

# NORTHERN NEWS



American Planning Association  
California Chapter  
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*Making Great Communities Happen*

A Publication of the Northern Section of the California Chapter of APA

**SEPTEMBER 2013**

## Light rail returns to LA's West Side

By Ellen Gelbard

Northern Californians may be unaware of the exciting progress being made on the 15.2-mile light rail line called “the Expo line,” a project underway to serve West Los Angeles, Culver City, Santa Monica, and other areas in the western portion of Los Angeles County. Phase 1, the 8.6-mile corridor between downtown Los Angeles and Culver City opened last year. The 6.6-mile Phase 2 extension to Santa Monica is now under construction and scheduled to be completed by late 2015. The Expo line is expected to be one of the busiest rail corridors in the county, with an estimated 64,000 riders per day by 2030. The segment to Culver City is already carrying close to the 2020 planning horizon of 27,000 riders per day.

With an estimated total travel time of 46 minutes from downtown Los Angeles to downtown Santa Monica, the Expo line will provide an attractive alternative to driving. LA's congestion is no secret; and those who are familiar with the area know that some of the worst congestion occurs in the downtown-to-downtown corridor. It can take double the Expo travel time to traverse the same distance by car during a badly congested commute period. The Westside's I-405 (San Diego Freeway) and I-10 (Santa Monica Freeway) are respectively identified as the second and fourth most congested corridors in United States (INRIX Traffic Scorecard Reports, 2013). The Westside has one of the densest populations in Los Angeles County, both in terms of residents and employment, and the area has some of the highest bus ridership. Those familiar with the rail program in LA may also know that — although the rail system has slowly expanded throughout LA County and the region — progress on the west side has lagged until recently.

The total cost of the line from Downtown Los Angeles to Downtown Santa Monica is \$2.43 billion. Phase 2 was made possible by Measure R, a half-cent sales tax passed by LA County voters in 2008. The project also includes

a maintenance facility, new rail cars, and a concurrently designed and constructed federally funded bikeway.

### Where does it go?

The name “Expo” originates from the alignment, which utilizes an old rail/electric trolley right-of-way by that name. The abandoned right-of-way was part of an LA County acquisition in 1989 to protect and reuse a small portion of the right-of-way that extended over 1,200 miles in the 1920s (<http://bit.ly/4YCaSy>). The new Expo light rail line uses the dedicated right-of-way until it ends at 17th Street in Santa Monica. There the rail line transitions into the middle of Colorado Avenue from the mid-city station at 17th Street to the downtown terminus at 4th Street. The Expo alignment roughly parallels the I-10 Freeway and provides an alternative east-west travel corridor.

Currently the Expo line stops at 12 stations and serves, among other venues, the following destinations west of downtown Los Angeles. (See map at <http://bit.ly/13liyQ0>)

- Pico Station: Staples Center (home of the Lakers, Clippers, and Kings, and a major concert venue)
- Expo Park Station: the Los Angeles Memorial Coliseum, the Natural History Museum, The California Science Center, the California African American Museum, and the Exposition Park Rose Garden
- Vermont Station: USC
- The mid-city area of Los Angeles including Vermont, Western, La Brea, and La Cienega Boulevards
- The Crenshaw District (connection to the future Crenshaw line)
- Farmdale Station: Dorsey High School
- Culver City

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*By Ellen Gelbard*

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*Assembled by Jennifer Piozet*

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## Plan-it sustainably

*Scott T. Edmondson, AICP*

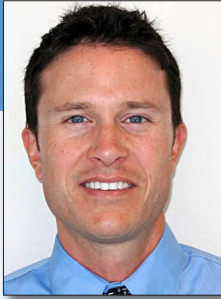
Sustainability can become a prosperity platform. An integrative method and end-game focus will transform the economy — an essential component of sustainability success. [Page 23](#)

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**California a world leader in GHG production.** "Although California has done more than nearly every other state to reduce emissions of heat-trapping gases, if it were a country, it would rank as the 13th largest source of greenhouse gases in the world, ahead of France, Brazil, Australia, and Saudi Arabia." —Mercury News <http://bit.ly/162nQxJ>



## Director's note

By Jeff Baker

Summer is quickly coming to a close, and the busy fall and winter season will be upon us before we know it. This is a great time to take advantage of upcoming programs to get you re-energized for the balance of the year. Be sure not to miss the California Chapter Conference, various training and networking opportunities sponsored by the Northern Section, and of course the Northern Section holiday party.

