Northern Section, California Chapter American Planning Association



NORTHERN NEWS

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MAY 131991

DUNCAN & JONES

SPOTLIGHT ON OPR

On Thursday, May 30, 1991, the Northern Section will host an informal meeting with Mr. Robert Cervantes of the Governor's Office of Planning and Research to learn more about OPR's agenda under the Wilson administration. Mr. Cervantes, a 12-year veteran with the state, is the Chief of the Planning Division of the Office of Local Government Affairs. He is responsible for many publications we are familiar with, including the State of California General Plan Guidelines, "Bridging the Gap: Using Findings in Local Land Use Decisions," and "Preemptions of Local Land Use Authority in California." Mr. Cervantes is also a regular contributor to the Partnership Newsletter published by OPR.

The meeting will be held on Thursday, May 30 at 6:30 P.M. at the offices of Woodward-Clyde, 500 12th Street, Suite 100 in Oakland. The cost for the event is \$8.00, which includes beverages and hors d'oeuvres. Please R.S.V.P. by completing and mailing the enclosed coupon. For additional information, call Steve Noack at (415) 874-3156.

Woodward Clyde's offices are located at the Oakland City Center Complex. On BART, exit at 12th Street - City Center and walk up two levels to 500 12th Street. From Interstate 980 South, exit at 11th/12th Street, turn left on 11th Street, and turn left at the City Center parking garage entrance, about four blocks from the freeway. From 980 northbound, exit at 11th Street and proceed to the City Center parking garage. Only One More Month Until the Annual Awards Dinner!

Watch for details in the June issue!

JUNE EVENT TO FEATURE COASTAL ISSUES

On Friday, June 21, planners, politicians, developers, and citizens will gather for a lively lunchtime discussion of future development issues on the scenic San Mateo Coast. Communities in this area include Half Moon Bay, Montara, Moss Beach, El Granada, and Princeton-by-the-Sea. The luncheon and discussion will be jointly sposnored by APA Northern Section and the San Mateo County Planner's Association and will take place at the Shorebird Restaurant in Princeton-by-the-Sea from 11:00 AM to 2:00 PM. Speakers will be announced in the June edition of Northern News. The cost of the luncheon will be \$13.50.

If you are interested in attending what's sure to be a lively event, call Heather McMillan or Dave Carbone at 415/363-4161 before Tuesday, June 18 to make a reservation and indicate menu choice.

(clip here and return)

Yes, I will be attending "SPOTLIGHT ON OPR" on May 30th at Woodward-Clyde in Oakland. Enclosed is my check for \$8.00 payable to <u>Northern Section - CCAPA</u>.

Name: _____

Address: _____

Phone: _____

MAIL COUPON TO: STEVE NOACK, WOODWARD-CLYDE, 500 12th Street, Suite 100, Oakland, CA 94607

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To place an ad in Northern News, call (415) 465-7169. The deadline for the June edition is May 24.



TAKING CARE OF BUSINESS

by Ann B. Millican

Lia Sullivan Appointed as Far North Rep to Board

Lia Sullivan, Planner for the City of Arcata in Humboldt County, was appointed to the Board as our representative to the Far North part of the section, which includes Mendocino, Humboldt, and Del Norte Counties. As you may have read in Northern News, Lia has organized Brown Bag Lunches for area planners. Keep up the good work in your official APA capacity, Lia!

Incentives for Outreach

At the April Board meeting, funds were set aside in the 1991 draft budget to support outreach to planners who are not within commuting distance of Bay Area APA events. This includes funds for travel costs for a liaison to attend Board meetings or the annual retreat, postage for a special flyer, or seed money for a local event. We are looking for ways to provide services to parts of the section which have not had events, like Monterey County. Since it is hard for the board to organize events for these areas, we want to provide incentives for areas to have their own APA activities. Let us know how we can support you!

Thanks to Anna

Anna Borchers-Powell is passing the baton on the job of Northern News Publisher. Thanks for your contribution, Anna!



Behind the Redwood Curtain

by Lia Sullivan

Planners gathered, noon meal in hand, for "The Next Brown Bag Lunch For Planners" on Friday, April 12, 1991. This was the second gathering of the planners of far north Humboldt County (in recent history). It was a beautiful day; a fact hopefully suggested as the reason for a smaller crowd this time.

Those planners present prioritized and summarized the results of the first session -- brainstorming on "why get together" and "what topics are we interested in." The discussion did include input from a number of planners (one of whom was having a baby!) who were not able to attend but had turned in "worksheets" following the previous meeting.

