



NORTHERN NEWS



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JUNE 2013

Infill and reuse enliven Oakland's Uptown district

By Matt Taecker, AICP

Cities are places of dynamic change, where the ebb and flow of demographic, social, and economic forces are manifested in physical form. Development activity expresses the needs and aspirations of every generation, filtered through those who make decisions and control resources.

While the late 20th century was marked by urban despair and disinvestment, the early 21st century is bringing new life to many urban centers. Oakland's Uptown district stands as a clear example. In the early 20th century, Uptown was the place that East Bay streetcars converged near the intersections of Broadway with Telegraph and San Pablo, between 16th and 21st Streets. This location afforded extraordinary regional access and contributed to Uptown's preeminence as a regional shopping and entertainment center second only to San Francisco's Union Square.

With the rapid growth of Bay Area freeways and the demise of streetcar service, life drained away from Uptown during the third quarter of the 20th century. Shopping and entertainment migrated to locations with easier access by car. Uptown buildings became vacant and were replaced by parking lots or fortress-like buildings walled off from the street. Uptown also had a history of small-scale industrial uses that were abandoned, leaving a legacy of toxic contamination.



Figure 1. Uptown master plan. (Image: Calthorpe Associates)

Fast-forward to the early 21st century and a remarkable metamorphosis from Uptown's patchwork of vacant lots, derelict buildings, and brownfields into a dynamic new generation of urban housing and entertainment venues, in a central, transit-oriented location. Other urban centers have experienced similar rebirths — but success remains the exception and not the rule.

(continued on next page)

Uptown's tale of infill and reuse

The positive transformation of deteriorated urban areas rarely happens on its own. On April 24, the East Bay Chapter of the American Institute of Architects (AIA) hosted a special program to understand how Uptown overcame obstacles to remake itself as an urban district for the 21st century. The planners and designers who spoke considered two of Uptown's ingredients for success: infill and reuse. In combination, Uptown has been repopulated by new residents and has re-emerged as a cultural destination.

While it was not the focus of the program, credit for overcoming obstacles must go, in part, to Oakland's then-mayor, Jerry Brown, and City staff who initiated the "10K program" to bring 10,000 additional residents to Downtown and Uptown. The 10K program recognized new housing as vital to urban revitalization. To build new housing Uptown, the City's redevelopment authority provided the means to assemble over 40 parcels and pay for environmental clean-up, public improvements, and affordable housing units. Forest City Residential Group acted as master developer for 14 acres of land made available by the Redevelopment Agency. Forest City's project was accompanied by other development activity in the area, which has made Uptown a more vibrant and coherent urban district.

Peter Calthorpe, the urban designer who developed the master plan for Uptown generally and Forest City's land specifically (*Figure 1*), was the first speaker. He focused on the importance of transit-oriented development to environmental sustainability. Uptown offers direct connections to the region via BART and over a dozen AC Transit bus lines.

Calthorpe asserted that present-day politics and practices will continue to make infill hard to attain — and that infill will account for only a small fraction of the Bay Area's growth unless there are dramatic changes in city entitlement procedures and CEQA reform, and greater acceptance of infill by community members and environmentalists.

Ernie Vasquez (MVEI Architecture) was the architect for Forest City's project, which includes over six hundred dwelling units (*Figure 2*). His design emphasized human-scale architecture and pedestrian-oriented streets (*Figure 3*). A small park provides a community focal point, which will be enlivened as ground floor retail space is leased.



Figure 2. New housing with ground floor retail facing new park.
(Photo: MVEI Architects)

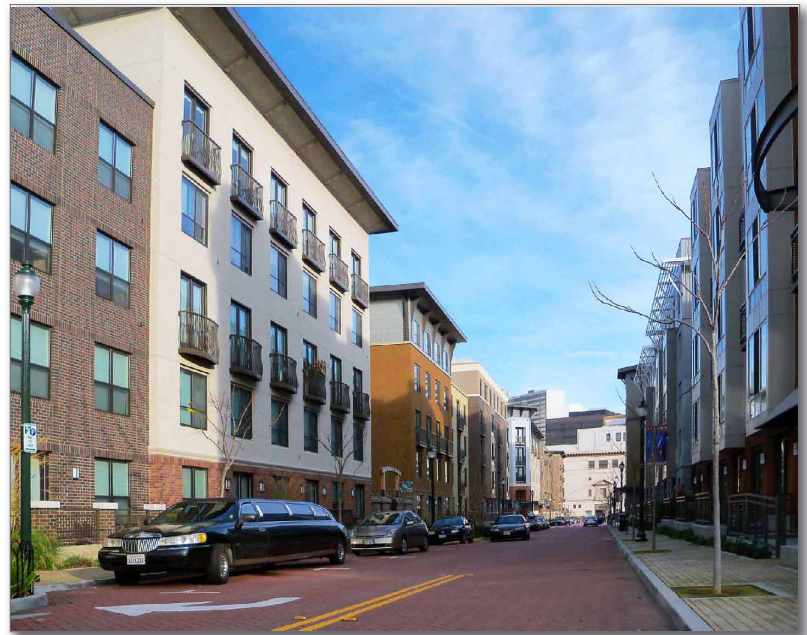


Figure 3. New housing flanks narrow urban street.
(Photo: Taecker Planning & Design)

A central challenge was how to make the housing attractive to people who might not think of themselves as urban pioneers in a once blighted area. Significant amenities were included in dwelling layouts designed to attract a wide variety of household types, including professionals.

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WANTED: ASSOCIATE EDITOR. The editors of *Northern News* are ready to take the publication to the next level. Would you like to help? The job requires high skill levels and concentrated bursts of effort at mid-month. Some background in journalism, creative writing, or fiction is desirable. Familiarity with the rules of grammar — and when you can break them — is necessary. The current editors each write one to two columns per issue. The editors review and edit all incoming material and source and capsule other news articles for "Norcal roundup" and

"Other top stories." There is no remuneration. You work for the benefit of the planning community, your résumé, and occasional praise. If interested, contact either of the editors, Naphtali H. Knox at knoxnaph@gmail.com, or Erik S. Balsley, balsley@alum.mit.edu with a letter of interest and a very brief and focused résumé. The editors will vet the applications and submit one or more to the Northern Section Board for review and action. Upon appointment, the associate editor automatically becomes a member of the Northern Section Board.



Director's note

By Jeff Baker

Awards roundup

The Northern Section honored nine planning projects at the 2013 Northern Section Awards Program held on May 17 at Scott's Seafood Restaurant in Oakland. The award-winning projects were selected from an exceptional group of submittals from throughout our northern region. The diverse projects were recognized with Planning Excellence Awards and Awards of Merit in several different categories. All of the winning projects are eligible for consideration of an APA California Chapter award.

Northern Section also presented Rob Eastwood, AICP, with a Recognition of Excellence Award for over seven years of service to the Northern Section as the International Program Director. During his tenure, Rob led planning tours of China, India, and Brazil and facilitated a successful international intern program.

The Awards Program would not have been possible without the leadership of John Cook, AICP, and Eileen Whitty, AICP, who organized the event. Special thanks also goes out to awards committee members Andrea Ouse, AICP; Darcy Kremin, AICP; Emy Mendoza, AICP;

Hanson Hom, AICP; Juan Borrelli, AICP; Justin Meek, AICP; and Ronny Kraft, AICP. I would also like to acknowledge the hard work and dedication of our distinguished awards jurors: Erik Balsley, AICP; Earl Bossard; Carmela Campbell, AICP; Lauren Ledbetter, AICP; Abe Leider, AICP CEP; and Randy Tsuda, AICP.

Finally, I would like to thank our event sponsors: HNTB Corporation (Gold Sponsor), Dinwiddie & Associates (Silver Sponsor), and the following Bronze Sponsors: Michael Baker Jr., Inc; Metropolitan Planning Group; and Dyett & Bhatia.

Congratulations to all the award winners. We wish them continued success as they move forward to the APA California Chapter Awards.

Membership Directors named

I am pleased to announce that the Northern Section Board has appointed Sandra Hamlat and Geoff Bradley, AICP, as Membership Co-Directors for the Northern Section. Sandra and Geoff will work together to increase Section membership and assist with APA California membership initiatives. ■

Famous Faber's Cyclery burns

Last September, planners, engineers, and bike advocates came to Faber's Cyclery, located in a landmark 1884 building on South 1st Street in San Jose, to hear John Ciccarelli of Bicycle Solutions discuss bicycle planning in Silicon Valley (*Northern News*, October 2012, <http://bit.ly/180PA6q>). Sadly, a fire on April 25th

gutted the building — originally a saloon — and the cycle business which moved there in 1921. The structure suffered heavy damage and, last seen, was leaning to one side, covered by graffiti. Here are before and after photos by Juan Borrelli, AICP, our Northern Section Historian. ■



September 5, 2012



April 30, 2013

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Meet a local planner

Fourth in a series of interviews by Tania Sheyner, AICP



Paia Levine is a Principal Planner with the County of Santa Cruz, where she has worked for over 20 years. She previously held positions in the County's environmental review and development review divisions.

How did you become interested in the planning profession?