The Central Section is hosting the annual APA California Chapter conference in Visalia on October 6–9. The conference will provide you with an excellent opportunity to expand your professional network and to add resources to your professional tool kit. Be sure to visit the conference website for all the information that you need to plan your time at the conference.

<http://bit.ly/14Moanw>

Also, be sure to check out the Northern Section Calendar for additional local, low cost, educational, and networking opportunities. Events are periodically added

to the calendar so be sure to check back frequently for new and exciting opportunities. <http://bit.ly/LtpX2Y>

The Northern Section holiday party will be hosted this year in San Francisco. Please stay tuned for additional details in the October edition of the *Northern News*.

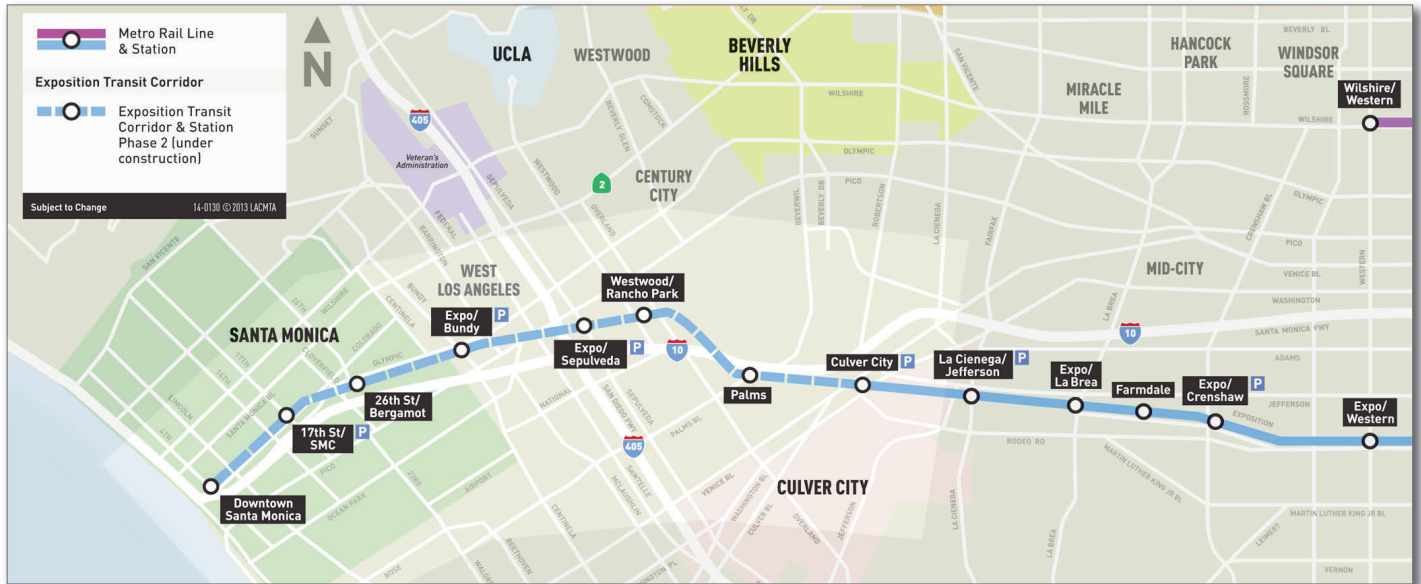
The fall season also means that it is time to elect a Northern Section Treasurer! The two-year term of the newly elected Treasurer will begin in January 2014. A nominating committee overseen by **Andrea Ouse, AICP**, Director-Elect, will be formed to solicit and review applications, with the election scheduled for this November. To find out more about the Treasurer position, please review the Northern Section by-laws, pages 6, at <http://bit.ly/1dHJaKf> or contact Andrea at [aouse@ci.vallejo.ca.us](mailto:aouse@ci.vallejo.ca.us). Interested Northern Section members in good standing must submit a complete nomination petition by September 30. The position presents a great opportunity to join the Board and contribute to the planning profession.

