



# Northern News

NORTHERN SECTION, CALIFORNIA CHAPTER, AMERICAN PLANNING ASSOCIATION

## A Grass Roots Revolt: Taxes to Regulation

by Beverly A. Cigler

OCTOBER 1995

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The grassroots revolt that began with California's antitax Proposition 13 in the 1970s has evolved to include a grass roots regulatory revolt aimed at provisions of the 1990 Clean Air Act; the 1991 Civil Rights Act; the Americans with Disabilities Act; regulations related to endangered species, wetlands, stormwater runoff, and underground storage tanks; "government run" health care reform; and any of a myriad of other regulations, primarily environmental.

Dissatisfaction with government is cultivated by the "unholy trinity," the coalition that includes some proponents of risk assessment legislation, the property rights and wise use movements, and those supporting a moratorium on new unfunded federal mandates and/or a dismantling of existing mandates. The discontent is fueled by business and state and local groups that have set in action major changes in the intergovernmental system.

### Risk Assessment

The new twist to the push for an already downsized national government is the risk assessment language added to a number of major bills in the 104th Congress in the name of cost-effectiveness. Many proposed regulatory reforms would reverse the agenda passed by Congress in the 1980s, which sought to ensure that the EPA and other agencies would issue and enforce regulations.

A distrustful legislative majority passed statutory reforms that included relatively inflexible mandates, such as the Safe Drinking Water Act's requirement that EPA issue numerous standards every three years and meet aggressive deadlines that realistically could not be met.

The current political climate seeks to ensure that EPA and other agencies only issue

thoroughly reviewed regulations. This is due, in large part, to state and local opposition to unfunded mandates and broad concerns that existing regulations address trivial and/or worst case hypothetical, rather than pressing and legitimate, risks.

The new legislative majority is pursuing legislation to require extensive analysis and justification for new rules. Opponents argue that this might increase the costs of regulation.

At issue is whether regulations are "bad per se" or whether bad regulations should be improved. Few flatly oppose any use of risk assessment analysis for decision-making; instead, disputes center on questions of "responsible, science-based" versus "irresponsible, special interest motivated risk assessment." The debate centers on attacking Republican proposals for setting any arbitrary ceiling, that is, risk assessments, risk characterization, and risk communication for "major rules," defined as this having an annual effect on the economy of more than \$25 million. Peer review of regulations is proposed for rules with an annual economic impact of \$100, with critics suspicious of who will name the "peers" Opposition also claims that the costs and benefits of the rules may not be judged in terms of worth to society, government and costs of the private sector in compliance.

Another concern is the possibility that the costs of risk assessment will be stifling—to science and the public health. Will scientific progress be delayed? Will a one-size fits all approach to risk assessment stifle opportunities to deal with the significance of various actions?

Congressional Democrats offer proposals receptive to public participation by those

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## DIRECTORS COLUMN

The Northern Section Board annual retreat is scheduled for November 4. The all-day session provides the Board with an opportunity to talk in more detail than is possible at our regular bi-monthly meetings. One of the main agenda items for the retreat will be to identify new goals and priorities. It would be helpful to get feedback prior to the retreat to get a better idea of what is most important to members.

Prior to the Board reorganization in 1993, questionnaires were distributed at several planning forums and events. In descending order of responses, the following services and activities received the highest priority rating for the section: Monthly Newsletter, Continuing Education, Current Issues Events, Social Events and Networking, Information Sharing, AICP Tutoring, Legislative Evaluation, Liaison with other Professional Organizations, Awards, Liaison with Planning Students, and Jobs Clearinghouse. Do these activities and services reflect what you want from the Section? Is there something important missing? Is there something you would like to contribute to the Section? Are there specific subjects for events that you would like us to plan for in the coming year?

The Board may consider new policies, such as taking positions on local political issues, or new activities, such as a mentoring program for students and junior planners. The need for increased outreach to local planners, commissioners and politicians has been discussed as a way to both increase membership and to improve our effectiveness and visibility as planners.

Strengthening commitment to social equity principles and increasing participation of minorities and women in APA/AICP are issues that both the National and State APA Boards have begun to explore. National APA implemented a pilot program to provide complimentary APA memberships as an outreach to under-represented groups. Discounted AICP examination fees are also available. The Board will be discussing additional ideas to increase diversity of membership.

