



NOVEMBER 2005

# Northern News

NORTHERN SECTION, CALIFORNIA CHAPTER, AMERICAN PLANNING ASSOCIATION

## How Napa vote will affect you

Jessica Zenk and Elizabeth (Libby) Seifel, Seifel Consulting Inc.

In June 2006, Napa County citizens will vote on Measure A, the “Fair Payment for Public Benefit Act.” The Initiative, sponsored by the Napa Valley Land Stewards Alliance, would require Napa County to compensate property owners for decreases in property values that result from certain land use restrictions enacted by the County Board of Supervisors. Only unincorporated properties would be affected, and the County would not have to pay compensation if it waives the restriction or negotiates a compromise with affected property owners, or if the restriction meets certain exceptions.

A yes vote could significantly impact Napa County’s fiscal condition and its ability to undertake future land use, environmental, and transportation actions. The result of the vote will not only affect Napa County, it could also affect local governments

throughout California as community leaders take their lead from the Initiative’s success or failure.

### SIMILAR MEASURES IN CALIFORNIA AND OREGON

A similar property rights initiative failed in Nevada County in 2002. In November 2004, however, Oregon voters passed Ballot Measure 37 by a vote of 61 percent to 39 percent. Measure 37 provides that a property owner is entitled to receive just compensation if a land use regulation is enacted after the owner purchased the property, and if the regulation restricts the use of the property and reduces its fair market value. Similar to Napa County, the Oregon measure also provides that the government responsible for the regulation may choose to “remove, modify or not apply” the regulation.

### COMPENSATION TRIGGER

If Measure A passes, property owners will be able to seek compensation from Napa County for decreases in the value of their property that result from a “new Napa County land use restriction” to “further limit or restrict the use” of their property. Property owners would need to be fully compensated for the decrease unless the County Board rescinds the action or the owner and the Board both agree to a settlement. The amount of the decrease is to be established either by “mutual agreement” between the owner and the County or by a court. If agreement cannot be reached “within 100 calendar days,” the owner has “the right to have the decrease in value established by a court.”

The Initiative provides exceptions for restrictions predating the Initiative, for actions protecting against public nuisances or fire, building, and health hazards, and for actions mandated by the federal or State governments.

### ANALYSIS

Seifel Consulting Inc. and Kronick, Moskovitz, Tiedemann & Girard were retained to work with County staff to analyze the Initiative’s fiscal, land use, infrastructure, business, and legal implications in accordance with the Election Code. Their September 2005 report concluded that the Initiative’s wording will be subject to judicial interpretation, and that the most likely immediate outcome of its adoption would be a period of uncertainty regarding its validity and effects. The County could incur substantial legal costs associated with initial challenges to the Initiative’s legality. For example, the County’s defense of a 1990 initiative cost more than \$400,000.

It is not clear when the Initiative would take effect, nor are there specific implementation

*Both supporters and opponents of Measure A anticipate a major political fight next Spring.*

*(continued on page 4)*

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## DIRECTOR'S NOTE *by Hing Wong, AICP*

We just concluded a wonderful CCAPA conference at Yosemite. It truly was a beautiful place to enjoy nature and hold a conference. I'll say a few more words about the conference in my next article, but I want to announce that preparations are already under way for the 2007 CCAPA Conference which Northern Section will be hosting in San Jose. A hotel has been selected, and a conference committee is being formed. If you are interested in participating, please contact Juan Borrelli at juan.borrelli@sanjoseca.gov, as the conference committee will meet in the next few months.

NSCCAPA is proud to host two exciting speaking engagements this month. Former U.S. Secretary of the Interior **Bruce Babbitt** will be here Friday, November 11, to speak on "A National Vision of Land Use Planning." On Wednesday, November 16, the topic will be "Placemaking on a Budget" with co-authors **Al Zelinka** and **Susan Jackson**. You don't want to miss either event! Please see the flyer in this issue for details.

Fluid is a continuous, amorphous substance whose molecules move freely past one another and which has a tendency to assume the shape of its container. Fluid is also the chic SF hot spot which is the location of Northern Section's holiday party on Friday, December 2nd. We are pleased that the Association of Environmental Professionals (AEP) will be joining us in the festivities. Please reserve using the registration form on the attached flyer.