See you in Visalia!

**Housing and job numbers too low.** "For the current Plan Bay Area and the regional housing needs assessment, some residents have argued that the regional growth projections are too high. I produced the regional growth projections and have told ABAG that if new projections were done this year, they would be higher than those in Plan Bay Area. Job growth has surged in the past two years averaging close to 100,000 jobs per year. The regional projection of 1 million more jobs and 2 million more residents by 2020 now seems conservative, particularly in light of immigration reform proposals that will increase expected regional growth." —Stephen Levy, "A primer on regional growth plans,"

<http://bit.ly/18kWyTE>





**Expo Light Rail Phase 2 Stations.** Image courtesy of Expo.

The Phase 2 extension under construction includes seven additional stations to serve areas of West Los Angeles and Santa Monica:

- Palms
- Westwood Boulevard (bus link to UCLA)
- West Los Angeles area (Sepulveda and BundyBlvds)
- Bergamot Arts Center (Santa Monica)
- Mid-city area of Santa Monica (including Santa Monica College)
- Downtown Santa Monica

### Regional connections

When completed to Santa Monica, the light rail line will conveniently link all the Expo stations to Downtown Los Angeles and the entire Metrorail/

Metrolink network. <http://bit.ly/13liyQO>

For example, a rider can travel the line to Santa Monica beach from many parts of the region; from the west side to visit a museum in Downtown LA or Pasadena; or connect through downtown to/from Metrolink or Amtrak to origins/destinations in the four counties bordering LA county and beyond.

Two additional high capacity lines are underway that either link to or will serve the west side of Los Angeles. The Crenshaw/LAX Transit Corridor Project, an 8.5-mile light-rail line, will connect to the Expo Line at its north end and serve the Crenshaw Corridor, Inglewood, Westchester, and the LAX area with eight stations. Pre-construction activities are also underway for a subway extension from the current Purple Line terminus at Wilshire/Western. The subway — to be constructed in three sections because of the cost — will serve the Miracle Mile (including the LA County Museum), Beverly Hills, Century City, and Westwood.

(continued on next page)



**Expo Light Rail Phase 2 construction.** Looking east toward Bergamot Station, May 2013. Olympic Blvd. at upper left. Image courtesy of Expo.

### Preparing for opening day in Santa Monica

The City of Santa Monica Land Use and Circulation Element (2010) articulates a vision and policies to support ridership and connections to the three Expo Light Rail stations in Santa Monica. The city has been working proactively to integrate the system into the city fabric and is amplifying the Expo investment with improvements to access each station.

- The city's Bergamot Station (26th/Bergamot) is a center for the city's art community. The City intends to maintain this focus by creating a new pedestrian-oriented transit village with creative arts and a new residential component. The station will be the hub, with a re-established street grid pattern created within the existing large industrial blocks.
- The mid-city station (17th Street/SMC) will serve as the center of a mixed-use neighborhood anchored by an expanded Memorial Park. This station promises to be busy, serving the large Santa Monica College student population and two regional hospitals — UCLA/Santa Monica Hospital and Saint John's Medical Center.
- The terminus station (Downtown Santa Monica) will serve as a gateway to the beach, the Pier and the civic center area, and Downtown Santa Monica.



**Downtown Santa Monica 4th Street Station and Esplanade Connection to Santa Monica Pier.** Image courtesy PWP Landscape Architecture.

