an item for UPDATE, NewsMAKERS, the CALENDAR, an article of general planning interest, or a letter to the editor, send it in! The next copy deadline is July 17.

JOBS IN PLANNING

To place a listing in Jobs in Planning, please contact the editorial office: 414/845-7549.

SENIOR PLANNER—City of San Mateo—(\$3115-3715/mo., plus 7% City-paid PERS) Responsible for planning, organizing, supervising, reviewing and participating in the work of professional and technical planning personnel. Primarily advanced planning—major general plan update. Looking for a BA with 2 years urban planning experience. Apply by: Friday, July 3, 5:00 p.m. Apply to: City of San Mateo Personnel Dept., 330 W 20th Ave., San Mateo, CA 94403. EOE M/F/H

PLANNER II—Santa Clara County, CA—(\$2270-2744/mo., plus benefits; increase expected.) Varied work, including general plan review, environmental assessment, zoning administration, open space preservation and inter-governmental planning. Requires Bachelor's in urban planning or related field plus 2 years experience; Master's in planning may substitute for experience. Application and job announcement available after June 17. Filing deadline to be announced. For information, contact Santa Clara County Planning Office, 70 W. Hedding, San Jose 95110; 408/299-2521.

JUNIOR PLANNER—Riverside County, CA—(\$1462-1811/mo.) Entry and Trainee level. Substantial training provided, and many benefits offered, including dental, health and retirement plans. Requires Bachelor's degree in planning transportation planning, public administration, urban geography, architecture, civil engineering, environmental sciences, or landscape architecture. Apply by: June 19, 1987. For applications and bulletin contact: County of Riverside Personnel Dept., 4080 Lemon Street, Room 109, Riverside, CA 92501-3664; 714/787-6125. EOE/AA/M/F/H.

DIRECTOR OF REDEVELOPMENT—City of Signal Hill, CA (Pop. 8,000)—(\$42,025-60,000 annually, plus excellent benefit package.) Plan, organize and coordinate redevelopment programs and projects. Requires B.A. in business administration, economics, redevelopment planning, architecture, urban studies, or closely related field, and five years experience in redevelopment, urban renewal or economic development programs, two of which were in a supervisory position. Send resume by 5:00 p.m., July 10, 1987 (postmarks not accepted) to City of Signal Hill, ATTN: Personnel, 2175 Cherry Ave., Signal Hill,

CA 90806; 213/426-7333, ext. 311. EOE.

CITY PLANNER—City of San Buenaventura, CA—(\$42,612-55,392 annually, plus 7% City-paid PERS and excellent benefits.) Responsible for directing the Planning Division which includes Current and Advanced Planning, Local Coastal Planning, City-wide graphics as well as staff support to the Planning Commission and Architectural Review Board. Requires combination of education and experience equivalent to a Master's degree in planning, and 5 years professional planning experience, with at least 2 years in responsible charge of a major planning function. Submit an official application, supplemental questionnaire and full resume by 5:00 p.m. July 3, 1987 to: Personnel Officer, City of San Buenaventura, P.O. Box 99, Ventura, CA 93002; 805/654-7854. AA/EEO.

CHIEF LONG-RANGE PLANNER—Adams County, Brighton, CO—(\$2565/mo.) Location: Commerce City. Must have specialized knowledge of comprehensive land use planning and generalized knowledge of development planning acquired through a graduate degree program in urban and regional planning or closely related field. 3 years of experience in comprehensive planning is required, with one year supervisory experience. Special instructions for application and all required forms must be obtained from: Adams County Employee Development Department, 450 South 4th Ave., Brighton, CO 80601. Apply by: June 30, 1987. AA/EOE.

PRINCIPAL PLANNER (Advance Planning)—City of La Quinta, CA—(Salary: \$2,507 - \$3,047/mo., DOQ. Excellent fringe benefits incl. 7% City-paid PERS; salary range currently under review) Requires degree in planning or closely related field. Division-head level position for advance/ long-range planning assignments and special projects. Significant planning experience and strong written skills needed. Submit Resumes By: June 29, 1987. Apply at: Administrative Services Director, City of La Quinta, PO Box 1504, La Quinta, CA 92253. Phone: 619/564-2246.

ASSOCIATE PLANNER—City of Ridgecrest, CA (Pop. 25,000)—(\$2,620-\$3,344/mo.) Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban planning or a related field; two years of full-time professional municipal planning experience; satisfactory driving record and CA driver's license. Per-

forms professional level tasks in urban/municipal planning, zoning and environmental analysis. Experience with Boards/Commissions is desirable. Apply by: July 3, 1987—City application with resume required. Apply at: City Hall, 139 N. Balsam, Ridgecrest, CA 93555; 619/375-1321. EEO.

