

# Northern News

NORTHERN SECTION, CALIFORNIA CHAPTER, AMERICAN PLANNING ASSOCIATION

## Diablo Grande Court Decision May Slow Growth of New Towns in Central Valley

By Eric Parfrey

NOVEMBER 1996

RECEIVED

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DUNN & JONES

(I have faxed a copy of this article to Rob Mendicino of the News)

*"The court said that a Specific Plan EIR must analyze the impacts of the lack of a long term water supply..."*

The Fifth District Court of Appeal in Fresno recently handed down a unanimous decision in a CEQA-related case that, in combination with a recently passed state law, could effectively slow, or even halt much of the speculative "new town" growth that has been proposed up and down California's Central Valley. The key issue is whether an EIR analysis that supports approval of a large development project without an identified long term water supply can defer the environmental analysis of water supply issues until a later date, after approval of a Specific Plan.

The court said no, and the repercussions could slow or halt other large developments that are proposed in the San Joaquin Valley that have not yet divulged their water plans.

The appellate court decision, *Stanislaus Natural Heritage Project et al v. County of Stanislaus*,

invalidated the previous action by the Stanislaus County Board of Supervisors in 1993 to certify an EIR for the huge Diablo Grande "new town" development. The court said that Stanislaus County erred in approving an EIR that deferred identification and environmental analysis of a long term surface water supply until the later stages of the project. Diablo Grande is a 29,000-acre destination resort planned in the barren hills south of the Altamont Pass in western Stanislaus County. The developers propose six golf courses, 5,000 homes, and a hotel/conference center. One golf course has already been built and a second course is under construction.

The Court of Appeal noted that the project would be served in the first five years by an

identified firm water supply (pumping an agricultural water allotment up to the site), but that no permanent water supply had been proposed and evaluated in the EIR for the latter phases of the project. The developers attorneys argued unsuccessfully that the Specific Plan EIR could operate on two levels for the water analysis, as a "project" EIR for the first phase of the project (with water), and as a "program" EIR for the last twenty-five years of development (with no identified water). The court said that a Specific Plan EIR must analyze the impacts of the lack of a long term water supply now, rather than defer the important infrastructure issue to later documents.

This court decision reinforces a recent State law (Senate Bill 901 by Jim Costa, D-Fresno) that was somewhat surprisingly signed by Governor Wilson last September, as I reported previously in these pages (*Northern News*, February 1996). The new law, which links water supply analysis and land use for the first time in EIRs, went into effect at the beginning of 1996. SB 901 requires that EIRs for large "new town" projects (defined as over 500 housing units or over one-quarter million square feet of retail space) must include a detailed analysis, with direct input from the proposed water purveyor, to prove that the water agency could provide enough water to serve the entire project. SB 901 was pushed by various water agencies, the California Farm Bureau Federation and by East Bay interests who were responding to the heated land use/water supply battle between the East Bay Municipal Utility District (EBMUD) and the developers of the 6,000-acre

(continued on page 4)

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## EDITORS CORNER

by John Cook

No, I am not the director, nor, for that matter, have I ever played one on television. I am, however, the new Newsletter Editor for the *Northern News*. An upfront confession: I am not a planning professional, but a second year graduate student in the Department of City and Regional Planning at the University of California, Berkeley. I have been working behind the scenes of the *Northern News* for several months now and was elevated to this position by dint of the unexpected, temporary departure of Mark Rhoades, whose work has sent him to the Cincinnati, Ohio, area for the next few months. I am not alone in eagerly anticipating his return!

As you can see on the masthead to the left, Mark's board position of Communications Director is currently vacant, as are several others. This is unfortunate. The Northern Section Board affords members great opportunities to shape the direction and scope of the organization. Always had something you wanted the Northern Section to do? Join the Board – and see it done! The list of vacancies is not exhaustive: if you have a special talent from which you think the organization would benefit and would like to work with a great group of people, by all means do get involved. Planners are often under fire for being unneeded, irrelevant in a market-based society, or simply another layer of bureaucracy. One of our goals as an organization, discussed at a recent board retreat, is to increase our visibility and name recognition to a larger general public. You can be a part of this effort: now is the time to act on the good intentions you have had stored up for several months or several years, whatever your case may be. Stop reading this now and contact a board member (the names are listed to the left) or call the Northern Section voicemail at 415-281-0195. (Perhaps I should consider a career in public radio fundraising!)