The Northern Section Board is searching for a talented person to organize next year's awards program and banquet. The duties of the Awards Program Director are to publicize the Section's annual awards program and solicit nominees; to arrange judging for the nominees and select winners in each category; and to organize an annual awards banquet to honor the award winners. If you feel you fit the bill, please contact me as soon as possible.

## Want AICP after your name?

If you are studying for the AICP exam or planning to take it in the future, the CPS AICP Exam Study Manual is now available in CD-ROM. Hard copies will be available next Spring prior to the May 2006 exam. The Manual includes the latest information on the new

AICP Code of Ethics. For a copy of the CD, send a check for \$22 (postage is included) payable to "CCAPA" to Kimberly Christensen, AICP, Planning Manager, City of El Segundo, 350 Main Street, El Segundo, CA 90245-3813. (310) 524-2340.

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The deadline for submitting materials for inclusion in the Northern News is the 16<sup>th</sup> day of the month prior to publication.



## Latinos in planning

Over the next few months, “Latinos in Planning” dialogs will be conducted throughout the United States. The dialogs are aimed at increasing the participation of Latinos in the planning profession and promoting an interest in planning in Latino communities and neighborhoods.

The dialogs ask, “What are the biggest planning issues affecting Latino communities and Latino planners, and how can they be addressed?” Outcomes of the dialogs will be submitted by year-end and compiled in a summary report. The ultimate objective is development of a national agenda that addresses planning challenges and opportunities in Latino communities.

Contact Michele Rodriguez at [morodriguez@co.marin.ca.us](mailto:morodriguez@co.marin.ca.us) or (415) 507-2801.

# Back to the future of planning

In the fall of 1997, the California Planning Roundtable undertook to draft their vision of the future of the planning profession. They concluded that planning, as practiced eight years ago, was simultaneously becoming more collaborative and more special interest and adversarial. The planning process was no longer rational, empirical, or linear; rather, it was marked by increased fragmentation and less direction.

Roundtable members saw governments, at all levels, placing greater emphasis on performance and quality, but failing to keep up with globalization. At the same time, they observed an increased public consciousness when it came to environment, community, sustainability, and the economy.

The group acknowledged that we live in a world of change and uncertainty, but also that we live in a digital world—one that presents both technical challenges to and opportunities for the planning profession. They concluded that California has no structure to deal with the competition and influence of globalization, but has no alternative but to plan for its growing and increasingly diverse population.

### FAST FORWARD TO 2005

In celebration of their 25th anniversary on September 30, the Roundtable assembled in San Francisco to revisit “the future of planning.” They assembled a panel of experts, including **William Claire**, Claire & Associates; **Shana Graham**, Institute for Local Government; **Michael Teitz**, Professor Emeritus in Urban Economics, Urban Development and Housing, UC Berkeley; and **Carol Whiteside**, Great Valley Center and former mayor of Modesto. **David Booher** moderated.

The session was philosophical but energized. Some were optimistic about the future; others were more skeptical, but all felt the calling to improve our communities.

Prof. Teitz cited a British colleague’s two metaphors for the planning process—*discovery* and *navigation*. Discovery tries to project and predict, and then check the accuracy of the projection/prediction. Navigation puts us on a ship moving through known waters to where we think we’re going. The task is to improve our navigation. Among the rocks and shoals we face are continued federal hostility and the general backlash against planning, including an underlying belief that planners are protecting real estate values. The question is whether to navigate on until the feds attitude changes, or to look to the state instead.

Roundtable members found navigation a good metaphor. “We know where we’re going, but we’re moving slowly.” That is, change in the planning profession occurs more slowly than the changes in society and technology. Navigation requires leadership. Indeed, navigation is leadership + information + outreach. We also need to navigate with collaboration and innovation.

Carol Whiteside suggested the planning field is becoming more techno-savvy but less creative. Yet our communities need creativity in the face of chilling economic pressures—outsourcing, deficits, and refusal to deal with governance issues like democratic participation and ballot box planning. Planners can look for opportunities in the lessening appetite for government control, and the movement toward placemaking to reaffirm communities.

Roundtable members agreed technology is changing the way in which planners interact among themselves and the larger public. But a paradox: As people obtain more devices that allow them to stay connected, they may actually be disconnecting themselves from their communities. The profession will continue to face challenges and discover opportunities related to technology.