Early on, the City obtained a grant and supplemented it with additional resources for a pedestrian Esplanade that will provide a connecting spine for thousands of transit riders heading to the beach, the Santa Monica Pier, Santa Monica Place, 3rd Street Promenade and the Civic Center. The project includes a wide pedestrian promenade, separated bike lanes, festival string lighting, and landscaping. The reconfigured intersections and travel lanes will also help to improve the traffic flow. Construction is expected to be completed by the time the light rail station opens.

Ellen Gelbard is Assistant Director, Planning and Community Development, City of Santa Monica. You can reach her at [Ellen.Gelbard@smgov.net](mailto:Ellen.Gelbard@smgov.net) ■

**Sea levels up along California coast.** "Sea levels at San Francisco and La Jolla have risen at a rate of 8 and 6 inches over the century, respectively. [This rise] could lead to flooding of low-lying areas, loss of coastal wetlands such as portions of the San Francisco Bay Delta system, erosion of cliffs and beaches, saltwater contamination of drinking water, impacts on roads and bridges, and harmful ecological effects along the coastline." —"Indicators of climate change in California," August 8, 2013, <http://bit.ly/162tArm>



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**Car facts:** "970 of 1,000 adult Romans have cars, compared with 340 in London, and the average speed of public transportation in Rome is less than 9 miles per hour, one of the slowest in the Western world. You could run faster." <http://nyti.ms/14k22AF>

## Meet a local planner

*Sixth in a series of interviews by Tania Sheyner, AICP*



**Brent Cooper, AICP**, is the Community Development Director for the City of American Canyon, where he's been for five years.

### How did you become interested in planning as a profession?

When I attended the University of Washington, the core subjects in the urban planning program interested me. I kind of fell into the major, but was lucky, because the University of Washington has an excellent planning program.

### What was your first job out of college?

My first job was with the neighborhood planning division of the City of Vancouver, Canada, my hometown. My position was voluntary for a one-year period. Vancouver was a great training ground because it has a long history of working with residents in the planning process. Because of this, I've always had an orientation toward collaborating with residents on planning decisions and policy.

### The City of American Canyon has experienced tremendous growth in the past 15 years. Tell me more about what caused this growth and what some of its effects have been.

American Canyon needed to grow to attract basic services for our residents. For instance, back in 2000, American Canyon didn't even have a grocery store. We now have a Safeway and our own high school. The high school is a beautiful LEED certified facility and a real source of pride for the community.

### What does the community care the most about now, and how does that influence future planning there?

Recent growth brought an increase in traffic congestion, so traffic mitigation is at the top of our current agenda. We just updated our Circulation Element and are updating our traffic impact fees. The City is undergoing an extensive visioning process to set priorities for the next 10 years. American Canyon is very much a family-oriented community, so some of the priorities we are hearing include schools, the quality of parks, trails, and park programs.

Many people commute to jobs outside of American Canyon, so we're seeking to revitalize our industrial park to provide local jobs. We also have a Priority Development Area (PDA) along Highway 29 which bisects the town, and we are working with Caltrans on a Corridor Plan for the highway. The PDA will become a Smart Growth neighborhood with jobs, housing, and transit close to each

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

other. American Canyon is surrounded by natural beauty, including the Napa River wetlands to the west and vineyards and rolling hills to the east. It's critical that any future developments enhance access to these areas and preserve view corridors.

### What do you find most fulfilling about your job?

American Canyon is a warm-hearted place that offers a lot of opportunity. So being here in such an important time in its history, when large areas in town need to be planned from the ground up, is exciting. It's very fulfilling to know that the decisions we make today can help put the town on a positive path for a very long time.