On another note, the newsletter will be launching a new feature which is intended to promote the exchange of ideas and stimulation of discussion. Its working title is "How did you handle it when . . .?" Planners face new problems on daily, if not hourly bases, and we hope that the column will be of great interest. Since someone has to get the ball rolling, I will propose the first topic: How did you handle it when a cellular communications company proposed a transmission station in your city? Like the kind that is supposed to be invisible atop that office building, water tower, or church steeple. Please share your experiences and insights with your fellow planners – drop an email to [jcook@ced.berkeley.edu](mailto:jcook@ced.berkeley.edu) or write me at the address below.

I look forward to serving you as newsletter editor: your input is not only appreciated – it is the lifeblood of this newsletter and of this organization.

*Wendy Cosin is on vacation.*

## NEWSLETTER INFO

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The deadline for submitting articles, news, artwork, advertising and other materials for inclusion in the *Northern News* is the 16<sup>th</sup> day of the month prior to publication.

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## Cars, Cars Everywhere...

The Northern Section and Association of Environmental Professionals are pleased to jointly present a program on transportation in the 90s. Traffic and transportation planning continue to be hot topics in the Bay Area. Our freeways are clogged and extensive construction projects contribute to lengthy delays. What is being done to address the problems? Please join us on Thursday, November 21 to learn about what Bay Area Transportation Agencies are doing. Jean Hart, Deputy Director Planning, Alameda County Congestion Management Agency (CMA) and Jose Luis Moscovich, Director Congestion Management Programs, San Francisco County Transportation Authority will be providing us with an update on recent legislation affecting CMAs and new programs under consideration to more effectively manage traffic in the Bay Area.

Date: November 21, 1996

Time 6:00 - 6:30 p.m. networking, wine and cheese

6:30 - 8:00 p.m. program

Cost: \$5.00 members, \$7.00 others

Location: Woodward-Clyde Consultants  
500 12th - Meeting Room  
Oakland, CA

Access: BART - City Center Station  
Parking - City Center Garage

RSVP: NSCCAPA Voicemail  
415/281-0195

## Urban Streams Conference

The City of Arcata will host an urban streams conference on the weekend of November 15 - 17. This conference will focus on the benefits that urban streams provide communities, and how community planning and urban streams programs can work together. The conference will provide planners, developers, engineers, educators and other organizations and individuals with the tools and models that can be used to preserve and restore streams and creeks in their own communities. Continuing education credit is available for conference attendance.

Date: November 15-17

Location: Arcata High School  
1720 M Street, Arcata

Cost: \$60 by November 11 (deadline extended!); \$75 thereafter

Info: Susan Schramm, 707-441-9856

## Planning Seminar at Sonoma State University

The Planning Program at Sonoma State University and the Institute for Community Planning Assistance will be hosting the Thirteenth Annual Planning Seminar for commissioners, elected officials, and agency staff. The topics include a planning law update and community visioning, a new tool for matching citizens' preferences with planning policies and regulations. Instructors will be Daniel J. Curtin, Attorney-at-Law, of McCuthen, Doyle, Brown, and Emerson and Gary Binger, Planning Director for the Association of Bay Area Governments.

Date: December 7, 1996

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

Cost: \$55 per attendee (includes lunch and course materials)

Location: Sonoma State University  
Stevenson Hall 1002  
Rohnert Park

Contact: Kristine Bickell, ICPA, Project Manager

707-664-4105

kristine.bickell@sonoma.edu

## Post-earthquake Historic Preservation

The California Preservation Foundation will conduct a traveling workshop entitled "20 Tools that Protect Historic Resources After an Earthquake" in both Berkeley and Eureka. The workshop is based on the CPF's recent publication of the same name, which will be furnished to paying registrants. Topics will include preventive measures, adopting preservation sensitive emergency ordinances, emergency provisions of CEQA, the State Public Resources Code, and Section 106 of the National Historic Preservation Act.

Date: November 22 in Berkeley

January 24, 1997 in Eureka

Time: 9:30 a.m. to 5:00 p.m.