The way I came into planning is indirect. I studied geography as an undergrad. After moving to California, I decided to switch to earth sciences, so I changed my major to geology and environmental studies. After that, I did research with the U.S. Geological Survey. But what I really wanted to do was planning, so I took a job with Santa Cruz County in their environmental planning division. I practiced geology at first, and over time, this evolved into a position focused on planning and land use policy. Other than a short stint in development review, I have been doing environmental planning and long range policy work for over 20 years. I feel like I'm in my fourth career, but they've all been with the County, transitioning from the natural environment to the built environment.

What in your view are critical skills that planners must have?

I'm in a management role in my current position, so the key skills for me are creating a team, steering a project toward completion, and managing resources. That's different from the set of skills I would need if I were doing the majority of project work by myself. A key skill for planners is being able to simultaneously focus on the big picture while also paying attention to all of the minute details. I probably use that skill every hour!

Tell me about recent planning efforts in Santa Cruz County.

Santa Cruz County has a very engaged community with active neighborhoods. There has always been a strong environmental focus, with emphasis on open space preservation and natural resource protection. We are currently working on a County Transit Corridors and Sustainable Communities Plan, for which we received a sizable grant. The main goal of the effort is to start a conversation in our community about where we want to go in the next few decades in terms of land uses, transportation, and economic development, with the key objective being a reduction in greenhouse gas emissions. We also just completed the County Climate Action Strategy. What we have seen there is that, while land use and transportation planning is important, energy use is where meaningful GHG savings can be realized, so we are also focusing on that.

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Meet a local planner *(continued from previous page)*

What advice do you have for planners just starting out in the field?

It's really important to position yourself in the right kind of organization where you will be exposed to many different things. You can do more things more quickly in a smaller organization. And another key thing — find people you can work for who you think you can learn from. Everything else follows from that. I had a fantastic mentor at USGS who provided great guidance throughout my career, and great planning mentors. All that's incredibly valuable.



Interviewer Tania Sheyner, AICP, is Northern Section's Professional Development Director. You can reach her at tsheyner@esassoc.com

Where in the world?



Photo by Chandler Lee. (Answer on [page 23](#))

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Who's where



Juan Borrelli, AICP, is now Development Services Small Business Ally in San José's Planning, Building & Code Enforcement Department. For the past three years, Borrelli was an environmental planner in the city's Environmental Services Department ensuring that development projects met requirements of the Regional Stormwater NPDES Permit. Before that, he worked in PBCE

as Urban Runoff Coordinator and senior planner managing the Strong Neighborhoods Initiative Team and leading neighborhood and community planning efforts. In his new role, Borrelli will be the City's first point of contact for small business owners — their "coach" or project advocate — to guide them through the permitting and inspection processes. Borrelli holds a bachelor's degree in architecture from the University of Florida, a master's degree in city planning from the Georgia Institute of Technology, and serves as Northern Section's Historian.



Julie B. Eldridge, AICP, is AC Transit's new Transportation Planning Manager, responsible for the District's short and long-range planning and capital development program. For 30 years, Eldridge has worked for local governments as a project manager for a variety of federally funded transit studies across the US. In the Bay Area, she was president of Eldridge consulting, a DBE

planning firm, and before that, senior planner/project manager for Kimley-Horn and Associates. Prior to 2009, Eldridge worked on major transit studies and projects in Georgia, South Carolina, Utah, and Arizona. As Transportation Planning Manager, she will represent AC Transit on strategic planning issues with local governments, other transit agencies, and funding partners throughout the Bay Area. Eldridge earned a BS in political science and public service at UC Davis, and completed a graduate program in Transport Planning and Management at the Polytechnic of Central London.



Tania Sheyner, AICP, a 10-year employee and former project manager with Environmental Science Associates, San Francisco, is now an Environmental Planner with the City and County of San Francisco Planning Department. As Northern Section's Professional Development Director since 2009, she coordinates the accreditation of local professional planning programs for

AICP Certification Maintenance (CM) credits and plans educational events. Sheyner studied environmental management at USF and environmental economics and policy at UC Berkeley. ■

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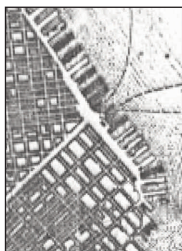
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Sunday evening relaxation in Chicago

Stephen Avis, AICP, Redwood Coast RAC

On Sunday, April 14, at the end of our second day at the annual APA conference, attendees from the Northern California region gathered at the Public House on State Street, a local gastropub with an inviting menu and atmosphere. Co-hosting this fantastic event with Northern Section were **Dan Parolek** and **Stefan Pellegrini, AICP**, of Opticos Design, Berkeley, who provided the refreshments. Attendance more than doubled from our original estimate of 25, and the group quickly spilled out of its reserved area. Our waitperson was upbeat, friendly, and worked tirelessly. Clearly, a lot of networking was taking place, and the happy buzz of planners not speaking plannerese was most gratifying. ■



Hing Wong, Mike Smiley, and Belinda Smith (all AICP)



Marti Brown (Vallejo City Council); Lisa Wise, AICP;
Michael E Smith (City of San Francisco)

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When CEQA and Initiatives collide, planners need to be prepared

By Matthew Visick and Alexandra Barnhill

A recent court decision provides a good reminder of how important it can be for planners to get involved early when signature gathering begins for a land use ballot measure.

Planners in California know that under the California Environmental Quality Act (CEQA), environmental review is required for discretionary projects proposed to be carried out or approved by public agencies, but not for ministerial actions. But the dividing line between discretionary and ministerial actions is not always clear, particularly when it comes to land use initiatives.

Since the 2004 decision in *Native American Sacred Site and Environmental Protection Association v. City of San Juan Capistrano*, planners have understood that when the city council or county board of supervisors adopts a voter-sponsored initiative, the action is ministerial because of Election Code mandates, so CEQA review is not required. (*Native American Sacred Site and Env'tl Protection Assn. v. City of San Juan Capistrano* (2004) 120 Cal.App.4th 961.) However, an appellate court in *Tuolumne Jobs & Small Business Alliance v. Superior Court* recently took the opposite view. (*Tuolumne Jobs & Small Business Alliance v. Superior Court* (2012) 210 Cal.App.4th 1006.) There, the court found that a local agency's decision to adopt a voter petition was a discretionary decision and CEQA analysis was required.

The *Tuolumne Jobs* case revealed the tension between the initiative and CEQA processes. The initiative process was drafted to empower the public to directly legislate for themselves. When good policy and the electorate's will indicate that a measure should be adopted, the Elections Code allows local agencies to avoid costly special elections and adopt a ballot measure as is. Since the *San Juan Capistrano* case, initiative measures were increasingly being seen by sophisticated project proponents as an alternative means by which to obtain necessary approvals — without the added burden and expense of CEQA review. The *Tuolumne Jobs* decision appears to be driven, in part, by a sense that projects with potentially severe environmental impacts are using the ballot as an end-run around CEQA review.

Regardless how this legal split of authority is resolved, when a land use ballot measure is proposed (especially one that would approve a project with potentially severe environmental impacts), planners need to understand how to provide meaningful input on a project within the tight timelines established in the Elections Code.

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Norcal roundup

Assembled by Erik S. Balsley, AICP, associate editor

Uncertain revenues for new cruise ship terminal

<http://bit.ly/19md1pq>

"Revenue projections show that city taxpayers could take a fiscal bath on the new Pier 27, but Port of San Francisco officials insisted Monday that those losses can be offset through passenger spending at local businesses. Built with \$53.7 million in bond money, the Justin Herman Cruise Ship Terminal is scheduled to take its first boatload of visitors in August 2014, according to Elaine Forbes, the Port's deputy director of finance. The 60,000-square-foot building will be made cruise-ready beginning in November, when the authority sets sail following the America's Cup regatta. Each time a cruise ship docks in San Francisco Bay, about \$1 million in 'economic activity' is generated, according to the Port. Cruise visits also generate \$175,000 in annual tax revenue for the City, the Port estimates. Once open for business, the cruise terminal could lose the City \$611,000 a year — or it could make about \$528,000." —Chris Roberts, "New S.F. cruise ship terminal could be a money loser," *The Examiner*, May 13, 2013. See related article on the CPF Walking Tour in this issue of *Northern News*, [page 15](#).

Public comment period for Santa Cruz desalination opens

<http://bit.ly/10mSBvp>

"A two-part draft environmental impact report weighs eight main alternatives against the primary objective of creating a reliable supply for Santa Cruz and Soquel Creek Water District in the face of drought, saltwater intrusion, and mandated river and stream flows for fish habitat. The agencies propose building a facility capable of transforming seawater into at least 2.5 million gallons of drinking water each day. The four biggest environmental factors involve water quality, marine life, energy consumption, and population growth. The report reaches two critical conclusions: No alternative to a seawater desalination plant will create or save the water needed by the two local agencies, and safeguards built into the design will eliminate all significant harm. The report also says the plant won't directly cause or promote residential growth or employment." —J. M. Brown, "Desalination EIR is out: Report by Santa Cruz, neighboring agency looks at alternatives, impacts," *Santa Cruz Sentinel*, May 13, 2013.