Please let us know what you think about the future of APA, how we can provide the services you want, what it would take to get you more involved, and ideas about increasing diversity. You can write a letter to the editor, leave a message on the APA voice mail number (415-281-0195), or drop me an e-mail at: [wec1@ci.berkeley.ca.us](mailto:wec1@ci.berkeley.ca.us). Are you there? Let us hear from you!

## BOARD MEMBER BIO

Diana Elrod was appointed the Northern Section's Legislative Liaison earlier this year. Diana's interest in the position stemmed from her involvement in other legislative review groups.

Her goal while a board member is to provide better information to the NSCCAPA members regarding legislative issues at both the state and national levels. Diana is currently the Assistant to the Director of the Department of Housing for the City of San Jose, and she is also an independent consultant. Her firm, Solutions for Affordable Housing, develops housing policy and programs for cities and non-profit organizations.

Diana grew up in Indiana, received her Bachelor's Degree in Architectural History from Oberland College in Ohio, and her

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Master of Science from Columbia University. After completing her undergraduate work, Diana worked for a historic preservation organization, and also became interested in social justice. She pursued her Master's Degree with an interest in housing and preservation. While in graduate school Diana was a planning consultant in New York, and then held various public sector planning positions. One of those positions was as the Zoning and Financial Examiner for the City of New York where she was in charge of zoning variances.

Diana moved to California in 1991 to seek work in the Bay Area. In her spare time Diana enjoys spending time with her three dogs, three cats, two parrots and four fish. She also enjoys fixing up her new home in the Castro, and riding her bicycle.



The Bulletin Board section of the Northern News is intended to provide a forum for individuals to provide the membership with information about events or current topics. If you would like to submit an item for the Bulletin Board section, contact the Newsletter Editor at 510/227-3214.

## Living Communities: Sustainable Growth for the Future

Tuesday, September 5, 1995, the Mendocino County Board of Supervisors adopted a resolution proclaiming Saturday, November 11, 1995 as "Living Communities Day." The resolution was the first step of a publicity campaign to promote attendance at a conference to be held at the Ukiah Valley Conference Center on that date. Living Communities is about "sustainable" communities. A sustainable community is one that meets the needs of the present without compromising the ability of future generations to meet their

## More Applehood: Techniques to Revitalize Older Suburbs

by Jerry Haag

Last month we looked at many of the reasons why suburbs, as presently configured, may not be good places to live. This article summarizes just a few of the physical design improvements which can be incorporated into many existing suburban settings to improve the quality of life for residents by helping to foster a sense of community spirit within these older areas.

Improvements to the neighborhood perimeters which help create a sense of place can include:

**Neighborhood entry demarcations** ("gates"). Certainly not a new idea, many older neighborhoods lack this simple place-making amenity.

**Neighborhood boundaries.** Boundaries are important in defining one's turf and are often poorly defined. They can be created by using landscaping, fences or other naturally occurring features.

Internal design improvements to promote social interaction might be:

**Small neighborhood parks.** Opportunities may exist to permit purchase of one or more lots in a neighborhood for construction of a small-scale park. The house can be converted to a multi-functional community center, which could house senior citizen activities, an after school tutoring center, and evening scouting meetings.

own needs. The Living Communities Conference is being sponsored by the Air Quality Management District. The Local Government Commission (LGC), a statewide organization of local elected officials, will conduct the conference. In the next few weeks thousands of invitations to the Living Communities Conference will be going out. Anyone who is interested in attending should make sure their name is on the list by sending their name and address to Charles Peterson, Courthouse, Ukiah, CA 95482. Interested individuals may also contact Charles Peterson at (707) 882-2646 or (707) 463-6466, or David Morrow at (707) 463-4692.

### Planting or re-planting of street trees.

Sometimes installed as part of an original subdivision, the many advantages of street trees to a neighborhood are often lost over time.

**Interior plantings.** Planters located in non-traditional locations can help to slow down traffic speed and make local streets more friendly to residents.

**Improved pedestrian linkages.** If sidewalks aren't available, alternative pathways are invaluable to promoting neighborhood cohesiveness by allowing internal circulation without cars.