Bill Claire noted that society has gotten a lot right but hasn’t made a dent in poverty. Our communities are losing jobs, although not necessarily high paying jobs, to overseas locations. The work force needs serious retraining and an emphasis on life-long learning to be ready for a string of different and unrelated careers. California is a major player in the world economy, is semi-sovereign, and is isolated from what happens elsewhere in the country. Perhaps the state could lead the way in these areas.

Shana Graham saw sustainability as the essential element of future planning. The climate is changing, and our planning practices are key to determining sustainability and our future. For example, planners can demand that developers incorporate green design elements.

What is, or should be, or can be the future of planning in California was not resolved, but these general themes emerged:

- Communities have unique issues, and we cannot take a one-size-fits-all approach.
- We cannot ignore globalization.
- We must link knowledge with action.
- Communities want individual control but we cannot discount taking a regional approach.
- Sustainability cannot be an afterthought.



## Napa vote... *(continued from page 1)*

procedures for filing claims or conducting negotiations. Moreover, a larger question remains about the Initiative's basic legality. As it is pre-empted by existing State law (Government Claims Act), the Initiative could well be invalidated by the courts.

### POTENTIAL COST TO THE COUNTY

Compensation claims will be a function of the number and types of new actions taken by the Board as well as the number of property owners and parcels affected by future actions. The report analyzes the Initiative's potential impacts by first examining actions taken by the Board in 2004 to see how many of the Board's prior actions might meet the definition of a land use restriction under the Initiative. Between 5 and 10 percent of the ordinances and resolutions adopted by the Board in 2004 met the definition.

The County's primary source of revenue to fund compensation claims and associated administrative and legal costs would be the discretionary revenues in the County's General Fund. The County currently spends the vast majority of its discretionary resources on departmental expenses like Public Safety and Law/Justice, each of which receive more than half of their funding from discretionary resources. The Initiative could have a significant fiscal impact on the County's ability to fund services as well as capital improvements, particularly as the budget situation is projected to worsen in future years.

Under one hypothetical scenario examined in the report, compensation claims could range

from \$26 million to \$52 million, approximately one-third to two-thirds of the County's discretionary revenues, in FY 2005/06. In addition, the County would incur administrative and legal costs to establish and implement the claims process and to analyze future Board actions to see if they might trigger compensation. The report projects these costs between \$1 million and \$3 million annually.

### AVOIDING THE COST OF CLAIMS

To preclude compensation claims, the Board would likely refrain from certain actions. Future land use policies would likely be identical or more permissive. The County could allow for increased growth in one area, but it could not choose to offset this potential growth by actions elsewhere without triggering compensation claims under the Initiative. Also, many environmental mitigation measures, transportation improvements, and affordable housing policies would not be feasible. Furthermore, Napa County could find it difficult or impossible to meet State and federal government requirements without triggering claims for compensation under the Initiative.

To avoid compensation claims and meet State and federal mandates, the County would be forced to place proposals on the ballot. Voter rejection of those proposals could expose the County to litigation and/or fines for non-compliance with State or federal statutes. Although this static regulatory environment could be viewed as a short-term

*(continued on next page)*

## EMPLOYMENT

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Senior Planner (Salary \$6421-\$7883/mo plus excellent benefits). The City is seeking a Planner at the senior level who is committed to the profession and demonstrates potential to perform advanced journey level planning work of substantial professional difficulty. This position works under the general direction of the Economic and Community Development Director. The Senior Planner will take a lead role in the review and analysis of new development projects. Long-range studies involving the collection, analysis, interpretation, and presentation of technical data will also be prepared. The Senior Planner will also supervise the technical work of other planners. Substantial professional planning experience is required.

The position offers exciting opportunities in an energetic and cohesive community concerned about quality development and neighborhood preservation. A major intermodal station and adjacent high density TOD are in the planning and implementation stage.

The ideal candidate will have education and experience equivalent to graduation from a recognized college or university, with major work in urban planning or a closely related field, supplemented by at least five years of progressively responsible planning experience, preferably in a municipal setting or an equivalent combination of training and experience. A master's degree is highly desirable, but experience may be substituted. APPLY BY 5:00 p.m., Wednesday, November 30, 2005. A City application, DMV driving record, and resume are required. For more information contact Administrative Services Department, 34009 Alvarado-Niles Road, Union City, CA 94587, 510-675-5386 or [www.ci.union-city.ca.us](http://www.ci.union-city.ca.us). Oral interviews will be held on Friday, December 9. EOE.