Location: Julia Morgan Center,  
2630 College Avenue, Berkeley  
Masonic Temple, Eureka  
(tentative as of press time)

Cost: \$65-\$80 for CPF members  
\$95-\$165 for non CPF members

Information: Contact the CPF at  
510-763-0972

# Diablo Grande ...

Dougherty Valley development in the hills east of San Ramon in Contra Costa County.

The combination of the new EIR reporting requirements of SB 901, plus the strong message sent by the recent Fifth Appellate court decision to Stanislaus County and the developers of the Diablo Grande project, could signal very rough waters ahead for the dozens of large, speculative projects that have been proposed during the 1990s up and down the state's Central Valley, from Chico in the north to the base of the Grapevine near Bakersfield in the south. Many of these developments are proposed on agricultural lands far from the nearest urban water service provider and are designed for the "road warriors" who want to commute from well-paying jobs in the coastal Bay Area and LA regions to low-priced suburban housing and recreation in the interior valleys. Some developers promise new golf courses, Disneyland-style theme parks, shopping centers, and thousands of jobs rising up from the fertile prime soils that will be paved over. For small Central Valley cities and rural counties that are severely dependent on stagnant sales and reduced property tax revenues, and are grappling with high seasonal unemployment and rising welfare, social service, and criminal justice costs, these "pie in the sky" economic development stories often sound too good to pass up.

One such Fantasy-land development that may be shaken up by the latest trend toward actually requiring that a permanent surface water supply be identified and subject to environmental review before Specific Plan approval is Gold Rush City, located in San Joaquin County, approximately 75 miles east of San Francisco. The 7,000-acre

*(continued from page 1)*

project is near the small town of Lathrop, at the convergence of I-5, I-205, and Route 120 on the way to Yosemite Park. Gold Rush City is conceived by architect Norman Jarrett as four Disneyland-style theme parks, one of which would open by 1999, in time for the celebration of the 150-year anniversary of the California Gold Rush. Jarrett, Somerset Homes (a major homebuilder in Dougherty Valley), and other local landowners also want to build 11,000 suburban tract homes, 10,000 lodging rooms, business parks and endless shopping centers, to accompany the theme parks. The Specific Plan and EIR for the project was approved by the Lathrop City Council in February, 1996. A coalition formed by the Sierra Club, the San Joaquin County Farm Bureau Federation, and two local activists challenged Gold Rush City's EIR as inadequate under CEQA. Susan Brandt-Hawley of Glen Ellen, the attorney who prevailed in the Diablo Grande case, is now counsel for the plaintiffs against Gold Rush City.

If the Diablo Grande appellate decision and the new requirements of SB 901 are any indication, the outcome of the Gold Rush City lawsuit may be to require additional environmental review to remedy the inadequacy of the water supply (and other) analysis in the original EIR. Several other large, new town-type projects in the Central Valley that have not received a final, vesting approval and have not yet identified a long-term surface water supply could be directly affected by this court decision and the new State law. Stay tuned for details.

*Eric Parfrey previously served as Senior Planner for Contra Costa and San Joaquin counties, before joining the staff of BASELINE Environmental Consulting.*



## JOBS

### Housing Coordinator

#### City of Pleasant Hill

Salary: \$3893-\$5035/month

The Redevelopment Division of the City's Community Development Department is currently establishing an eligibility list for a full-time Housing Coordinator who is responsible for administration of the Redevelopment Agency's Housing Rehabilitation Loan Program. Bachelor's degree and one year of experience required. The City offers an attractive benefits package. California driver's license required. City application required by 1:00 p.m., Friday, November 22, 1996. Postmarks not accepted. Resumes not accepted in lieu of City application. Applications are available at the City of Pleasant Hill, 100 Gregory Lane, Pleasant Hill, CA, 94523, or by sending a self-addressed, stamped envelope to Personnel Department at the above address. Further information: 510-671-5220. EOE/M/F/D

### Assistant Planner

#### City of Daly City

Salary: \$3265-\$3970/month

Non civil service position; 40 hours/week. Requirements: BA/BS degree from a college/university with a degree in city planning, architecture, sociology, economics, public administration, civil engineering, or related field; one year of experience in the field of public agency planning, desirably in municipal government; possession of a valid Class C California driver's license. Contact: City of Daly City Human Resources Department, 295-89th Street, Suite 103, Daly City, CA, 94015. Resumes will not be accepted in lieu of a Daly City application.