Improvements to individual lots and houses can include:

**Front yard landscaping.** Residents can be assisted with easy-to-install, low maintenance front yard landscaping plans.

**Facade improvements.** New construction may encompass front porches and entryways, or for residents who need more space, room remodels. Simplified, thoughtful plans to effectuate these changes can be offered to dwellers.

Next month: we'll pull it all together!

*Note: The Applehood Group consists of planners, landscape architects and design professionals, currently organizing as a non-profit educational and research entity, dedicated to investigating and distilling the qualities of successful older neighborhoods and applying them to older suburban areas. Applehood Group principals are Byron Ely, Rebecca Clark, Don Henry and Jerry Haag.*

## Grass Roots... *(continued from page 1)*

expected to benefit or be burdened by any regulations. They envision more limited uses for risk assessment, with the technique viewed as but one tool in regulatory decision making. They seek to define a major rule as having an economic impact of \$100 million a year and want to preserve the statutory authority of agencies to issue rules and meet statutory or judicial deadlines. Their proposals would not allow "judicial review" of limits on the preparation and review of assessments so as not to encourage delay in the courts or bureaucracy.

### Property Rights and Wise Use

The most visible expression of the regulatory revolt centers on the property rights or wise use movement. The 1994 Supreme Court case and decision in *Dolan v. City of Tigard* (Oregon) has generated considerable local interests, often highly intense and emotional. Recent efforts by the wise use and property rights movement have led to "takings" amendments to several key pieces of national legislation, such as those proposed to the National Biological Survey Act of 1993 and the California Desert Protection Act, as well as a provision passed in the Safe Drinking Water Act.

In October 1994, however, the Florida Supreme court ruled that a proposed Florida property rights initiative violated the state constitution and the judge ruled that a county wise use law, which was based on Catron County, New Mexico's model, was unconstitutional. Since 1991, nearly 40 counties in the western states have asserted control over national forest and other federal lands in the so-called "county supremacy movement." The U.S. Justice Department filed suit against a Nevada county in March 1995 to force invalidation of such practices.

### Unfunded Mandates

Unfunded national mandates - the third component in the "unholy trinity alliance" - are the dominant contentious issue in intergovernmental relation from the perspective of state and local officials due to their far-reaching fiscal, political, and constitutional implications. The key question is who will decide, and pay for, widely acceptable mandates?

Beyond the unfunded mandate issue, subnational elected officials wonder whether court action will increase respect for the Tenth Amendment. In a 5-4 decision in April 1995, the U.S. Supreme Court limited the national government's use of the commerce clause (Lopez "Gun-Free School Zones" case).

### Conclusion

State and local officials argue that unfunded mandates increase federal government power: decrease efficient service delivery, policy-making and implementation; and erode their ability to be accountable to citizens. Public understanding of abstract arguments about unfunded mandates and the commerce clause may be sparse, however. It is the more direct and visible impacts of costly property regulations and environmental regulation on businesses that shape public perceptions of government, fueled by the "unholy trinity."

*This article is reprinted from the APA's Intergovernmental Affairs Division Newsletter.*



### Executive Director

Marin Conservation League

\$42,000 - \$45,000/year

The Marin Conservation League is searching for an individual committed to the environmental ethic to direct the activities of Marin County's oldest environmental organization whose purpose is to protect Marin's unique environment. The position requires a Bachelor's Degree or equivalent, demonstrated administrative abilities, and excellent diplomatic and communication skills. Health benefits are included. Send cover letter, resume and references to: Executive Director Search, 35 Mitchell Boulevard, Suite 11, San Rafael, CA, 94903. For complete job description call (415) 472-6170. Application deadline is November 10. EOE

### Senior Planner

City of Palo Alto

As a key member of our Advance Planning section, the Senior Planner will be involved in comprehensive plan preparation and follow-up assignments including Specific and/or Area plans. Requirements include a degree in Urban Planning or related field and 5+ years experience involving environmental review, contract management, interagency coordination, project review, and community participation. Palo Alto offers fully-paid benefits which include employee and dependent paid medical/dental/vision and an employee retirement program. For immediate consideration, please send or FAX a current resume to: Jeanine Martin, Human Resources Department, City of Palo Alto, 250 Hamilton Avenue, Palo Alto, CA 94301; FAX (415) 329-2696. We are an equal opportunity employer. m/f/d/v