North Bay RAC Social, Sept. 23

*Photo by Ladd Miyasaki*

Seated, left to right: Jim Miller, Walter Monasch, Steve Wanat, Carrie Lukacic (in back), Lisa Kranz (in front), Miroo Desai, Alec Arrol, Sarah Syed, Eric Anderson, Joe Garcia, Dave Davis, Wayne Goldberg, Dan Dawson, Michele Rodriguez. Standing: Hing Wong, Micah Hinkle.

## From the islands

**Mike Foley**, erstwhile planning director to several Bay Area cities, is the planning director of Maui County, Hawaii, living the aloha lifestyle and doing planning at the same time. He recently wrote us about how difficult it is to find qualified planners for his 60-person staff. If you ever wanted to move to Hawaii, this may be your chance: Michael.Foley@co.maui.hi.us

## GIS Day 2005

The Bay Area Automated Mapping Association (BAAMA) and the new Geospatial Imaging and Informatics Facility at UC Berkeley are hosting GIS Day 2005 at Mulford Hall, November 16. GIS users will showcase real-world applications to increase awareness and understanding of GIS among schools, businesses, and the general public. GIS Day is a day-long event, with the morning session dedicated to K-12, the early afternoon session to higher education, and the late afternoon session to the professional community.

**Any planner who has applied GIS to projects and programs** lately in an innovative way: Please volunteer to give a presentation at GIS Day!

Volunteers and information: Contact Karin Tuxen (510) 642-8322 or [karin@nature.berkeley.edu](mailto:karin@nature.berkeley.edu)

## Napa vote... *(continued from page 4)*

benefit for property owners, the long-term effects could potentially weaken government services and the county's overall image and business climate, particularly as the Initiative has no sunset date.

### SUPPORTERS' AND OPPONENTS' VIEWS

The president of the Napa Valley Land Stewards Alliance, sponsors of the Initiative, argues that some Napa County property owners have borne the financial cost of preserving the county's environmental and agricultural resources, the benefits of which accrue to all. While satisfied with the existing regulatory landscape in Napa County, the Alliance believes that additional restrictions could be unfair without compensation to impacted property owners. The Initiative's intent is to ensure that the Board "will consider the costs of its actions and apportion those costs fairly" in the future. If new restrictions are absolutely necessary, the Alliance believes they should be put before the voters, thus avoiding the Initiative completely. The Initiative has gathered a number of opponents to date, including the Napa County Farm

Bureau, Napa County Group of the Sierra Club, and Greenbelt Alliance. Much of the opposition focuses on the potential chilling affect on future land use planning and environmental protections. The opponents argue that existing restrictions have made Napa County the idyllic place that it is today, and unlike the Alliance, they see a need for future adjustments in land use restrictions. Opponents also are concerned about the potential high costs of the Initiative, not only from compensating property owners, but also for interpreting, evaluating, and administering the Initiative. In Oregon, about 1,000 claims totaling \$1.7 billion have been registered with the State over the past year.

### CONCLUSION

Both supporters and opponents of Measure A anticipate a major political fight next Spring. Planners, elected officials, and property owners as well as property rights, land use, and environmental activists throughout California will learn a lot about the political landscape for similar initiatives by monitoring the debate on Measure A.



## Onward and upward ...

**Seleta Reynolds** has been promoted to Associate at Fehr & Peers, where she manages the San Francisco office. Seleta is a national expert on bicycle and pedestrian planning, funding, and implementation.

**Lisa Grote**, chief planning official in Palo Alto for 11 years, and a San Francisco resident, became community development director for San Mateo County on June 30. Lisa earned her masters in planning from the University of Washington (Seattle). She is thriving on the exposure to coastal planning and its issues.

**Valentine Alexeeff** has been appointed Director of Planning and Development for Santa Clara County. Val has over 30 years' experience in planning. He was both the Planning Manager and Town Manager for the City of Clayton; Director of the Contra Costa

County Growth Management and Economic Development Agency; and most recently, Director of Planning and Development, Santa Barbara County. Val has an MPA from the University of Washington; an MPA from the Kennedy School of Government, Harvard University; and a doctorate from the University of Southern California. He is a member emeritus of the California Planning Roundtable.