Interviewer Tania Sheyner, AICP, is Northern Section's Professional Development Director. You can reach her at [tsheyner@gmail.com](mailto:tsheyner@gmail.com)

## Where in the world?



Photo by Naphtali H. Knox, FAICP. (Answer on [page 10](#))

### It's hotter at the lake.

"Temperature data from satellite observations show a significant warming trend since 1992 for summer nighttime temperatures at six lakes in California and Nevada, including Lake Tahoe. Average water temperatures in Lake Tahoe have risen by nearly 1°F in the past 30 years." — "Indicators of climate change in California," August 8, 2013, <http://bit.ly/162tArm>

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## Bike Sharing comes to the Bay Area

By Jonathan Schuppert, AICP

If you have been to San Jose, Mountain View, Palo Alto, Redwood City, or San Francisco lately, you may have noticed new bike sharing station installations throughout the downtowns and nearby areas. The Bay Area Bike Share program, set to launch in August 2013, will include a total of 70 stations and 700 bikes that will be available day and night for people to use for short, one-way trips around town. Bike sharing is a fun, effective way to reduce single-occupant vehicle trips. With pickup stations strategically located near major transit infrastructure and key destinations, these bikes could be the solution to the first/last mile issue that plagues transit riders.

Bike sharing continues to gain popularity all over the world. There are over 500 bike-sharing programs with more than 500,000 bikes in operation across the globe. China's Wuhan and Hangzhou programs are the largest in the world, with 90,000 and 60,000 bikes respectively. The Vélib' in Paris is the largest program outside of China, with 18,000 bikes in operation. It will be a long time before Bay Area Bike Share grows to match those numbers, but 700 bikes make a great start to bringing bike sharing to our area.

The ways in which bike sharing programs are run have varied greatly over the years. Early programs, such as the "White Bicycle Plan" in Amsterdam in the 1960s, were free and intended for short, one-way trips. Bikes were supposed to be left at a destination for someone else to use. Similar programs were implemented throughout Europe and the United States featuring yellow, green, red, or orange bikes to help distinguish the programs' bikes.

Theft and vandalism were early problems. Solutions included fees, specialized bike parts, and "smart cards." Launched in 1995, Copenhagen City Bikes (Københavns bycykler) was the first organized large scale urban bike sharing program to require a deposit to use the bikes, which were fitted with specially designed parts that could not be used on other bikes.

Bike sharing in this country took off after the 2008 Democratic and Republican conventions in Denver and Minneapolis/St. Paul. A bike share pilot program was established at both conventions and quickly became widely popular. In 2010, Denver B-cycle was the first bike-sharing program of its scale to launch in the U.S. The Minneapolis NiceRide program rolled out soon after. Other programs have since started in cities throughout the U.S., including Capital Bikeshare in Washington, DC, which until May of this year was the largest in the country. Citi Bike, which operates 6,000 bikes in New York City, is now the largest U.S. bike share program in operation.

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## Addressing energy use in all buildings

By Daniel Hamilton, AICP

Energy efficiency programs, long the purview of California's utilities, are now being adopted by local governments as a key part of their strategies for addressing climate change and GHG emissions. For several years, individual cities and counties have undertaken specific projects to reduce their own energy use, such as adding solar panels to municipal facilities or building to LEED standards. However, there have been relatively few attempts to address energy use in all buildings, both public and private, as a matter of public policy at the local level. An innovative and ambitious program called the San Francisco Bay Area Regional Energy Network (BayREN), has been created to do just that.

One program in particular, the BayREN Codes and Standards Program, was established to address the role that local building policies and inspections play in energy use. The Program provides resources and trainings for local planning and building departments to reduce energy consumption in buildings through improved enforcement of energy codes and greater adoption and implementation of green building ordinances. The effort aims not only to create successful local green building programs, but also to ensure that newly constructed buildings fully incorporate the range of energy efficient measures required by State or local law.

The timing of the Program launch is critical as California readies itself for a significant increase in energy efficiency standards in the State Energy Code (Title 24, Part 6). Beginning January 1, 2014, new homes will be built with more wall insulation, higher performance windows, and improved lighting and ventilation systems, among other requirements. New commercial buildings will also have stricter standards, specifically in building control systems, lighting, and insulation. As these new standards are rolled out, local governments will not only need to learn all the new requirements, but also update permit systems to reflect revamped forms and reporting requirements.