San Francisco Bay garners international recognition

<http://bit.ly/YLLajf>

"Dozens of people gathered at the Lyford House in Tiburon to celebrate the naming of San Francisco Bay as an international Ramsar 'wetland of importance.' The designation does not result in new legally binding protections for wildlife and habitat in the bay, but it does focus international pressure on agencies to step up conservation efforts and may lead to additional funding for wetlands restoration. San Francisco Bay accounts for 77 percent of California's remaining wetlands, providing key habitat for a broad suite of flora and fauna. It also provides a range of ecological services such as flood protection, water-quality maintenance, nutrient filtration, and limiting carbon that gets into the air. 'The bay has experienced a number of challenges over the years, but the public will to protect this invaluable resource continues to grow,' said Beth Huning, coordinator of the Marin-based San Francisco Bay Joint Venture, which led the effort for the Ramsar designation." —Mark Prado, "Environmentalists, officials turn out in Tiburon to cheer SF Bay wetlands designation," *Marin Independent Journal*, May 10, 2013.

Sebastopol implements new solar power requirements

<http://bit.ly/12qLXnV>

"Sebastopol burnished its liberal credentials by becoming the second city in California to require solar power systems on new homes and commercial buildings. 'We were going to be number one,' Mayor Michael Kyes said prior to the City Council's unanimous vote. 'Now we're number two.' Sebastopol's ordinance would require new residential and commercial buildings — as well as major additions and remodelings — to include a photovoltaic energy-generation system. The system would have to provide 2 watts of power per square foot of insulated building area or offset 75 percent of the building's annual electric load. In situations where solar power is impractical, such as shaded areas, new buildings may use other energy alternatives or pay a fee. Kyes said the city has been 'very proactive' in solar power development, with more than 1.2 megawatts of sun-power capacity installed, enough for 600 homes." —Guy Kovner, "Sebastopol council votes to require solar power on new homes, buildings," *The Press Democrat*, May 7, 2013.

(continued on [page 17](#))



From the editor

Naphtali H. Knox, FAICP

Readers comment on APA Chicago Conference

In my May column, <http://bit.ly/16O94wV>, I asked readers for their conference experiences. Here are eight responses, in the order received.

Steve Scholl, AICP, Berkeley • While attending the California chapter's excellent conferences I have sometimes heard the comment that, after all, the local conference is more relevant and more worth the time and effort than the national conference. But my conclusion after going to Chicago is that the national conference there was the most thought provoking of any I have attended. There were no sessions on CEQA or the finer points of California law, as far as I know, but what seemed more valuable were the opportunities to draw parallels between land use issues elsewhere and at home. The presentation on the subject of older cities with rapidly declining populations, for instance, might seem to carry little relevance for California. But one of the messages I came away with was the importance of foregoing starry-eyed visioning in favor of listening carefully to what the residents of those shrinking communities actually want for their future (and what in some cases they are actually doing about it, often without any official support from their local government). Sessions on riverfront planning in Quebec and New York offered useful insights for waterfront planning in most any setting.

For the Glenwood Avenue Arts District mobile workshop to the northeast corner of the city, an afternoon of excellent speakers had been arranged, including even Chicago Alderman Joe Moore, who graciously spent an hour with us, answering questions about decision-making Chicago-style. I found the national conference to be excellent all around: great presenters, interesting topics, and a very stimulating setting.

Mike Campbell, AICP, CPSWQ, HMM, San Jose • I really enjoyed the opening keynote speech. The Evanston mobile workshop was very well done, despite the long ride on the El. I also joined an interesting mobile workshop in which we canoed and kayaked on the Cal-Sag Channel and Little Calumet River in Blue Island, south of Chicago.

Stormwater management is my specialty, and I attended good sessions on that subject as well. I thought the conference was good, as it was the last time in Chicago, cold weather notwithstanding. And I left ahead of the deluge, from Midway, on Tuesday night.

Jason Su, San Jose State University • I was presenting two student projects, a poster on the case study I performed on Shinjuku Station in Tokyo (<http://bit.ly/YqpIhl>), and on Urban Design and Dementia (<http://bit.ly/YqpNl1>) with specific focus on wayfinding. I am not afraid of public speaking, but this was my first APA National Conference, and I was so grateful to have had the opportunity to present my work. Chicago is one of the most beautiful cities I have ever seen, comparable to Kyoto, Japan, and Hangzhou, China — at least in my opinion. I knew I had a fascination for historic buildings, especially brick ones, but it exploded as I observed Chicago's amazing architecture, beautiful skyline, and great parks and waterfront.

Brian Soland, AICP, CDM Smith, San Francisco • I love Chicago! What a great city to explore and see examples of city planning, transportation, and urban design. I also found time to attend a few sessions, which tended to include local representation and interesting topics. I heard a great talk on TDM, which included a discussion by the TDM Manager for Genentech in South San Francisco. It was interesting to hear lessons learned from someone putting these ideas into practice.

Within the packet of materials for the conference was a guidebook of the city with self-guided walking tours through several different neighborhoods. I walked one tour through the Wicker Park and Bucktown neighborhoods. The retail area there seemed like a mash up of the Mission (hipsters, dive bars, and thrift stops) and Rockridge (yoga studios and posh shops). Overall, it was a great conference!

(continued on next page)

Stephen Avis, AICP, City of Fortuna • I was impressed by the caliber of most of the speakers. The variety was overwhelming and the tours were impressive. The well-attended workshops, which combined brief and funny planning situations, were educational and entertaining. The student presentations were amazing. The Chicago Host Committee organized things well, with a couple of downsides:

- The use of three floors in two separate buildings often kept us puzzled about where to head. In addition to the name of the conference room, the beautiful and comprehensive printed program could have listed building and floor level.
- To register for an additional event while at the conference required using a “self help” computer at the check-in counter — a frustrating experience. If you hadn’t memorized your APA membership number and password for login, you had to create a new user ID to get into the website.

Chicago is an impressive city with a planning history that made it an ideal location for the conference. The San Francisco Bay Area is its equal in terms of planning history and stories. When the Bay Area hosts the statewide and national conferences (2015 and 2019), let’s wow them like Chicago did.

Hanson Hom, AICP, City of Sunnyvale • The 2013 APA Conference marked my second visit to Chicago — I attended the APA conference there in 2002. This year I had the opportunity to see firsthand the city’s continuing revitalization. When I last visited, city planners optimistically highlighted the budding transformation of downtown office/industrial buildings into market rate residential lofts. This trend is now substantially realized, and in the last decade, downtown has seen an influx of new residents seeking an urban lifestyle. The vibrant residential presence is evident, as is the resurgence of downtown retail, eateries, and entertainment, particularly in the Loop area south of the Chicago River. A major tourist attraction is a boat ride on the river that features the history of the city and its distinctive skyscrapers. The Lake Michigan waterfront, under

construction during my last visit, is now essentially complete and provides an enviable amenity in the heart of the city.

A high point for me was a three-hour mobile workshop to the pre-World War II suburbs at the city’s outskirts — a collection of cohesive neighborhoods primarily built by European immigrants. The neighborhoods continue to reflect the cultural heritage of their founding residents, while evolving to reflect the economic and cultural contributions of recent Asian and Latino immigrants. It was affirming to see transit-oriented development with market-driven reinvestment occurring near established CTA stations. Chicago is changing in exciting ways, and I look forward to my next visit.

Marco Arguelles, San Jose State University • The APA Conference covered a variety of planning issues. The programs I found most interesting were “Urban street character typologies reconsidered” and “Introducing new density to the neighborhood.” The first highlighted efforts in Portland, San Francisco, and Vancouver to reinvent streets in urban areas with innovative designs that include complete streets, plazas, and parklets. The second program highlighted the need for greater density in infill and redevelopment areas and how to address concerns from neighborhood opposition.

I also enjoyed exploring Chicago. As a planning student and lover of history, I find no better enjoyment than seeing projects in person that you otherwise only read about or see in documentaries. Seeing what is left of Daniel Burnham’s City Beautiful Movement from the 1892 Chicago’s World’s Fair and Robie House by Frank Lloyd Wright was a great experience. Exploring downtown Chicago with its awesome mix of skyscrapers from different eras and architectural styles, walking around the University of Chicago — which made me feel as if I was at Hogwarts — and even catching the Giants vs. Cubs at Wrigley Field (the game went into extra innings) were great adventures. And that I was able to share my experiences with the San Jose State contingent and a friend who lives in the area made the trip all the more valuable! To quote APA President Mitchell Silver, “Planning is not in your head but in your heart.”

(continued on page 15)

Oakland shines

Oakland chosen for 2015 California APA conference

Every eight years, as one of the eight sections in the California Chapter, Northern Section hosts the annual Chapter conference. The last state conference organized by Northern Section was held in San Jose in 2007. The California Chapter Board has now selected Oakland Marriott City Center in downtown Oakland as the site for the chapter's 2015 conference. It will be held from Friday, October 2 to Monday, October 5, 2015, with a Saturday conference start date.

Because recent state conferences were held in resort-type settings, the Conference Site Selection Committee focused on central city locations with off-site dining and entertainment options. A nearby BART station with direct access to and from the Oakland and San Francisco Airports was also a criterion.