Santa Cruz is on the hunt for an interim director. **Gene Arner** retired November 1 after more than seven years with the city and nearly five years as Director of Planning and Community Development. A retired Lt. Colonel (Air Force, 1967-1987) and an MCP graduate of the University of Virginia (1989), Gene and wife Mary have sold their Felton home and are retiring to Boise.



## KeloGRAM II: Transforming the discussion and moving it forward

The Senate Local Government Committee recently announced a pair of interim hearings that shift the focus of Kelo followup from eminent domain to the "blight" definition used by redevelopment agencies.

According to Peter M. Detwiler, staff director, the committee is essentially reframing the debate.

Kelo didn't affect California's counties, cities, special districts, or school districts. If any local government is affected, it may be redevelopment agencies. Those agencies can use eminent domain only within project areas. Since property in redevelopment project areas must be "blighted," legislators are looking at the definition of blight.

On October 26, five committees (Senate Local Government, Senate Transportation & Housing, Assembly Local Government, Assembly Housing & Community Development, and Assembly Judiciary) held a joint interim hearing in San Diego to listen to problems with "blight."

The legislators will meet again this month to review proposed reforms. The joint interim hearing will be held Thursday, November 17, from 9:30 a.m. to Noon, in the State Capitol, Room 4203.

By December, Detwiler expects legislative proposals to be drafted and circulating. Legislators will author or amend bills in January.

## Preserving historic resources

A symbolic groundbreaking took place on October 7 for the reconstruction and conversion of the Old San Francisco Mint to a history museum. The Mint, built in 1869, is the finest example of Greek Revival architecture west of the Mississippi. It is a designated National Historic Landmark and is listed in the National Register of Historic Places.

The Old Mint was once the Fort Knox of the West, with one-third of the country's gold bullion stored there. The National Historic Preservation Trust lists it as the 11th most important building on their list of endangered historic landmarks.

When completed in 2007, the \$55 million project will house the San Francisco Museum and Historical Society. A core exhibit will trace the city's

history. A vision statement for the museum is posted at <http://www.sfhhistory.org>.

### EICHLERS ARE HISTORIC, TOO

From the late 1950s to the early 1970s, Joseph Eichler built 27,000 homes in the San Francisco Bay Area—2,700 in Palo Alto alone. Eichler homes and their floor-to-ceiling glass windows brought the outdoors indoors and came to symbolize California living. In July, the National Park Service placed two Palo Alto neighborhoods with 306 Eichler homes on the National Register of Historic Places. You can read about these two neighborhoods in the August 17 issue of the Palo Alto Weekly at [http://www.paloaltoonline.com/weekly/morgue/2005/2005\\_08\\_17.eichler17mb.shtml](http://www.paloaltoonline.com/weekly/morgue/2005/2005_08_17.eichler17mb.shtml)



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## NORTHERN SECTION CALENDAR

### November

**7–19** AICP Exam Testing Days

**10** Northern Section Board Meeting, 6:30 pm, at ABAG

**11** “A National Vision of Land Use Planning” with former Interior Secretary Bruce Babbitt. Sponsored by Northern Section CCAPA, 6:30-9 pm at MetroCenter Auditorium, 101 Eighth Street, Oakland.

**15** 2nd Annual Codes Conversation, co-sponsored by AIA Central Valley Chapter and Sacramento Development Oversight Commission, 5:30–7:30 pm, at Historic Elks Building, 921 - 11th Street, Sacramento. Details at [www.sactoapa.org](http://www.sactoapa.org).

**16** “Placemaking on a Budget” sponsored by East Bay RAC & RBF Consulting, 5-8:30 pm at Nile Hall, Preservation Park, Oakland. See insert for information and reservation.

**16** GIS Day 2005 hosted by BAAMA and the new GIIF at UC Berkeley. Contact Karin Tuxen (510) 642-8322 or [karin@nature.berkeley.edu](mailto:karin@nature.berkeley.edu)

### December

**2** NSCCAPA Holiday Party (a joint party with AEP-SF) at FLUID Ultra Lounge in San Francisco. See insert for information and reservations.

**14–16** Planning, Zoning and Eminent Domain, by the Center for American and International Law, Westin St. Francis Hotel, San Francisco. Visit [www.cailaw.org](http://www.cailaw.org) for information and registration.

### NOVEMBER

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### DECEMBER

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25	26	27	28	29	30	31

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