Telephone: 415-991-8028.

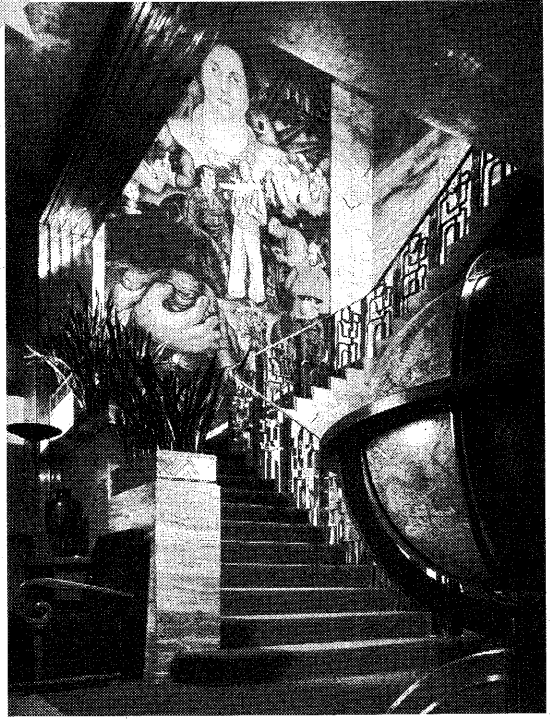


# Events

## NSCCAPA Holiday Party

The City Club of San Francisco is the site of this year's Northern Section Holiday Party. Join your colleagues and friends on Thursday, December 5, from 6:00 p.m. to 9:00 p.m. for drinks and hors d'oeuvres while enjoying fine city views and an original Diego Rivera mural. Admission is guaranteed to those who register by November 22, by sending a check for \$20 per person, payable to the NSCCAPA. Plan now to attend, and spend an exciting evening in San Francisco!

- Date:** December 5, 1996
- Time:** 6:00 p.m. to 9:00 p.m.
- Location:** The City Club  
155 Sansome Street, SF
- Access:** Montgomery Street BART
- Info:** Bonnie Guttman, 510-238-3941



### Map to The City Club



### Suggested Parking

<b>The Parking Place</b> 345 Battery St. (at Pine) (415) 434-7743	<b>Ampco System Parking</b> One Bush St. (at Battery) (415) 677-7711	<b>The Mills Bldg. Garage</b> 220 Bush St. (at Sansome) (415) 986-1242
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### REGISTRATION FORM

Mail with payment to:

**Bonnie Guttman**  
1330 Broadway, Suite 310  
Oakland CA 94612-2502

*Yes!* I would like to attend the Holiday Party on December 5 at the City Club in San Francisco. Enclosed is my check for the following individuals:

Please make checks payable to the NSCCAPA



# LEGISLATIVE UPDATE

Presented by: Sande George, CCAPA Executive Director and Lobbyist

## 5 CONVENIENT LOCATIONS

### San Diego Area

Thursday, November 14, 1996  
 City Council Chambers  
 Escondido City Hall  
 201 North Broadway, Escondido, CA  
 (619) 741-4671

### Fresno Area

Friday, November 22, 1996  
 City Council Chambers  
 Fresno City Hall  
 2600 Fresno Street, Fresno, CA  
 (209) 498-1361

### Los Angeles Area

Friday, November 15, 1996  
 Commercial Auditorium  
 S. California Gas Company  
 Energy Resource Center  
 9240 E. Firestone Blvd., Downey, CA  
 (800) 427-6584

### San Francisco Bay Area

Wednesday, December 4, 1996  
 Auditorium  
 ABAG/Joseph P. Bort Metro Center  
 101 Eighth Street, Oakland, CA  
 (510) 464-7700