PRINCIPAL PLANNER—Lee County, Fort Meyers, FL—(\$25,257-\$35,688/yr.) Advanced and experienced professional planning work managing housing, planning and grant programs. Requires graduation from an accredited four-year college or university with a degree in planning or related field, and three years experience in urban or regional planning; supervisory or administrative experience highly desirable. Apply by: June 26, 1987. Send resume to: Lee County Personnel, PO Box 398, Fort Meyers, FL 33902; 813/335-2245. EOE

DIRECTOR OF PLANNING—City of Signal Hill, CA—Pop. 8,000—(\$42,025-\$60,000/yr. Exc. benefit package) Administer the Signal Hill Planning Department, incl. the Building Division. Requires a B.A. in planning, architecture, geography, urban studies, civil engineering, business administration or closely related field. Five years experience in government planning and building agencies, at least two in a supervisory position. Send resume no later than 5:00 pm, July 3, 1987, postmarks will NOT be accepted. Apply at: City of Signal Hill, ATTN: Personnel, 2175 Cherry Avenue, Signal Hill, CA 90806; 213/426-7333, Ext. 311. EOE.

ASSISTANT PLANNER—City of Richmond, CA—(\$2,388-\$2,980/mo.) Does technical, investigative and analytical work in city planning. Requires either degree in planning or related field and two years professional experience or possession of an MA in planning. Apply Immediately to: Personnel Department, City of Richmond, 2600 Barrett Ave., Richmond, CA 94804; 415/620-6604.

HOUSING & COMMUNITY DEVELOPMENT COORDINATOR - City of Monterey - (\$2664-3238/mo.) College graduate with degree in planning or related field and 2 years of responsible professional experience. Experience in Housing & community Development activities preferred. Will perform difficult research and analysis of planning data. Formal application required by: July 31, 1987. Apply to: Personnel Office, 399 Madison Street, Monterey, CA 93940; 408/646-3765. AA/EOE.



Time to Renew Your Section-Only Membership...

...Or Join for the First Time!

Thanks to efforts by Section Director Steve Orlick and the rest of the Board of Northern Section, planners throughout Northern California who would like to be a part of the planning network in their area without paying national APA dues can become a Section-Only member.

The cost is \$25 per year and provides a year's subscription to Northern News plus discounts to local Section-sponsored lectures, workshops and seminars. Membership runs from July 1 to June 30. If you joined in 1986, it's time to renew now.

If you are interested in plugging in to the planning scene here in Northern California, join us as a Section-Only member. All you have to do is complete the form below, and send it in with your \$25 check to our Membership Chairperson, Maureen Morton. Her address is: P.O. Box 442, South San Francisco 94083.

1987 Northern Section Award Winners!

Jurors for this year's program were: Ed Steinbeck, City of Sonoma; Gary Binger, City of Walnut Creek; Bob Sturdivant, Santa Clara County; Ann Bogush, Environmental Science Associates; and Diane Henderson, Town of Corte Madera.

Here is a list of the winners of the 1987 Northern Section Awards, to be presented at the Section's Annual Awards and Officers Dinner on July 16 at the UC Berkeley Faculty Club. These winners will be entered in the State Awards Program and, if successful there, will be submitted at the national level:

Outstanding Planning Project
Mobile Home Conversion Ordinance, City of Sunnyvale

Outstanding Planning Award
Mission Bay Proposal for Citizen Review, San Francisco Department of Planning

Outstanding Planning Award
Honorable Mention
Geologic Principles for Prudent Land Use, United States Geological Survey

Distinguished Leadership Award to Planning Agency for Outstanding Achievement
The City of Pleasanton, for
The Pleasanton Plan

Outstanding Planning Award - Comprehensive Planning Project
City of Petaluma General Plan

Outstanding Planning Award, Comprehensive Planning Project, Honorable Mention
City of Sonoma General Plan

Journalism -- Outstanding Coverage of City Planning
The Rockridge News

Distinguished Leadership Award
Daniel J. Curtin, Jr.

SECTION-ONLY MEMBERSHIP

As a member of The Northern Section, California Chapter of the American Planning Association, you will:

- Receive *Northern News*, the Section newsletter, published 8 times yearly
- Receive discounts on admission to Section events

Please provide the information requested below and at right and return this form with your membership fee of \$25 (payable to Northern Section, Cal Chapter, APA) to:

Maureen Morton, Membership Chair, P.O. Box 442, So. San Francisco, 94083.

Your present job, employer

Other professional organization(s) to which you belong

Your reason for becoming a Section Only Member

NORTHERN SECTION CALIFORNIA CHAPTER AMERICAN PLANNING ASSOCIATION

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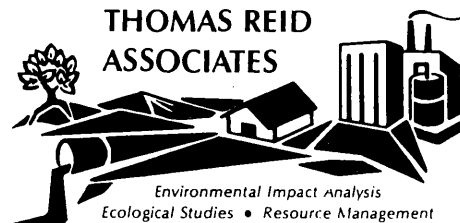
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