### Facilities Planner

University of California, San Francisco

Salary: \$38,000 - \$58,000

UCSF, a health sciences campus, is seeking a facilities planner in its Campus Planning Department. This planner will perform database analysis and uses Windows-based and CAD applications to produce space plans, facilities reports, project scheduling and cost information used for capital projects. Requirements include an equivalent of a Bachelor's Degree in planning, architecture or related field, and a minimum four years of related experience that includes microcomputers in planning, architecture or facilities management preferred. Candidate must have superior analytical, documentation, design and communication skills. Some background in life/health sciences, university, medical center or biotechnology a plus. Send resume, including salary history to: UCSF Human Resources Department, Staffing and Compensation, Job #3833C, 1350 7th Avenue, San Francisco, CA 94143-0832. AA/EOE/MFDV



## Far North Brown Bagger

The Far North Brown Bag meeting will feature Kathy Moxon of the Arcata Economic Development Corporation (AEDC), and Barbara O'Neal of the Center for Environmental Economic Development (CEED) who will talk about their Strategic Community Development Project. This project involves developing community action plans for economic development, and building leadership skills for the rural communities of Humboldt County. The community plans will be integrated into a County-wide economic development analysis that is being updated under the grant. The United States Forest Service is funding the project, with matching funds from PG&E, AEDC and CEED.

**Contact:** Lia Sullivan, RAC Coordinator,  
(707) 825-2136

**Date:** October 20, 1995

**Time:** Noon - 1:00 p.m.

**Location:** Humboldt County Planning  
Department, Eureka (3025 "H"  
Street, the Clark Complex)

## Opening San Francisco's Bases

AIA San Francisco, SPUR, ASLA Northern California, and NSCCAPA present a two evening examination and dialog on defining and capturing the market for San Francisco's three closed military bases. The first evening will include presentations on regional economic context, case studies of successful military base conversions and an update on the planning and implementation phases for the Presidio, Hunter's Point, and Treasure Island/Yerba Buena. The second evening will consist of two interactive discussions with panelists on the marketing strategies and mechanisms necessary to accomplish a successful redevelopment.

**Contact:** SPUR at (415) 781-8726

**Date:** Wednesday, October 18th, and  
Wednesday October 25, 1995

**Time:** 5:30 p.m. reception,  
6:00 p.m. program

**Location:** AIA San Francisco, 130 Sutter  
Street, Suite 600

**Cost:** \$20 members, \$30 non-members

## Twelfth Annual Planning Seminar at Sonoma State University

The Planning Program at Sonoma State University and the Institute for Community Planning Assistance will be hosting this seminar for commissioners, elected officials and agency staff. The topics include planning law update and provocative discussions of urban growth boundary and transportation/land use issues. Instructors include Daniel J. Curtin, Jr., Attorney at Law with McCutcheon, Doyle, Brown, and Enerson.

**Contact:** Kristine Bickell, ICPA, Project  
Coordinator at (707) 664-4105  
e-mail, kbickell@sonoma.edu

**Date:** December 2, 1995

**Time:** 8:30 a.m. - 1:00 p.m.

**Location:** Sonoma State University,  
Stevenson Hall 1002,  
Rohnert Park

**Cost:** \$55 includes lunch and course  
materials

## California Riparian Ecosystems Conference IV: Addressing Current Land Use and Resource Conflicts

This is the fourth symposium in the "California Riparian Systems" series organized by University Extension, University of California, Davis. The 1995 Symposium continues to reflect changing science and policy. There is a growing recognition that the riparian communities are not apart from, but integral to, whole river and stream ecosystems. The complex ecological functions and interactions of larger stream ecosystems are major themes of this conference. Another goal of the conference is to explore problems of management and restoration particular to large rivers.