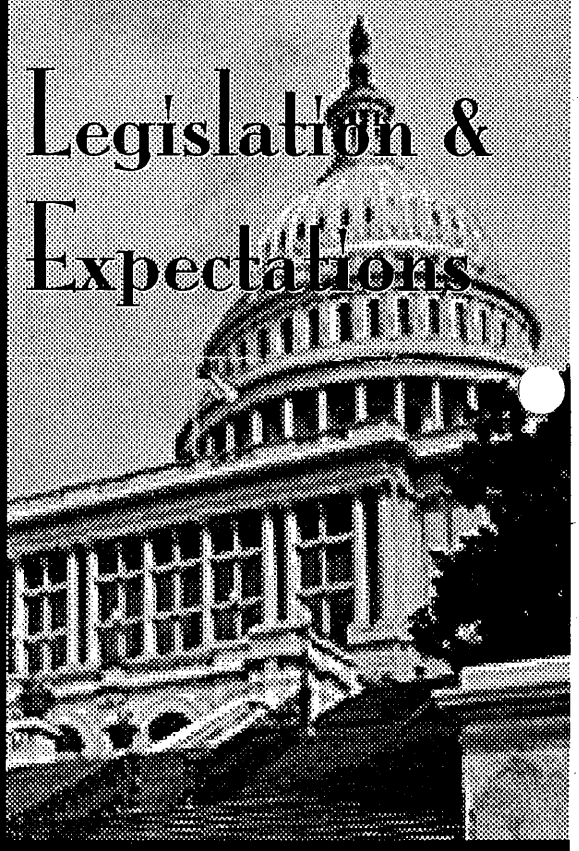
### Sacramento Area

Thursday, November 21, 1996  
 Planning Commission  
 Conference Room, First Floor  
 Sacramento City Hall  
 1231 I Street, Sacramento, CA  
 (916) 264-5381

### All sessions will be

held from  
**8:00 AM - 12:00 NOON**

In order to keep costs down, coffee, rolls  
 and lunch will NOT be provided.



## COST\*

Early Registration (CCAPA members only — received by mail prior to November 7, 1996) .....	\$60.00
At the door / Non-CCAPA Members .....	\$75.00
Student or Planning Commissioner .....	\$50.00

\*Fee includes copy of CCAPA's Comprehensive Report "Legislative Year in Review"

## REGISTRATION (One form per registrant, this form may be copied for additional registrants.)

I would like to attend the CCAPA Legislative Update in (check one):

- San Diego Area     Los Angeles Area     Sacramento Area     Fresno Area     San Francisco Bay Area

Name \_\_\_\_\_

City (Agency) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Day Phone \_\_\_\_\_ FAX No. \_\_\_\_\_ Registration Payment of \$ \_\_\_\_\_

Please send check, payable to CCAPA, along with this form, to:  
 Brian Smith, City of Modesto, Community Development Department  
 P.O. Box 642, Modesto, CA 95353-9003

**Early Registration Deadline:  
 Thursday, November 7, 1996.**

• You may fax your Early Registration to (916) 456-1283 by 5:00 PM on Thursday November 7, and pay at the door.

QUESTIONS? CALL BRIAN SMITH, CCAPA WORKSHOP DIRECTOR, AT (209) 577-5276

## COMMENTARY

### Letter to the Editor: On Proposition 209

The recent Director's Corner (October) by Wendy Cosin offended me because of its timing, inaccuracy, and unfairness. While she speaks of "hiring hyperbole," let me recount a recent event in Oakland. The City and Port, in seeking a consultant for its waterfront plan, issued the mandate that 40% of the contract shall be assigned to a minority firm, and 15% to a woman-owned firm. Further, the City's Contract Compliance Officer said "a good-faith effort will not be sufficient." This example is the most blatant form of gender and race "preference" I have seen, but in one form or another, is practiced by public agencies all over the state. I used to provide consulting services to cities, counties, and public agencies. I have been unable to secure this work since this form of discrimination has become so prevalent. This is not good for me, my children, or society in general. Proposition 209 will prohibit this form of affirmative action.

In my view, public agencies and large corporations have abandoned legitimate forms of affirmative action in favor of this practice because it is easier. I find it interesting but unethical that this position is published just prior to the election – before any comment, discussion, or rebuttal by other APA members could be published.