To help inform the Site Selection Committee, APA California surveyed all Chapter members in February. You may have been one of the 773 respondents. Opinions were solicited for several downtown locations in San Francisco and Oakland. And while San Francisco was highly regarded for its ambiance, several factors mitigated against its selection. Among them: Hotel rates were too high, and the 2019 national APA conference will be held in San Francisco, less than four years after the 2015 state conference in the Bay Area.

Factors favoring Oakland were: • Its central location in the metropolitan region. • An APA California Chapter conference has not been held in Oakland in over 20 years. • The city can showcase recent urban projects, planning initiatives, and its rich multi-cultural heritage and diverse neighborhoods. • The downtown has experienced new office and residential investment. • Many architecturally significant buildings, such as City Hall and the Old Oakland historic District, are located near the conference site. • Downtown Oakland is a convenient starting point for many potential mobile workshops.

Hosting a conference entails a lot of work. If you are interested in joining the Conference Committee to help with conference planning and coordination efforts, please contact Section Director Jeff Baker at jeff.baker@dublin.ca.gov



Photo: Juan Borrelli, AICP

Oakland is America's Number One exciting city

Top Ten, May 9, 2013

David Cross, <http://bit.ly/ZDfqLA> • Movoto LLC — a San Mateo-based Internet real estate company that allows consumers to search for homes to buy, and also connects home buyers and sellers to real estate agents — has named Oakland “the most exciting city in America,” based on 10 criteria. Boston and San Francisco placed second and third, Portland tenth. How did Movoto come up with the list?

“To formulate our list, we first had to decide on 10 criteria we feel make a city exciting. This isn't a perfect definition, but you can think of our list as ways to fight that ever-present boredom everyone faces at some point or another. We then surveyed each city based on these criteria using various websites such as Yelp and Yellow Pages. Depending on the category (below) we looked at a criterion on a per person or per square mile basis. To be very clear, we looked at each individual city's size; this excludes suburbs or nearby cities. In other words, it's not covering an entire metro area.

“These are the 10 criteria we surveyed:

- “Park acreage per person
- “Percent of population between 20 and 34 years old
- “Fast food restaurants per square mile (the fewer the better)
- “Bars per square mile
- “Big box stores per square mile (the fewer the better)
- “Population diversity
- “Movie theaters per square mile
- “Museums per square mile
- “Theater companies per square mile

“Once we compiled our criteria, we surveyed the 50 most populous cities across the country, ranking them from 1 to 50 based on each individual criterion. Cities with the lowest average rank across all categories placed highest.”

There is too a 'there' there

Better! Cities & Towns, May 9, 2013

Kaid Benfield, <http://bit.ly/18x2sIK> • “In the 1930s, Gertrude Stein famously said of Oakland, California, ‘there is no there there.’ Was she saying that Oakland had no anchor, no soul, *no raison d'être*, no identity? Stein, who was around 60 when she wrote the well-known sentence, had grown up in Oakland, when the city was much smaller. Scholars today insist that she was referring to the loss of places she had known as a child, as in not having a ‘there’ to return to, rather than rendering a general dismissal of the city.”

Indeed. What Stein said, more precisely, is “...anyway, what was the use of my having come from Oakland it was not natural to have come from there yes write about if I like or anything if I like but not there, there is no there there.” (*Gertrude Stein, Everybody's Autobiography*, 1937, ch. 4.) She said that in 1933, after coming to San Francisco on a book tour: “She took a ferry to Oakland to visit the farm she grew up on, and the house she lived in near what is now 13th Avenue and E. 25th Street in Oakland. The house had been razed and the farmland had been developed with new housing.” (*Wikipedia: Gertrude Stein*, <http://bit.ly/17Pqhnv>) ■

Section planners walk through the Port to raise funds for CPF

Erik S. Balsley, AICP, associate editor

San Francisco's Port has played a significant role in the city's development since the earliest days of the Gold Rush. Due to shifts in global shipping practices and the growth of the city's finance and technology industries, the Port of San Francisco has undertaken to adapt its waterfront to meet current demands. To allow planners to observe the Port's past, present, and future, the California Planning Foundation (CPF) organized a walking tour on May 3rd. The tour was also a fundraiser for student scholarships. Last year, CPF awarded \$55,000 in scholarships to planning students throughout California.

The 24 planners on the tour began the day at Pier 70 on the port's southern waterfront. The 69-acre waterfront site has many challenges including a cluster of historic buildings from the site's shipbuilding era (1850–1970) that have fallen into disrepair; the West Coast's largest, and still active dry dock facility; and contamination from former Port industrial uses. David Beaupre, Senior Waterfront Planner with the Port of San Francisco, explained how the Port, through partnerships with Forest City and Orton Development, is planning to renovate the historic structures and develop new residential and commercial that will co-exist with the remaining active maritime industrial uses.

The Port has completed a detailed environmental investigation of past industry at the site. Carol Bach, the Port's Environmental and Regulatory Affairs Manager, outlined the work and some of the mitigation measures that will be implemented at Pier 70 to remediate decades' worth of industrial pollutants.

Walking with the group through the site, Jasper Rubin, Ph.D., Assistant Professor of Urban Studies and Planning at San Francisco State University, provided an overview of how Pier 70's development related to the industrial nature of the larger Dogpatch neighborhood. The group saw two unused cranes that will serve as focal points within the proposed Crane Cove Park to remind visitors of its maritime past.

Three blocks from Pier 70 is the Mission Bay portion of the waterfront. A major landowner here is the University of California, San Francisco (UCSF), whose new research campus the group walked through before meeting up with

Lila Hussain and Catherine Reilly of the City and County of San Francisco's Office of Community Investment and Infrastructure (OCII). They provided an overview of the 313-acre former Mission Bay Redevelopment Area, the remaining development sites, and open space property management issues.



Participants in the CPF Walking Tour explore developments along Mission Creek.
Photo: Erik S. Balsley, AICP

OCII, the successor to the San Francisco Redevelopment Agency, has already constructed many housing units along the banks of Mission Creek between the UCSF campus and AT&T Park. The group walked along Mission Creek to view these developments and several recreational spaces. They also saw the existing houseboat community and learned how it was accommodated during the planning for the area.

The group learned about the Mission Rock project being developed under a long-term lease with the San Francisco Giants on the Port's Seawall Lot 337 and Pier 48, and which will contain an Anchor Steam brewery.

During a working lunch at the Port of San Francisco's offices in the Ferry Building, Dan Hodapp, the Port's Senior Waterfront Planner, described the Port's efforts to provide public open space and a continuous waterfront walkway in its developments. Each waterfront space is unique and designed to provide variety, at four- to seven-minute walking intervals.

(continued on next page)

Tania Sheyner, AICP, San Francisco • I arrived at the conference two days late due to a lingering cold, but made the most of my three days there. Overall, I thought the selected topics and speakers were diverse and appropriate, with Chicago serving as a great venue for a conference of this scale. It was also great to be staying in the central part of the city! My favorite event was a mobile workshop of the Glenwood Avenue Arts District, about 20 minutes north of the Hyatt. While touring the “Mile of Murals,” art galleries, restaurants, and a community theater, we got a chance to hear about some great neighborhood-initiated public art projects and meet several business owners and residents who not only were crucial in establishing the District, but are still heavily involved in many of its activities. I stayed for an additional two days after the conference to explore the city a bit more, and thus fortunately avoided the weather-related flight delays that occurred on Wednesday night.

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My thanks to all our contributors! Videos showcasing the 2013 APA National Planning Excellence Awards can be seen on APA’s YouTube channel, <http://bit.ly/13BLrpB>. I invite you to browse six slideshows at <http://naphtali.smugmug.com> —Ed. ■

Peter Albert, Urban Planning Initiatives Manager for the San Francisco Municipal Transportation Agency, explained how the City is working with developers and special events coordinators to increase transit use along the waterfront. Successful initiatives used last October dramatically increased transit ridership and reduced vehicle traffic on a weekend that included America’s Cup races, Fleet Week, the Hardly Strictly Bluegrass Festival in Golden Gate Park, a Giants playoff game, a 49ers home game, and the Columbus Day Parade.

The group then walked north along the Embarcadero to Piers 15–17, the newly renovated home of the Exploratorium. Peter Williamson, Development Project Manager for the Port, explained how the existing site was adapted for use by the Exploratorium, then provided a behind-the-scenes tour of the new facility, including its seismic and sustainability features.

Further up the Embarcadero is Pier 27, a new building that will become the Port’s new Cruise Ship Terminal after hosting the America’s Cup racing event. John Doll, Development Project Manager for the Port, discussed the challenges facing cruise ship operations in San Francisco and how the Port worked with the America’s Cup to hasten redevelopment of Piers 27 and 29 with a combined Environmental Impact Report. Representatives of the America’s Cup explained how they would be using the site during the races. Once the America’s Cup is over, the Cruise Ship Terminal will be completed with interior finishes. (Also see [page 10](#).)