**Contact:** Angie Roddan at (916) 757-  
8889

**Date:** November 14-16, 1995

**Time:** Noon - 1:00 p.m.

**Location:** Red Lion Hotel, Sacramento



## UC Berkeley Extension

The University of California at Berkeley Extension program is offering seven short courses for Fall 1995 on land use planning and related topics. Courses include:

Subdivision Map Act. October 6, San Francisco. \$235

Using CEQA as a Tool in the Project Approval Process. October 20-21, San Francisco. \$225

Regional Planning in the 1990s. November 3, San Francisco. \$170

Easements and Related Land Use Law. November 17, San Francisco. \$235

AICP Exam Preparation Workshop. December 2, January 6, February 3, March 2, and April 20, San Francisco. \$100

Advanced Environmental Law III: CEQA and the Review and Permitting of Complex Projects. December 8-9, San Francisco. \$255

**Info:** Environmental Management at  
(510) 643-7143

## UC Davis Extension

Subdivision Map Act.  
October 13, UC Davis Campus.  
\$235 (\$170 for AEP/APA members)

Affordable Housing Conference.  
October 17, Sacramento. \$170

Erosion Control and Land Restoration.  
October 18, UC Davis Campus.  
\$235 (\$170 for AEP/APA members)

Internet and the Web: Specialized training for environmental professionals.  
October 18-19, Sacramento \$295

Environmental Planning and Site Analysis.  
October 19-20, UC Davis Campus. \$445

**Info:** UC Davis Extension,  
(800) 752-0881



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**Planner II, Design Review**

City of Oakland  
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The City of Oakland is seeking a planner to review and process construction applications, evaluate plans for zoning, develop alternative designs and inspect project sites. The position requires three years of experience and a Bachelor's Degree in Architecture. Apply at or send a self-addressed stamped envelope to: OPRM, 505 14th Street, Suite 101, Oakland, CA 94612. Application deadline is October 22, 1995 (no post-marks).



The Commentary section of the newsletter is intended to provide a forum for members to express their views relative to planning related topics, or to express an opinion relative to articles printed in this newsletter. If you would like to submit an article, contact the Newsletter Editor at 510/227-3214.

**Living on Main Street**

*Book review by Dave Morrow, AICP*

When I was a boy in Cleveland, Ohio in the 1950's, my Mom did not have an automobile. We walked from our brownstone apartment on Lake Shore Boulevard to all the places we needed to go. I especially remember going to the barber for a hair cut. His shop, just down the way, was shaped like a giant upside-down ice cream cone, and smelled of exotic hair potions. Mom knew the grocers and shop keepers by first name, because we walked to them several times a week. Many of these folks lived just above or behind their businesses. For his work as a salesman my Dad had a car, that was also used by the family on weekends if needed. It was a whole different world when we moved to suburban Southern California in the 1960's. There, the car was king and without wheels you were nobody.

A modest publication by the Oregon Downtown Development Association shows a way to return to the older, pedestrian way of living. The book gives 18 examples of how individuals, banks, historic preservation agencies, and cities cooperated to renovate older buildings for mixed use. *Living on Main Street* contains a variety of mixed use case studies. Some projects are in small towns like Heppner and McMinnville, others in medium size cities like Eugene, and three examples are in Portland.

The number of housing units ranges from one to 52; and many projects contain some housing for seniors or low income people. Many of the projects were provided at very reasonable rates, often far less than new construction costs. For example, in Springfield, Goodwill industries created four, one bedroom apartments ranging from 700 to 940 square feet for \$30,000. That's just \$7,500 per unit, and the units look great! In La Grande, a five story building (circa 1912) originally designed as deluxe office space for Union Pacific Railroad, was