Cosin and other members of the APA may typically be public or corporate planners. She may represent their views on Proposition 209. But I doubt that she represents the view of most members of the AICP – those in the planning profession who bear the brunt of preferential policies in hiring. Clearly, Cosin, as a director, speaks for the APA but she does not speak for me or my colleagues. I would resign my membership in APA if I could do so without resigning from the AICP.

*Richard W. Smith, Ph.D., Oakland*

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) 540-0655.

## BULLETIN BOARD

### Call for papers and panelists

The Association of Environmental Professionals (AEP) invites you to submit papers and panelists for presentation at the 1997 AEP Conference in San Francisco. The preliminary session tracks at the conference are:

Status and Trends in Natural Resource Management and Analysis, Professional Development and Training for Environmental Planning and Impact Assessment Status, and Trends of Environmental Regulation and Litigation

Those proposing to submit a paper or participate in or moderate a panel for AEP '97 are requested to submit a 200-400 word abstract on paper and diskette (MS Word or Word Perfect) to: Richard Grasseti, Programs Chair, AEP '97, 1536 Scenic Avenue, Berkeley, CA 94708. email: ragrass@aol.com

Submittals should include:

- Title of paper or presentation
- Complete name and affiliation of author
- Complete mailing address and phone number of primary author (also e-mail address)
- Abstract hard copy and electronic file
- CV/professional experience summary of author
- Applicable track

All abstracts and expressions of interest in panel participation should be submitted to the Programs Chair by November 30, 1996

### UCB Extension Fall Planning Courses

The Extension Program at the University of California, Berkeley, will offer a series of one and two-day classes during November and December that are of particular interest to planners looking to explore new areas or to refresh old ones. Below is a list of courses and dates:

**Historic Preservation for Planners\*** .. November 9

**Planning Law and Legal Processes** ... November 15-16

**AICP Exam Preparation Workshop** . starts December 7

\* This class will be held at Oakland City Center, 1333 Broadway; all others will be taught at the UC Extension at 150 Fourth Street in South of Market, San Francisco. For information and registration, call (510)-642-7143.

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) 540-0655.

# Planners are "Optichists"

by Steve Mattarazzo

During one of my recent trying moments in this profession, I had a psychological catharsis of monumental proportion. I have now come to realize why I entered the urban planning profession, and I believe this personality trait is common among all my brethren. I am an "optichist," a word derived from two key roots. The first is "optimist;" a person putting positive slant on everything and possessing a particularly positive attitude toward future conditions; the second is "masochist;" a person who enjoys being abused to the point of getting hurt, either physically, mentally, or, more likely, both.

My psychological profile is verified by means of a typical example of the mess we oftentimes get into. Here's the scenario. Developer A comes into town to construct a high-quality residential development on land appropriately zoned and adjacent to an existing, equally attractive residential development where also exists a beautiful field of wildflowers (none of which are endangered species) and the proposed building site. In addition, the development is to contain up to 15% low and moderate income units that will be indiscernible from the rest of the housing stock, a standard requirement of the city. This requirement assists the city in meeting its "fair-share" state mandate and its redevelopment agency-inclusionary requirement.

During the course of planning department review, the developer gets considerably annoyed at the planner for recommending public and private amenities that are adding to the cost of the development thereby squeezing into his or her profit margin. The next-door homeowners association, during the interim, has hired an environmental/land use attorney to annoy the planner, and the homeowners use pejorative terms when discussing the planner's alleged ulterior motives, characterizing the planner as a "sellout" and being in the developer's back pocket. The planner bumps into these neighbors at church, at PTA meetings, and in the supermarket, and is constantly treated with various forms of social ostracism. The only reason the planner puts up with the job is that in his or her heart, he/she knows it will get better tomorrow. Eternal optimists! Man, we are sick!

*Editor's Note: Steve is considering facilitating therapy sessions at the next state APA conference in Monterey.*



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**NORTHERN SECTION CALENDAR**

**November**

- 15-17 Urban Streams Conference, Arcata
- 21 "Cars, Cars Everywhere" Symposium, Oakland
- 22 Post-Earthquake Historic Preservation, Berkeley and Eureka

NOVEMBER						
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

**December**

- 5 NSCCAPA Holiday Party – The City Club of San Francisco
- 7 Planning Seminar at Sonoma State

DECEMBER						
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				

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