Thanks are extended to Darcy Kremin, past director of APA California – Northern, and Kanya Dorland of the Port of San Francisco who organized and arranged an informative and successful tour, made more memorable by an unseasonably warm day. Many on the tour would agree with Cheryl Karpowicz, AICP, who said, “This was the best AICP continuing education program I have ever attended.” Not only for the knowledge and preparedness of the speakers, she noted, but also for the effective way the presentations and walks were combined. By starting at Pier 70, the two-dozen planners saw the past of the Port, the present while walking through Mission Bay and along the Embarcadero, and the future at Pier 27. ■

CPF seeks Board members

The California Planning Foundation Board voted on April 27 to expand the board by two positions to help cover more scholarship activities, mostly fundraising. The new positions will be up for election this fall. We’d like to get another Northern representative or two on the board. Anyone interested in joining the CPF board should contact Darcy Kremin at darcy.kremin@urs.com

Is California's high-speed rail out of the legal woods?

The Fresno Bee, April 18, 2013

Tim Sheehan, <http://bit.ly/10TQFh1>

"Farming interests in Madera and Merced counties dropped their environmental lawsuit challenging the first section of the statewide high-speed rail project. The California High-Speed Rail Authority and representatives of several agricultural organizations announced a settlement [removing] the last remaining legal challenge to the authority's approval last May of the 60-mile stretch of the proposed rail route between Merced and Fresno, and certification of the environmental impact report that was the basis for the route approval. Two similar suits were settled earlier this year. Key provisions of [the] settlement ... include requiring the rail authority to:

- "Make up for the loss of farmland for the railroad right of way by purchasing agricultural conservation easements on property of similar quality elsewhere in the region. Those easements would permanently preserve the farmland from future development for anything other than agriculture.
- "Offer to buy any leftover parcels under 20 acres that are created when the rail line divides an owner's property.
- "Pay their opponents' legal fees amounting to nearly \$973,000.
- "Create an 'agricultural land mitigation fund' of \$5 million to purchase additional conservation easements.
- "Consult with affected property owners in the area of the 'Chowchilla Wye.'
- "Ensure that the Chowchilla Water District's irrigation ditches and other facilities are protected from or uninterrupted by the rail project.

"The agreement clears the way on the Merced-Fresno route, but the rail authority still faces [a] formidable legal challenge [from the] Kings County [area] that the rail authority's plans are illegal under Proposition 1A, the high-speed rail bond measure approved by California voters."

WWW is 20 years old

Scientific American, April 30, 2013

Kelley Oakes, <http://bit.ly/12X1IUu> • "The World Wide Web was created in 1989 by Tim Berners-Lee, during his time at Cern. But did you know that it was another four years until the particle physics lab officially declared the web a free for all? On 30 April 1993, Cern published a letter declaring that they were putting the technology that underpins the web into the public domain. Without this document, the internet would be a very different place today."

STATEMENT CONCERNING CERN W3 SOFTWARE RELEASE INTO PUBLIC DOMAIN

TO WHOM IT MAY CONCERN

Introduction

The World Wide Web, hereafter referred to as W3, is a global computer networked information system.

The W3 project provides a collaborative information system independent of hardware and software platform, and physical location. The project spans technical design notes, documentation, news, discussion, educational material, personal notes, publicity, bulletin boards, live status information and numerical data as a uniform continuum, seamlessly intergated with similar information in other disciplines.

The information is presented to the user as a web of interlinked documents .

Access to information through W3 is:

- via a hypertext model;
- network based, world wide;
- information format independent;
- highly platform/operating system independent;
- scalable from local notes to distributed data bases.

Webs can be independent, subsets or supersets of each other. They can be local, regional or worldwide. The documents available on a web may reside on any computer supported by that web.

What to do before hiring an intern

HBR Blog Network, May 9, 2013

Jodi Glickman, <http://bit.ly/10vkxin> • "Interns can be a great addition to your team, but beware of the well-meaning 20-year-old who lands in your lap without any direction or guidance. If you're planning to hire an intern (or two or three), before they walk through the door to ensure a successful summer for everyone involved: • **Choose one or two specific projects.** Interns are great for project-based work. Anything with a clear beginning, middle, and end is a good place to start. • **Put it in writing.** Once you know what a prospective intern will actually be doing, craft a job description. • **Know the difference between being a manager and a mentor.** Do you have time to actively manage your intern(s) or are you better suited as a mentor? As a manager, you need to commit to a significant upfront investment at the start of the summer — showing your intern the ropes, making introductions, finding a physical place for her to sit and work, going for lunch on day one — and providing feedback throughout the summer."

(continued on page 22)

Residents propose changes to trail in Palo Alto <http://bit.ly/103GpAh>

"The proposed Matadero Creek Trail is so disliked by Midtown Palo Alto residents that they have told the city to change the project's name. A group of 70 residents, calling themselves the Concerned Midtown Residents, said they want the project renamed the 'Midtown East-West Bicycle/Pedestrian Route' to get away from the plan for a creekside trail. The 1.3-mile trail would run along Matadero Creek levees and access roads, stretching from West Bayshore Road to Alma Street. The route is part of the Stanford and Palo Alto Trails Program, a plan to expand and create more than eight miles of recreational corridors in and around the Stanford University campus and Palo Alto. The residents would like the consultants to consider barriers, crime, safety, privacy, noise, litter, traffic congestion, property devaluation, and liability between the county water district and city for injuries and fatalities along the route or in the creek." —Sue Dremann, "City urged to move Matadero Creek Trail," *Palo Alto Weekly*, May 7, 2013.

Bay Area counties lead state in population growth <http://bit.ly/161rCtn>

"As a rapidly recovering job market attracts armies of young tech workers, Santa Clara County is now the fastest-growing county in California, new figures from the state Department of Finance show. Four of the state's five most rapidly growing counties and several of its fastest-growing cities were in the region, according to the report. In Santa Clara County, the heart of Silicon Valley, the population grew 1.6 percent in 2012, up from 0.7 percent in 2011 and 1.1 percent in 2010, while San Francisco, Alameda, and San Mateo counties all had growth rates over 1 percent. Santa Clarita in Los Angeles County was California's fastest-growing city, largely because it annexed surrounding areas. Dublin in Alameda County ranked second with 6.8 percent growth. The state in January estimated that the Bay Area overall will add 1.8 million new residents by 2060, led by Contra Costa County with a projected gain of about 533,000 and Santa Clara County with a projected increase of 412,000." —Josh Richman, "Santa Clara is fastest-growing county in California," *Santa Cruz Sentinel*, May 1, 2013.

Santa Rosa sets up fund to address derelict homes <http://bit.ly/10XkWeY>

"Santa Rosa code-enforcement officials are proposing a special City Hall fund to combat the problem of abandoned or foreclosed houses that have become the targets of vandals and squatters. Such nuisance properties have been a persistent problem since the collapse of the housing market in 2007 and the rush of foreclosures that followed, city officials say, and inspectors have struggled to get banks or financially distressed owners to maintain their properties. The Community Development Department will propose moving about \$50,000 from a fund to pay for general code enforcement activity to a new 'abatement fund' specifically designed to secure vacant properties, and if necessary seize or demolish them, Director Chuck Regalia said Tuesday. Mayor Scott Bartley said the City Council will discuss the idea of a new abatement fund as part of the annual budget process, as early as the first week of May." —Connor Jay, "Santa Rosa seeks new tools to fight squatters, derelict homes," *The Press Democrat*, April 30, 2013.

Finance costs for the 49ers stadium drops <http://bit.ly/11UqVOq>

"The [49ers Stadium] project's financial advisers Tuesday laid out a game plan to refinance the \$850 million public loan taken out 14 months ago to pay for the bulk of the team's new stadium. Big fees and interest costs will add hundreds of millions of dollars to the \$1.2 billion construction cost while the city and team pay back the loan over the next three decades. But since construction began a year ago, interest rates have dropped. In addition, officials need to borrow less money because fans have gobbled up costly seat licenses quickly, giving the Niners and city officials a chance to take on less debt. The exact long-term debt won't be known until after Goldman Sachs, which is leading the financing process for the team and city, finishes negotiating with lenders in June." —Mike Rosenberg, "New San Francisco 49ers stadium's long-term costs drop by up to \$90 million," *The Mercury News*, April 30, 2013.

(continued on next page)

Proposed project will fill a void in downtown Monterey <http://bit.ly/18my2ja>

"Two buildings with ground-floor restaurants and upstairs apartments would go on the downtown Monterey site left vacant by a 2007 fire that destroyed a 100-year-old building. The Saucito Land Co., the family real estate company that owns the site at 459 Alvarado St., submitted plans for the new development in April to the city of Monterey. One 13,360-square-foot building would have two stories and front on Alvarado Street, with an 80-seat restaurant and two retail spaces on the ground floor and eight apartments on the second floor. The other 21,325-square-foot building, which would front on Tyler Street between the Estrada Adobe and a parking lot, would also have an 80-seat restaurant on the ground floor, one retail space, and 13 apartments on the second and third floors. All the apartments would be market-rate rentals. If all goes smoothly with the project permit, construction could start early next year, company property manager Jerry Anderson said." —Larry Parsons, "Restaurants, apartments proposed for downtown Monterey," *The Monterey County Herald*, April 30, 2013.