While these changes promise to make our buildings more energy efficient, they put further strain on cities and counties fighting to keep up with ever higher expectations. BayREN aims to provide a wide range of new resources to help make this transition seamless, including onsite trainings, developing guides for the new standards, and coordinating cities and counties facing similar issues across the region.

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## Addressing energy use in all buildings (continued from previous page)

While targeting mostly building officials, inspectors, and plan checkers, the Program has several key elements intended to serve planning departments. BayREN staff and consultants will aid local green building ordinance development across the region, including assistance in providing supporting documentation, estimating GHG reductions, and developing model ordinances. Additionally, BayREN will be calculating the effect of trainings and other efforts on the performance of new buildings, and creating replicable GHG reduction strategies for local governments in Climate Action Plans and General Plans. The Program website and calendar will provide a single point of information for all trainings available to local planning and building professionals for education about green building, energy efficiency, and funding and partnership opportunities. See <http://bit.ly/1dhC2XG>



*Daniel Hamilton, AICP, LEED AP BD+C, is Program Manager, Codes and Standards Initiative, San Francisco Bay Regional Energy Network (BayREN). You can reach him at [DanielH@abag.ca.gov](mailto:DanielH@abag.ca.gov)*

## Answer to "Where in the world?" (Page 7)

Along the highway from Hanoi to Ha Long Bay, Vietnam.

Photo: Naphtali H. Knox, FAICP

**What cities might have been.** "Some of the world's best-known cities may have looked quite different today if previous plans had been adopted. From super highways carving up San Francisco to extended rail lines in Boston and the Bronx, some of these designs have eventually been adopted over the decades, while others have been campaigned against and dropped. This collection of maps of some of our best-known cities in the world shows how they could have looked today if these plans had been followed through." —*The Daily Mail*, <http://dailymail/14o6DSg>

## Who's where



**Charlie Knox, AICP**, is now a Principal with the Berkeley office of The Planning Center | DC&E, where he will oversee general plans and other projects in northern California. Knox most recently was Benicia's community development director for seven years, as well as public works director for three of

those years. In the 12 years prior, Knox was a senior associate with Crawford Multari & Clark Associates and Planning Director in San Miguel County (Telluride) Colorado. He holds a Master of Communications (Environmental Planning) from the University of Washington and a BA in English (Geology and Astronomy) from Whitman College. Locally, Knox served on the Bay Area Planning Directors Association steering committee.



**Curtis Williams, AICP**, has retired from the city of Palo Alto and expects to return to private practice in the fall. Williams was Assistant Director and Director of Planning and Community Environment in Palo Alto from 2006 through 2013. Before that, he was a planning consultant for six years, and director of planning and building for

the towns of Los Altos Hills and Woodside (five years each). He holds a BA in Mathematics and MA in Urban and Regional Planning, both from UCLA.



**Judith Malamut**, has been appointed to the position of Managing Principal at LSA Associates, Inc., on a rotating basis. **Shannon Allen** will take the position for the following period.

**Malamut** has been with LSA's Berkeley office since 1995. She serves on the San Francisco Bay Trail

Board of Directors. Malamut holds a Master of City and Regional Planning from the University of Pennsylvania and a Bachelor of Science, Conservation of Natural Resources, from UC Berkeley.