The planners had originally identified six reasons to get together. After prioritizing these reasons, the purpose statement for the group reads something like this:

A regular planner's gathering in Humboldt County provides local planners an opportunity to share information and coordinate planning and education efforts; to grow professionally; to promote knowledge and understanding of planning; to experience the company of other planners; and to provide planning expertise on an ad hoc basis.

The planners also condensed a long list of topics into seven groups. In order of interest, these are: (1) sharing resources and information; (2) current planning issues; (3) practical applications; (4) regional issues; (5) legislation and litigation; (6) professional development; and (7) philosophical issues.

The "hottest" topics included sharing knowledge of available resources; growth management; balancing environmental and socioeconomic factors; CEQA and mitigation monitoring; funding mechanisms; coordinating land use and transportation; philosophical issue of limits, e.g., "how many can we squeeze in?"

The group continues to add planners to its mailing list. Information on future meetings, as well as a written summary of prioritized brainstorming items, can be obtained from Lia Sullivan, Associate Planner, City of Arcata, 736 F Street, Arcata, CA 95521; (707) 822-5955. A self-addressed, stamped envelope will ensure a quick response.

THE NEXT BROWN BAG LUNCH.....

Planners in the Far North will have an opportunity to meet Northern Section Director Ann Millican at a brown bag lunch and evening reception on June 14. The brown bag lunch will be held at 1:00 PM on Friday, June 14 from noon to 1:00 PM at the Humboldt Bay Municipal Water District, 827 7th Street in Eureka. The subject of discussion will be "What does APA have to offer local planners?"

Later that day, from 5:00 to 7:00 PM, there will be an informal reception to welcome Ann and socialize with other planners from the Far North. The reception will be held at the Lady Anne Bed and Breakfast Inn at 902 14th Street in Arcata. Planners from Del Norte, Humboldt, Mendocino, and Trinity Counties are encouraged to attend! For more information, call Lia Sullivan at (707)822-5955.

Jobs in Planning

CONTRACT PLANNER - City of San Rafael (\$41,916 - 43,992, plus 18-month position at benefits) Assoc. level on the Downtown Plan Includes land use surveys, team. econ. analysis, major emph. on commm. partic., facilitation, workshops, events, and comm. volunteer efforts. Req's 3 yrs. prof. planning exp. w/conc. in advanced planning & community plans, desire to communicate, willingness to try new approaches. Written/verbal skills important. Submit appl. and resume to: Personnel Dept., City of San Rafael, PO Box 151560, San Rafael, CA 94915-1560. More info, call: (415) 485-3063. File by 5/17/91.

CITY PLANNER - City of Davis (\$47,460-57,595) Oversee and manage advanced and current planning, zoning and env.review. Rept. to Comm.Dev Dir., superv. 3 sr.plnrs., lead dept. operations. Impl. new general plan, part. in reg.plng., upgrade admin sys. and proc. Req's 4 yrs. prof.exp. in plng., inc. 2 yrs. superv., BA in plng or rel. field. Send resume, curr. salary, and 3 refs. to: Shannon Associates, 1400 K St., Ste 311, Sacramento, CA 95814. More info, call: (916)447-8022. File by 5/24/91.

ASSOCIATE PLANNER - City of So. San Francisco (\$2,992-\$3,637/ mo., plus 7 % PERS). Work on airportrelated matters, hwy/transit imps., TSM/congestion mgmt. Staff to Des.Review Bd., inc. review/app. of res. projs., plan check, signs, etc. Works w/council reps. on intergovt'l bodies, Req's 2 yrs. exp. in plng., (Masters in plng. may sub. for 1 yr. exp.), Degree in plng. or rel. field, Airport/transp. exp desir. Apply to: Personnel Office, PO Box 711, South San Francisco, CA 94083. Info, call: (415)877-8522. File by 6/7/91.

PLANNER I - City of San Jose (\$2,421 -\$2,943/mo.) Performs begin. level plng. duties. Req's. degree in plng., arch, or rel. field. Applic. avail. from: Human Resources Dept., City of San Jose, 801 N. 1st St., Rm.207, San Jose, CA 95110. Info, call:(408)277-4205. File by 5/17/91.