Pedestrian deaths in vehicle collisions lead to few charges <http://bit.ly/10Q6ohb>

"Pedestrian deaths made up more than a quarter of traffic fatalities over the past decade in the two major metropolitan areas in the Bay Area, according to a 2011 report by national transit advocacy group Transportation for America. An in-depth Center for Investigative Reporting review of the 434 pedestrians killed from 2007 through 2011 in the five largest Bay Area counties found that one-third were walking in a crosswalk when they were struck — three times the national average. Today, prosecutors often are reluctant to bring even misdemeanor charges against motorists, the review of the five Bay Area counties shows. [Most] motorists are not charged, and keep their licenses when found or suspected to be at fault. No charges were filed in 143 of the 238 fatal pedestrian crashes in which the primary collision factor was a driver violation, such as speeding, blowing through a stop sign or not yielding to a pedestrian's right of way, or where the driver was suspected of a crime like driving under the influence or hit and run." —Zusha Elinson, "Bay Area drivers who kill pedestrians rarely face punishment, analysis finds," *The Bay Citizen*, April 29, 2013.

SPUR analyzes Plan Bay Area <http://bit.ly/10PuXe3>

"The draft of Plan Bay Area is now out for public review. What are the most important things to know about the plan? First, the land use projection shows virtually no new sprawl, but the plan has few tools to direct where growth will actually go. Second, transportation funding is directed mostly toward maintaining, not expanding, systems. Third, distinctions among the alternatives to the plan are relatively minor, so we need to be careful not to overstate the benefits of one or another. And finally, policy changes will be one of the few new tools for actually shaping regional growth (e.g., Do we want higher tolls on the Bay Bridge during peak hours? Do we want to eliminate highway lane expansions, even if they're carpool lanes?). Plan Bay Area is an important step in addressing the major growth issues facing our region, but it is not a true regional plan. We have written a detailed summary of the draft plan on the SPUR blog [link above]." —Egon Terplan and Ethan Lavine, "What you need to know about Plan Bay Area," *The SPUR Blog*, April 29, 2013.

Cement companies settle water pollution suit <http://bit.ly/ZgCBrr>

"A lawsuit over pollutants from a cement processing plant in unincorporated Cupertino has been settled for \$10 million, according to a U.S. District Court consent decree dated April 24. Two local subsidiaries of Texas-based cement company Lehigh Hanson Inc. — Lehigh Southwest Cement Company and Hanson Permanente Cement Inc. — were sued by the Sierra Club in December 2011 for discharging pollutants into nearby Permanente Creek. The release of the chemical selenium into the water was a focal point in the case, since the chemical — which is not toxic to humans — is harmful to microorganisms and fish in high concentrations. Both the Environmental Protection Agency and a federal court still must approve the settlement, which Ferreira said should be completed in about 45 days, assuming there are no discrepancies." —Lauren Hepler, "Lehigh cement settles Cupertino pollution suit for \$10 million," *Silicon Valley Business Journal*, April 25, 2013. ■

Infill and reuse enliven Oakland's Uptown district *(continued from page 2)*

Kurt Schindler (ELS Architecture) was the architect for the historic restoration of the Fox Theater, which stood vacant after 1985 but now brings thousands of people Uptown to enjoy concerts and performances (Figure 4). "The Fox" is one of several historic treasures that were gradually deteriorating and were at risk of being lost but were saved through private and public actions that targeted Uptown as an interconnected whole.

The Fox restoration was made possible through a public-private partnership with investments exceeding \$150 million. To make the financing work, income had to be derived from more than the theater and the commercial space that lines its perimeter. Consequently, a one-story wing along 18th Street was redeveloped to house the Oakland School for the Arts. A new three-story building designed by Starkweather Bondy Architecture now stands behind the historic façade that was retained — an example of new construction that can be both contemporary and contextual (Figure 5).

Fox Court, an infill project with 80 units of low- and very-low income housing, was built next to the Oakland School for the Arts and was designed by **Michael Pyatok** (Pyatok Associates, Figure 6). Pyatok showed how urban housing can be family-friendly by applying his "Brooklyn principles" for family-friendly urban housing:

- Organize dwellings within intimate social groupings (ideally around eight families);
- Use stoops, stairs, and other circulation areas as social space;
- Provide fresh air with operable windows and layouts that allow cross-ventilation;
- Give residents shared but secure open space (such as midblock courtyards);
- Use rooftops as open space

These principles were applied in Fox Court. Street-level units have stoops that face the street. Townhouses are stacked to allow cross-ventilation and access from outdoor spaces (no anonymous interior corridors). Two courtyards — each under 40 feet in width — are heavily used and give residents a strong sense of community (Figure 7).

After the presentations, panelists fielded questions. Their responses supported urban infill and reuse, but expressed frustration around how difficult they are to attain.

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Figure 4. Fox Theater historic restoration. (Photo: David Wakely)



Figure 5. Fox Theater historic restoration. (Photo: David Wakely)

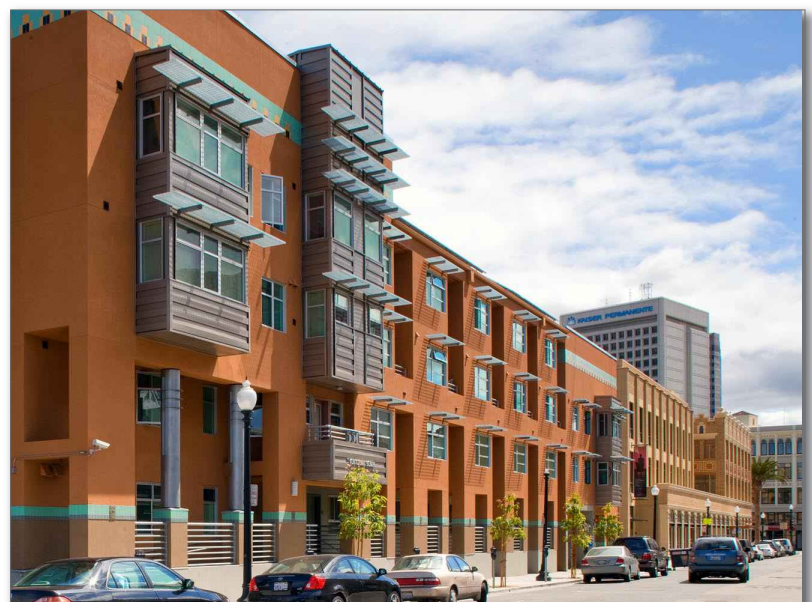


Figure 6. Fox Courts family-oriented urban housing. (Photo: Pyatok Associates)

Berkeley DCRP's MCP re-accredited

At its April 2013 meeting in Chicago, the Planning Accreditation Board (PAB) reviewed the University of California, Berkeley's planning program. The Board granted a 5-year accreditation term, effective January 1, 2013. The Berkeley program was first accredited in 1960.

PAB extended congratulations "to the Department of City and Regional Planning and Paul Waddell, Department Chair, on the re-accreditation of the Master of City Planning degree, and to recognize their efforts to support PAB's mission of fostering high standards for professional education in planning."

PAB Site Visit Teams (comprising two planning professors and one planning practitioner) reviewed "substantial written materials and spent three days on campus interviewing faculty, senior university administrators, alumni, students, and employers." PAB also recognized "the Northern California Chapter [sic] of APA for its input into the accreditation review process. The Chapter provided written comments on Berkeley's planning program in advance of the PAB Site Visit, and representatives of the Chapter also spoke with PAB's Site Visitors when they were on campus."

"Since 1984, PAB has worked to ensure high quality education for future urban planners through the accreditation of undergraduate and graduate planning programs. PAB is a not-for-profit corporation sponsored jointly by the American Institute of Certified Planners (AICP), the Association of Collegiate Schools of Planning (ACSP), and the American Planning Association (APA). These organizations also appoint the eight-member PAB Board, and nominate members to the pool of Site Visitors who conduct on-site accreditation reviews of programs seeking [re]accreditation. There are currently 87 PAB-accredited programs in 76 universities in the United States and Canada." Among those is San Jose State University, College of Social Sciences, Department of Urban and Regional Planning, for the Master of Urban Planning degree; Asha Weinstein Agrawal, Chair. The SJSU program is accredited through December 31, 2016, and was first accredited in 1972.

A current listing of PAB-accredited programs can be found on PAB's website at <http://bit.ly/YI8FaF> ■

Infill and reuse enliven Oakland's Uptown district

(continued from previous page)

Clean-up, infrastructure, and construction costs are high, as is risk for first investors in an unproven market. Entitlements are harder to secure in urban settings because of the number of agencies involved, multiple levels of discretionary review, and community activists who champion narrow interests while dismissing big-picture benefits. That community groups can block projects of regional importance is of special concern, and points to the importance — and limitations — of effective community education, outreach, and engagement.

Is Uptown's success at bringing about infill and reuse only the exception, or can it be the rule? The answer may lie in the hands of urban planners and designers.