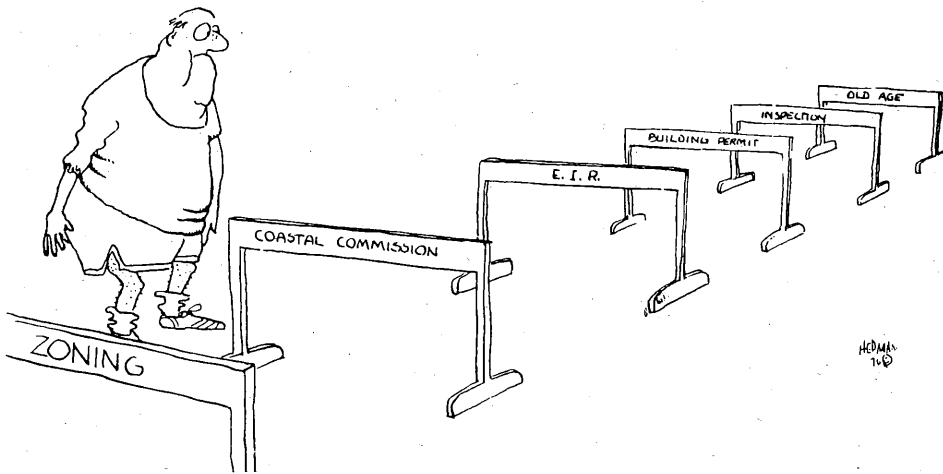
transformed into six subsidized units for elderly and handicapped persons, with 20 market rate units. The ground level of the building is retail, residents are one block from a Safeway store, and the building is adjacent to a new park. These units cost about \$34,600 each. Considering the revitalization of the downtown and the avoided costs of providing services to a new subdivision, this is cheap housing!

A theme in all of the case studies is that developers should use an architect familiar with the rehabilitation of older buildings. Wiring, alarms, and sprinklers pose difficulties in buildings lacking crawl spaces or room for retrofits. Although all of the projects are successful, *Living on Main Street* documents hassles encountered with financing, bureaucrats, and contractors. Interestingly, in every project the residential unit's vacancy rates are very low, indicating an unmet demand for reasonably priced downtown housing.


It will take some time to reverse the California trend of sprawling into farmland while simultaneously destroying downtown housing through the transformation of residences to offices. In a recent survey of San Luis Obispo, I estimated that over 500 people have been displaced from the downtown by conversion of residences to offices for lawyers, title companies, and the like. Ironically, the City perceives an acute parking shortage. To solve this crisis the City is building new parking at \$25,000 per space. It is very likely that several hundred downtown parking spaces would be available today at peak hours if the housing I surveyed was still available. To meet the requirements of the 1988 Clean Air Act, governments and employers are spending considerable sums to promote alternative transportation. *Living on Main Street* documents how most project residents can walk or use transit on a daily basis. Along with all the other social benefits of re-conversion and rehabilitation, the new housing created provides an excellent way to avoid or reduce air pollution.

*(continued on page 6)*

*The Stairway to Paradise*



Richard Hedman, "Stop Me Before I Plan Again" APA Press, Chicago

 The Rearview Section is intended for humorous or otherwise appealing anecdotes, cartoons, stories, etc. as they relate to planning. If you have or know of something that might fit this description, submit it to the Northern News editorial office for consideration. Chances are that if everyone of the dozens of people comprising this editorial staff like what you submit, it will get printed.


COMMENTARY

Modifying existing downtown build-ings to include housing makes good economic sense for cash-strapped local governments. Even the conservative Bank of America, in their report *Beyond Sprawl*, states, "Continued sprawl may seem inexpensive for a new home buyer or a growing business on the suburban fringe, but the ultimate cost-to these homebuyers, to the government, and to society at large-is potentially crippling." *Living on Main Street* provides us with one antidote to sprawl, and is excellent

(continued from page 5)

reading for planners, historical preserva-tionists, planning commissioners, and housing activists. *Living on Main Street*, 39 pages, is available for \$15 from Livable Oregon, Inc., 921 SW Morrison Street, Suite 508, Portland, OR, 97205, or by telephone at (503) 222-2182.

*Dave Morrow, AICP, is an Air Quality Planner with the Mendocino County Air Quality Management District.*

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**October**

- 13 UC Davis Extension, Subdividsion Map Act
- 17 UC Davis Extension, Affordable Housing Conference
- 18 Opening San Francisco's Bases
- 18 UC Davis Extension, Erosion Control and Land Restoration
- 20 Far North Brown Bag
- 20 - 21 UC Berkeley Extension, CEQA as a Tool

OCTOBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**November**

- 3 UC Berkeley Extension, Regional Planning in the 90's
- 14 - 16 UC Davis, California Riparian Ecosystems
- 17 UC Berkeley Extension, Easements and Related Land Use Law

NOVEMBER						
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**December**

- 2 Sonoma State University Seminar

DECEMBER						
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