THE INVALIDATION OF MEASURE "H"

What Does It Mean?

by Sanford M. Skaggs, Daniel J. Curtin, Jr., Maria P. Rivera, and Michael P. Durkee

For the first time since the enactment of California's present planning and zoning scheme, the California Supreme Court has confirmed the general plan as the single most important planning document, and has invalidated a growth control measure that conflicted with the plan's terms (Lesher Communications, Inc. v. City of Walnut Creek, Cal Sup. Ct., 12/31/90, 277 Cal Rptr. 1 (1991)). Despite a number of appellate court decisions declaring the general plan's position atop the planning hierarchy, the California Supreme Court had never squarely addressed the issue of its interplay with the initiative process.

In <u>Lesher</u>, the trial court determined that Measure H, a traffic-based growth control initiative adopted by Walnut Creek voters in 1985, was not a General Plan amendment, but a zoning ordinance or other land use regulation. Because it was inconsistent with the City's general plan, the trial court declared it invalid. On appeal, the court agreed that Measure H was inconsistent with the general plan, but construed it as a general plan amendment in order to give the greatest possible protection to the initiative process. The California Supreme Court granted a petition for review of that appellate decision in December, 1989.

The Supreme Court began its analysis by underscoring the principle that all laws, whether enacted by the local legislative body or the electorate, were subject to the same constitutional and statutory limitations and rules of construction. Focusing on the absence of any ballot materials that labelled Measure H as a general plan amendment, and on the detailed scope and self-executing nature of its text (resembling a zoning ordinance), the Supreme Court affirmed the trial court's determination that Measure H was subordinate to the City's general plan, and therefore was rendered invalid by the law requiring zoning ordinances to be consistent with General Plan policies. "The tail does not wag the dog," pronounced the Court. The City argued that because Measure H had been incorporated into the general plan during the pendency of the appeal, consistency should be determined by comparison of Measure H with its newly amended plan, or, that a compliance decree pursuant to Government Code Section 65860 and not invalidation of Measure H was the appropriate remedy. The Court rejected those contentions and held that the Planning and Zoning Law dictated that a zoning ordinance that conflicts with a general plan is invalid when passed ("void ab initio"), and that a court could not alter, through a compliance decree, the preemptive effect of that controlling State statute. To the extent that an earlier appellate court case, <u>Building Industry Association v. Superior Court</u>, 211 Cal. App 3d 277, 297 (1989) suggested otherwise, it was disapproved by the Supreme Court.

Further, despite a dissent by Justice Mosk, the court determined that the city's inclusion of Measure H into its new general plan did not make the dispute moot. Implicit in the decision is the concern that the courts might delay decisions concerning consistency to await a city's amendment of its general plan after the fact.

Finally, although the Court left for another day its consideration of initiatives which seek to amend general plans, the decision reveals the Court's concern that the provisions of Elections Code Section 4013 (prohibiting any modification of local legislation enacted by initiative except by subsequent vote of the people) and the complex statutory scheme under which general plans must be prepared, could result in the creation of unworkable general plans at the hands of the electorate. Whether the Court would be willing to determine void ab initio such initiatives or, go even further to determine that such amendments are beyond the power of the people to enact, will have to be left to future decisions.

The author's firm, McCutchen, Doyle, Brown & Enerson, represented Lesher Communications in this proceeding.



PLANNING BRIEFS

GALIP GALLOPS OUT

An organization comprised of gay and lesbian planners in the Bay Area has recently been formed. GALIP -- the acronym for "Gays And Lesbians In Planning" -- will meet every other month in San Francisco or the East Bay. While the group's focus is primarily social, timely political and professional development issues may be discussed at the regular meetings. The group is presently planning to march in the Gay and Lesbian Freedom Day parade in San Francisco on June 30. Participants and a creative theme are needed!

For more information on future meeting dates, please call (415) 626-5750.

NSCCAPA to Meet with RAPI Planners from Western Australia

On Friday evening, May 17th at 5:30 PM, Northern Section is sponsoring a happy hour for visiting Australian planners. Join the Aussies for drinks, hors d'oeuvres, and planning talk at **Trader Vics** in San Francisco. There is no charge for the event, but please call Steve Wanat at (415)435-1651 to reserve a place, since space is limited.

Trader Vics is located at 20 Cosmo Place, between Taylor and Jones at Post Street. Find our about planning Down Under and help welcome our colleagues from the antipodes.

Conference on Planning for Leisure and Tourism to be held in Guadalajara

AIU (Asociacion Internacional de Urbanistes) is holding its 27th annual Congress in Mexico this year, highlighting planning for leisure and tourism. It will be held in Guadalajara on September 20 to 24, with study tours both before and after the conference. AIU is an international planning organization headquartered in the Netherlands. For more information, contact Steve Wanat at (415) 435-1651, or Robert Bruce Anderson at (415) 981-4010.