Matt Taecker, AICP, has been a leader in transit-oriented development for three decades, focusing especially on downtowns and urban revitalization. His firm, Taecker Planning and Design, is located in Berkeley. You can reach him at matt@taeckerplanning.com ■



Figure 7. Mid-block courtyard in Fox Courts. (Photo: Pyatok Associates)

Northern Section's next international planning tour, Summer 2014

By Alex Hinds and Hing Wong, AICP

Fifteen people attended the kickoff International Tour meeting on April 25 to organize a trip to Eastern Europe in 2014. A planner from Estonia attended and gave valuable general information as to when and where to visit. Making the right connections before the trip is very important.

A consensus is emerging to visit Moscow, St. Petersburg, Estonia, Poland, and points to the south rather than focusing on the more popular tourist spots in western/eastern Europe. Themes will include the transformation of historic places as a result of Nazism and WW II, Soviet style centralized planning, and economic collapse and emergence. Several people suggested visiting a Black Sea resort or the Czech Republic, possibly as a pre- or post-stop.

Traveling in late May or June 2014 is the leading choice. The next step includes checking potential routes such as north/south or a loop. We will continue to meet approximately every 6 weeks to plan the tour. The next meeting in early June will narrow down the cities and countries to visit. We will look for a travel consultant who can assist in coordinating the trip and book tickets.

Later this year, we will identify existing opportunities and look into establishing new international programs that involve job shadowing and internships, participation in forums, and ongoing collaboration in studies and projects. Additionally, we would like to create sister-type relationships with other international planning organizations toward a continuing connection and bond around the world. ■

Plan-it sustainably

By Katja Irvin, AICP

Sustainable water supply?

The Bay Delta Conservation Plan (BDCP) is a hot topic in California right now. The BDCP is the Habitat Conservation Plan that will allow continued water diversion from the Delta as long as certain conservation measures are fulfilled. The Delta Reform Act of 2009, which established new standards to achieve coequal goals of water supply reliability and restoration of the Delta's ecosystem, governs the plan.

The main conservation measure in the BDCP is a proposed \$14 billion tunnel with a pair of 40-foot wide, 35-mile long pipes. Pumping through this new facility would reduce the take of listed species. An administrative draft EIR for the BDCP was released on May 10, 2013, and the final draft EIR will be available for comment this October.

Delta residents and environmental organization are against the proposal. Some want smaller pipes, some want no pipes, and all want the State to focus on conservation and other regional water supply alternatives. Given the projected cost and the well-organized opponents, there is no guarantee the new conveyance will ever be built.

Whether or not it is built, the current distribution of water rights in California is not realistic. The State Water Resources Control Board has acknowledged that existing water rights are eight times the volume of water flowing through the Delta in an average year. Groups such as NRDC have argued for reform of Delta water project contracts so that farmers and cities might have realistic expectations of water exports on which to base rational planting and planning decisions.

We can hope that some day the State will reform water rights and dedicate the flows required to support a healthy Delta ecosystem. This will mean less water for urban areas, however, especially Bay Area cities, most of which depend on imported water from the Sacramento/San Joaquin Delta watershed. For example, San Francisco's water source is the Tuolumne River, a San Joaquin

tributary; and Santa Clara County gets more than half its water through the Central Valley Project pumps in the south Delta.

In contrast, many smaller communities do not rely on imported water. The cities of Santa Cruz and Monterey are interesting examples because water availability has an impact on land use. Because of a lack of water, the City of Monterey Planning Division maintains three water waiting lists: New Residential, Residential Remodel, and Commercial/Industrial. In Soquel near Santa Cruz, all new construction must offset new water use by installing low flow toilets in local businesses. Little growth is occurring in these communities because there is not enough water — i.e., growth cannot be sustained. Let's consider the problem regionally: Should cities and counties only grow when regional water supplies are available and sustainable? That would be a new standard, and one that would be effective in the long run.

The crucial point is the likely changes yet to come in water availability, both locally and from the Delta: The changing climate promises less water, with restricted allocations and higher costs. Consider these predictions for your future:

- More restrictions on development and/or water offset requirements.
- Regulations and programs related to using gray water, rainwater capture, and xeriscape.
- Broader requirements and incentives to increase water conservation in existing structures and uses.
- Desalination plants (and energy generation to power them).
- A new color of pipe for potable water reuse.
- Increased regulation of groundwater (what goes in and what comes out).

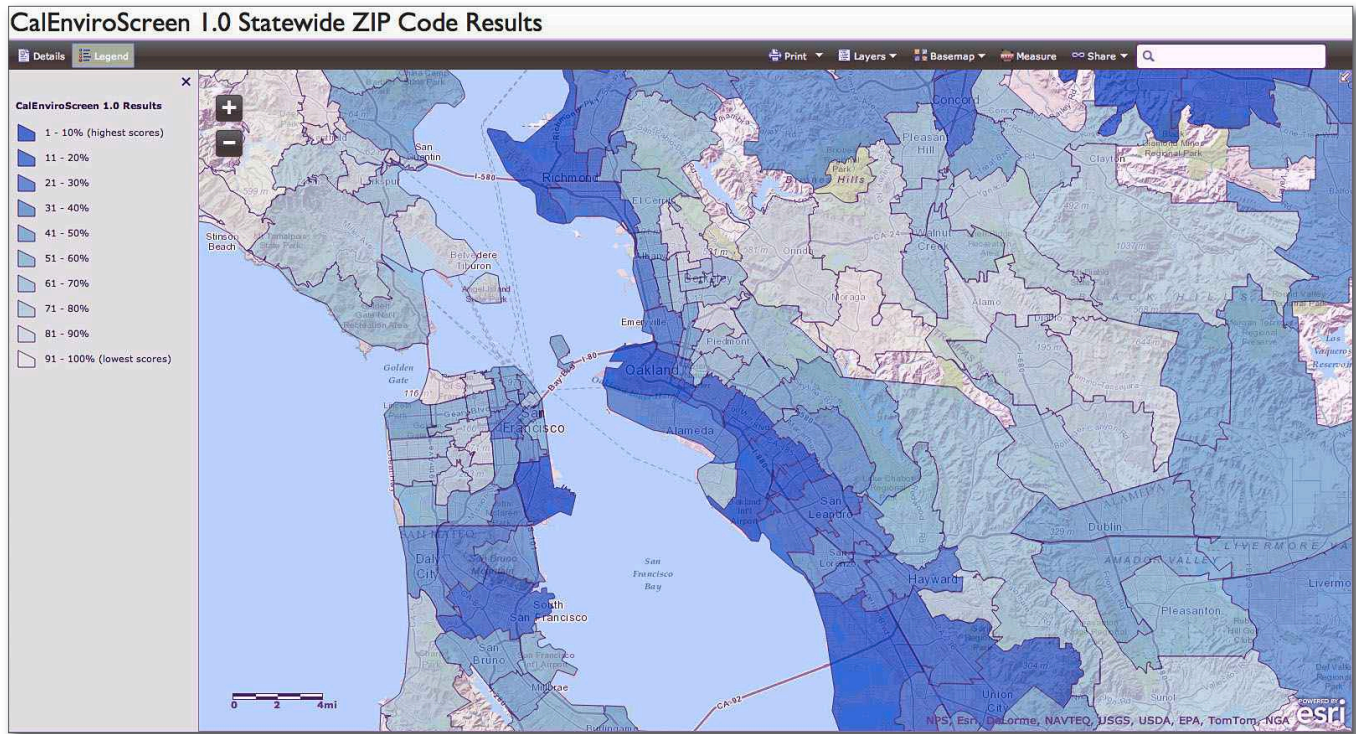
We should all be working closely with our water districts to regulate growth based on available (or future, diminished) water supplies! ■

California pollution map by zip codes

The Atlantic Cities, April 26, 2013

Sara Johnson, <http://bit.ly/10GDyJ6> • “A new interactive map released by the California Environmental Protection Agency ranks California zip codes based on factors including air quality, pesticide use, ground-water, and traffic density, as well as population and socio-economic data. The darkest

colors on the map indicate the cities in the highest percentiles (those most impacted by pollution).” A 116-page PDF, “California Communities Environmental Health Screening Tool, Version 1 (CalEnviroScreen 1.0) Guidance and Screening Tool,” is available at <http://bit.ly/13rsLrs>



L.A. mayoral candidate champions smart growth

Los Angeles Times, May 10, 2013

Kate Linthicum, <http://lat.ms/10EdIXb> • “Over 12 years as Hollywood’s councilman, Eric Garcetti has emerged as a leading champion of ‘smart growth,’ which aims to entice residents out of cars by densely concentrating new development along transit lines. The councilman has helped muscle through tens of millions of dollars in taxpayer subsidies for construction projects and has backed exemptions permitting developers to build bigger than zoning laws allow. The result has been an explosion of development on the streets surrounding the Hollywood Walk of Fame, including nearly 3,500 residential units built or under construction.

But the high-density growth also has brought worries about rising rents and traffic-choked streets. Garcetti said

that building more in select areas, such as along Wilshire Boulevard and in parts of South Los Angeles, makes sense. So does leveraging public money to spur development, he says. Critics say the city has no proof such ‘smart growth’ will get vehicles off the street. Gains in ridership on the Hollywood subway line over the last decade have been matched by rail lines in other parts of the city.

Housing department statistics show that from 2000 to 2011 there was a small net gain of affordable apartments in Hollywood, including the addition of homeless housing and a residential complex for elderly lesbians and gays.