**Shannon Allen** joined LSA in 2003 after experience at consulting firms in California and Minnesota. She holds a Master of Planning from the Humphrey Institute of Public Affairs, University of Minnesota, and a Bachelor of Arts, Environmental Studies, from UC Santa Cruz. ■

**Millennials can't afford city living.** "A growing number of people may want to leave the suburbs for cities, but demand for urban residential space far outstrips supply. According to Pew, about the same percentage of people want to live in cities as suburbs, but far more currently live in the latter. The result has been skyrocketing rent and property values in places like San Francisco, New York, and Washington. Millennials may be the most city-loving generation in recent history — 77 percent want to live in an 'urban core' — but they're also the generation most likely to be living in their parents' basements." —John Dizea, *The Daily Beast*, <http://thebea.st/1ciC16O>





## From the editor *By Naphtali H. Knox, FAICP*

### Location, location, location: New research shows location matters with respect to upward mobility, which is higher in denser cities

The Economic Impacts of Tax Expenditures: Evidence From Spatial Variation Across The U.S., July 2013, by Raj Chetty and Nathaniel Hendren of Harvard and Patrick Kline and Emmanuel Saez of the University of California–Berkeley. Partial abstract: The level of local tax expenditures (as a percentage of adjusted gross income) is positively correlated with intergenerational mobility, as are the level and the progressivity of state income taxes. Full report at <http://bit.ly/11oXXXZ>

David Leonhardt first wrote about this study in *The New York Times* July 22, 2013: “The study — based on millions of anonymous earnings records — is the first with enough data to compare upward mobility across metropolitan areas. Climbing the income ladder occurs less often in the Southeast and industrial Midwest, with the odds notably low in Atlanta, [while] some of the highest rates occur in the Northeast, Great Plains, and West, including large swaths of California. The researchers identified four broad factors that appeared to affect income mobility, including the size and dispersion of the local middle class. All else being equal, upward mobility tended to be higher in metropolitan areas where poor families were more dispersed among mixed-income neighborhoods. Regions with larger black populations had lower upward-mobility rates. But the researchers’ analysis suggested that this was not primarily because of their race. Both white and black residents of Atlanta have low upward mobility, for instance.” <http://nyti.ms/14yFdlI>

Other journalists also have opined on the findings. Here’s noted economist Paul Krugman, also writing in *The Times*, July 28, 2013:

“So what’s the matter with Atlanta? The study suggests the city may just be too spread out, so that job opportunities are literally out of reach for people stranded in the wrong neighborhoods. Sprawl may be killing Horatio Alger. In San Francisco a child born into the bottom fifth of the income distribution has an 11 percent chance of making it into the top fifth, but in

Atlanta the corresponding number is only 4 percent. And in Atlanta poor and rich neighborhoods are far apart because, basically, everything is far apart; Atlanta is the Sultan of Sprawl, even more spread out than other major Sun Belt cities. This would make an effective public transportation system nearly impossible to operate even if politicians were willing to pay for it, which they aren’t. As a result, disadvantaged workers often find themselves stranded; there may be jobs available somewhere, but they literally can’t get there.” <http://nyti.ms/17PrJG9>

Matthew O’Brien, writing in *The Atlantic* on July 23, put it this way: “What seems to matter more” for upward mobility “is the amount of sprawl, the number of two-parent households, the quality of elementary and high schools, and how involved people are in religious and community groups.” Voters in regions like Atlanta, by withholding tax increases, sowed the seeds of a “malign neglect of infrastructure” that in turn “keeps low-income people from living near or commuting to better jobs — and that’s not a race issue. Whites and blacks in Atlanta both have a hard time moving up. In other words, racial polarization might spur sprawl, which makes cities less likely to invest in their infrastructure — and underfunded infrastructure hurts low-income people of all races. It turns out the best place to pursue happiness — and a career — is in the city.” <http://bit.ly/13fCLop>

**After 40 years** — half a lifetime — I am again being mentioned in the local press. And yes, it’s another controversy about the city’s comprehensive plan and whether it is doing its job. Thankfully, it’s about what has happened “since the 1980s in particular,” and not about what I was able to do as director of planning and community environment in Palo Alto in the 1970s:

In the early 1970s, a remarkable city planner arrived. That planner, Naphtali Knox, recognized the weakness of the general plan and proposed a revolutionary change to the planning process. Instead of creating a general document and multicolored map that would run aground in the face of specific decisions, Knox proposed turning the process upside down. He would start with specific decisions, over months and scores of meetings, and based on those

decisions, the professional planner would draft a “comprehensive plan” that would reflect those real-world decisions. The plan is sometimes referred to as the bible of city development policies.