CCAPA Announces Statewide Journalism Awards Program

The CCAPA is accepting nominations for its annual Journalism Awards program for 1991. Newspaper articles honored may be efforts to support, improve, or initiate planning programs or to inform the public about the issues, problems, and choices that confront them in improving their community or region. These articles must render outstanding public service in their coverage, perspective, interpretation, and impact.

All California daily and weekly newspapers are eligible for the award. Entries must be articles published in California in 1990 or a series of articles ending in 1990. Nominations may be made by anyone.

A CCAPA Journalism Award is given to a newspaper in each of three categories: circulation above 100,000; circulation of 35,000 - 100,000; and circulation below 35,000. The citation accompanying the award will include the name or names of individuals if the judges decide that an individual or individuals at the newspaper were primarily responsible for the newspaper's receiving the award.

Entries must include an official nomination form, articles or photostats mounted on sheets no larger than $11" \times 15"$ (for tab sections or major series, copies may be submitted), and a brief statement of background data. Brief factual statements by planning agencies, public officials, or civic associations regarding the impact of the articles and the public service they rendered in the advancement of planning are helpful.

The deadline for receipt of entries is June 30, 1991. Send entries to Reba Wright-Quastler, CCAPA Awards Chair, c/o S/G Associates, 1333 36th Street, Sacramento, CA 95816. For more information, contact Reba at (916) 679-7438

Transportation Research Forum features Elizabeth Deakin

The Transportation Research Forum will feature a dinner and evening presentation by Elizabeth Deakin on June 19 at the Mandarin Garden Restaurant in Berkeley. Ms. Deakin is tentatively scheduled to speak on strategies to meet air quality standards in the Bay Area. Admission, including dinner, is \$14. The event begins at 5:30, with dinner from 6 to 7. For more information, call Bob Piper at (415) 465-9121.

THE PLANNER'S CREDO

by Steve Matarazzo

The following "licensure requirement" for urban and regional planners was developed after reading <u>All I Really Needed</u> to Know I Learned In Kindergarten by Robert Fulghum. It is adapted from the preface in the book, which is far more eloquent.

I believe:

- (1) that plans based on informed judgement that conditions can improve if citizens have the will for them to are far more effective than plans founded in the acceptance of urban decay, based on irrefutable facts and trends;
- (2) that creative imagination is more potent than history;
- (3) that dreams are more powerful than statistical fact;
- (4) that hope, couched in learned training and a publicly shared vision, always triumphs over past experience;
- (5) that blood, sweat, and tears in defence of the public welfare will overcome seemingly indefatigable adversaries; and,
- (6) that the continued struggle to cure urban ills is stronger than the death of any one ill-conceived plan.

When submitting a plan to public scrutiny, a planner, based on this credo, should be required to submit the following certification:

"I have tried very hard not to develop anything in this plan that would cause my license to be revoked."

Signed,

Urban Planner

WHAT IS THE APA NORTHERN SECTION MEMBERSHIP SURVEY??

The enclosed membership survey has been developed by the Northern Section Board to determine how we can better serve our local members. By completing the questionnaire and mailing it in, you can help the Board with key decisions about the kinds of events it sponsors, the topics and formats for future events, and the types of activities in which you would like to participate. Results will be tallied and posted in the July issue of Northern News.

As a bonus for returning the questionnaire, we will be giving away a free ticket to the Awards dinner to randomly selected respondents. This is a \$28 value and it can be yours for the cost of a stamp! One winner will be picked from every 100 responses received. Please return the questionnaire by June 1, 1991.



Spring Calendar of Events	
May 16	AICP Exam
May 17	Happy Hour at Trader Vics for Royal Australian Planning Institute. See Page 5 for details.
May 30	"Spotlight on OPR" to be held at Woodward-Clyde in Oakland. See Page 1 for details
June 14	Brown Bag Lunch and Evening Reception for Far North Planners. See Page 3 for details.
June 17	"Nuts and Bolts '91: Improving Your Findings and Conditions" at the Oakland Convention Center. Sponsored by CCAPA. Call Skye Fleming at (805) 255-4447 for details.
June 19	Transportation Research Forum sponsors a presentation by Elizabeth Deakin. See Page 5 for details.
June 21	Luncheon on Coastal Planning Issues in San Mateo County. See Page 1 for details.
June 27	NSCCAPA Awards Dinner. Registration information to be presented in June edition of Northern News.

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