(continued on next page)

Yes we have WWW, but where are we now?

The New York Times, May 8, 2013

Eduardo Porter, <http://nyti.ms/11kNY8C> •

“It has been almost two decades since @Home Network offered broadband to residents of Fremont, Calif. for \$34.95 a month — \$51.85 in today’s money — for a maximum speed of 10 megabits per second. Seventeen years later, the residents of Kansas City pay Time Warner, their local cable company, \$46.90 for a 3 Mbps connection and \$55.40 for a top speed of 15 Mbps. Google will deploy superspeedy 1 gigabit-per-second networks — 100 times faster than the 10 Mbps plans introduced long ago — in several cities around the country, starting in Kansas City last fall. According to Akamai, the nation’s average broadband download speed is about 7.4 Mbps per second. This puts the nation in eighth place in the world, up from 22nd in 2009. Still, speeds in the United States remain behind those in the world’s most connected countries, like South Korea, Japan, and Switzerland. Equally importantly, American broadband, at an average price of \$6.14 per Mbps, is more expensive than in most other developed nations.

It probably will take an outsider like Google to transform the industry. Its assertion that it can turn a profit selling 1 Gbps service for \$70 (\$120 with a TV plan) offers an entirely new horizon for broadband development. It has plans under way to take the service to Austin, Tex., and Provo, Utah.” Meanwhile, the Federal Communications Commission is proposing to “auction off the rights to newly available airwaves to provide better in-flight Wi-Fi connections, ... increasing in-flight Internet speeds to about 300 megabits per second.” <http://nyti.ms/10y7ooA>

Rising homeownership rates predict sharp rises in unemployment

The New York Times, May 10, 2013

Floyd Norris, <http://nyti.ms/10Lm12d> • “A study by David G. Blanchflower of Dartmouth and Andrew J. Oswald of the University of Warwick in England, argues that areas with high and rising levels of homeownership are more likely to be inhospitable to innovation and job creation and [residents] will have less labor mobility and longer commutes to work. The five states with the largest increase in homeownership from 1950 to 2010 — Alabama, Georgia, Mississippi, South Carolina, and West Virginia — had a 2010 unemployment rate that was 6.3 percentage points higher than in 1950. The unemployment rates in the five states where homeownership went up the least — California, North Dakota, Oregon, Washington, and Wisconsin — rose 3.5 percentage points during the period.

“Such statistics are not persuasive by themselves, and the professors know it. But they say that the statistics show those patterns no matter how much they control for other variables and that the same picture emerges if they look at employment growth rather than unemployment rates. The pattern existed before the crash of the housing market that began in 2007 and the statistics are not dependent on including the more recent period.

“If the correlation is real, what could be the cause? The professors believe that high homeownership in an area leads to people staying put and commuting farther and farther to jobs, creating cost and congestion for companies and other workers. They speculate that the role of zoning may be important, as communities dominated by homeowners resort to ‘not in my backyard’ efforts that block new businesses that could create jobs. Homeownership, in economists’ jargon, creates ‘negative externalities’ for the labor market.”

A 34-page report on the study is available at <http://bit.ly/13slwyB> ■

Answer to “Where in the world?” (Page 6)

Ginza, Tokyo, April 2013. Photo by Chandler Lee.

Ballot Measure background

Under Elections Code section 9214, a city council has three options when it is presented with an initiative measure that is signed by at least 15 percent of the voters.¹ First, it can adopt the measure without alteration within 10 days of the meeting at which it is presented. Second, it can “immediately order” a special election at which the measure will be submitted to voters. And third, it can order a report pursuant to Elections Code section 9212 (“9212 Report”), in which case staff has 30 days to study and report on the initiative’s effect on certain issues (e.g., fiscal impacts, consistency with general and specific plans, effects on infrastructure funding, land use effects). If the council elects the third option, it must choose to adopt the measure without alteration, or “immediately order” a special election, within 10 days of the 9212 Report being presented.

Significantly, a city council cannot refuse to take action when it is presented with a qualified initiative petition. If it does not adopt the measure without alteration within 10 days (40 days if it orders the 9212 Report), it has a ministerial duty to call the special election and place the measure on the ballot.

Reconciling the Initiative Process with CEQA

It is well-established that, when the electorate proposes and later votes to adopt an initiative measure, CEQA is inapplicable. In this circumstance, there is no “project” because the governing body is not taking any action — the voters are.

It is also well-established that, if the city council proposes its own initiative and the electorate adopts it, CEQA does apply. In this circumstance, the decision to submit the initiative to voters is discretionary and thus subject to CEQA.

The conflict between *Native American* and *Tuolumne Jobs* relates to a third scenario: whether CEQA applies when a city council chooses to avoid a special election and adopt a citizen-sponsored initiative measure without alteration, as provided in section 9214.

Native American Sacred Site and Environmental Protection Association v. City of San Juan Capistrano

In *Native American*, the city council was presented with an initiative to amend the city’s general plan and rezone two parcels to allow for a private high school with 3,000

students. The city negotiated an “implementation agreement” with the initiative proponents to mitigate certain impacts. It then adopted the initiative and the implementation agreement. When the city’s actions were challenged, the trial court found the city’s adoption of the implementation agreement invalid and struck down the approvals. (Under section 9214, an initiative measure must be adopted without alteration.) The city then adopted just the initiative measure.

When the city’s adoption of the initiative measure alone was challenged on the basis that CEQA review was required, the court upheld the city’s actions. It found that the city had no discretion under section 9214 and that CEQA was therefore inapplicable. The Court stated, “[a] city’s duty to adopt a qualified voter-sponsored initiative, or place it on the ballot, is ministerial and mandatory.” In the Court’s view, section 9214 represented the fundamental power of voter action. Once the requisite number of signatures is collected, the members of the electorate are “entitled to have their decision implemented under section 9214.”

Tuolumne Jobs & Small Business Alliance v. Superior Court

In *Tuolumne Jobs*, the initiative was adopted by the city council after CEQA review was substantially complete. Wal-Mart submitted an application to expand its existing store into a Super Center (i.e., larger, grocery sales, and open 24/7). The city prepared an Environmental Impact Report and circulated the EIR for public comment. The planning commission recommended certification of the EIR to the city council; however, before the city council considered the EIR, a constituent presented the city with a qualified initiative measure to approve the store’s expansion. The city council postponed its consideration of the EIR while it considered the initiative and ultimately adopted the initiative without completing CEQA review or certifying the EIR.

A local association filed suit, challenging the city council’s ability to adopt the initiative without CEQA review, and argued that *Native American* was wrongly decided. The Court of Appeal agreed. The Court held that, while the city council had a ministerial duty under section 9214 to take *some* action on the initiative, the decision to adopt the initiative measure (rather than call a special election and put it on the ballot) was discretionary. As a result, CEQA was applicable.

(continued on next page)

Practical implications

The legal effect of the *Tuolumne Jobs* decision is up in the air. The California Supreme Court granted review of the decision earlier this year, and until the Court resolves the conflict between the two cases, *Native American* remains the controlling law on whether CEQA applies to a local agency's adoption of a voter-sponsored initiative under section 9214. If the reasoning in *Tuolumne Jobs* becomes the law, a local agency will rarely (if ever) be able to perform the necessary CEQA review within the tight timelines provided under section 9214. Moreover, because the local agency cannot impose mitigation measures as part of its decision to approve an initiative measure under section 9214, any project that required mitigation measures would always need to go to on the ballot.

Regardless of how the Supreme Court resolves the conflict between the cases, *Tuolumne Jobs* is a good reminder that planners must be proactive to be effective when a land use initiative measure is proposed for the ballot. If a city council requests a 9212 Report,² staff will have only a fraction of the typical time to review and report on the proposed project's effects on the environment, fiscal impacts, consistency with general and specific plans, effects on infrastructure funding, etc. The 9212 Report will be used as an abbreviated environmental review — a quick analysis that does not interfere with the council's duty to promptly adopt the measure or

place it before the voters. If an EIR for the project is fairly well-developed at the time that the initiative measure is proposed (as was the case in *Tuolumne Jobs*), the EIR may provide a head start on this process. However, even in this situation, it will still be imperative that planners get involved in reviewing the proposed impacts of the initiative measure as soon as possible so that the decision maker — whether the city council or the electorate — can make an informed decision as to whether to approve the project.



Matthew Visick is an associate and Alexandra Barnhill is a partner at Burke, Williams and Sorensen in their Oakland office. Mr. Visick acts as an advocate for public agencies in all types of adjudicatory proceedings. Ms. Barnhill is legal counsel and trusted advisor to cities, special districts, and joint powers agencies across California. She also acts as the Legislative Director of the Northern Section of the California Chapter of APA.

¹ Elections Code section 9116 provides an analogous provision applicable to counties.

² For counties, an analogous report is contemplated by Elections Code section 9111. ■

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- Provide an arena for communication and exchange of information about planning related activities;
- Raise member awareness and involvement in APA affairs;
- Increase public awareness of the importance of planning;
- Encourage professionalism in the conduct of its members; and
- Foster a sense of community among the members.

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