You can read the full editorial, “On Deadline,” at <http://bit.ly/1ac21lu>

For all you planners out there, the Palo Alto Comprehensive Plan of the 1970s was based on what Martin Meyerson was teaching at Penn in the 1950s about “middle-bridge planning.” He saw a need to bridge the gap between the overly vague and blobby comprehensive plans of the day and the often contradictory specifics of the zoning ordinance map. Facing that very problem in Palo Alto in 1973, and with the city serving as a willing laboratory, we drafted general goals, policies, and specific action programs, and set out to conform the planning map and the zoning map as precisely as possible. ■



**Nashville B-cycle, December 2012.** Photo: Jonathan Schuppert, AICP

The Bay Area Bike Share pilot project is a partnership among local government agencies including the Metropolitan Transportation Commission (MTC), the Bay Area Air Quality Management District (Air District), City and County of San Francisco, San Mateo County Transit District, City of Redwood City, and Santa Clara Valley Transportation Authority (VTA). A major goal of the program is to encourage bike sharing as a healthy, effective means to help reduce vehicle traffic and improve local air quality.

The pilot program will launch in two phases. The first phase (August 2013) deploys a fleet of 700 bikes and 70 stations in San Jose, Mountain View, Palo Alto, and San Francisco. This fleet is expected to grow to 1,000 bikes within three to six months, once additional funding is secured. Stations will be located near transit hubs (including those with Caltrain *Baby Bullet* service), high-density residential areas, and key destinations like shopping areas and employment centers. You can see a map of all the planned and operational stations at [www.bayareabikeshare.com/stations](http://www.bayareabikeshare.com/stations).

The initial cost — an estimated \$7 million — is being funded by \$4.29 million from MTC, \$1.4 million from the Air District, and \$1.3 million from local agency partners. To reach its full potential of 6,000 to 10,000 bikes, the

program will require additional funding from a combination of user fees and private sponsorships.

Membership rates are \$88 for an annual pass, \$22 for three days, and \$9 for 24 hours. To access a bike, members will go to a station and insert a credit card or membership key to unlock a bike. Once the bike is unlocked, members can take unlimited trips, each 30 minutes or less. Longer trips require additional fees. When finished riding, users return the bike to any station, where it is automatically locked and ready for another user.

Alta Bicycle Share, Inc., a U.S. company and the only firm in the world focused on operating large bike share programs, will operate Bay Area Bike Share. Alta operates Capital Bikeshare, Citi Bike, Hubway in Boston, Bike Chattanooga in Chattanooga, Divvy in Chicago, CoGo in Columbus, and Melbourne Bike Share in Melbourne, Australia.



**San Jose bike station, August 8, 2013.** Photo: Jonathan Schuppert, AICP

Public Bike System Company (PBSC or “Bixi”), creator of the first large scale solar power bike share system in the world, is manufacturing the bikes and stations for the Bay Area Bike Share program. The PBSC system has won numerous awards for design and sustainability. The bike will feature a durable frame, comfortable saddle, front and rear lights for safety, fenders and chain guards to protect clothing, and a front rack for storage.

(continued on next page)



## Bike Sharing comes to the Bay Area (continued from previous page)



Miami Beach DecoBike, April 2011. Photo: Jonathan Schuppert, AICP

I first encountered bike sharing in Miami Beach in 2011, and it was love at first ride. DecoBike, the local bike-sharing program, offered a convenient means to get around town without having to deal with scarce parking or pricey cabs. Although I had a rental car, it sat idle in a parking spot for the duration of my trip. Instead, I opted for exercise and fresh air on the comfortable and functional shared bikes. It took just a minute to select my bike and I was all set for a trip to the beach, a local museum, or a meal. I am excited to have this kind of convenience at home.

To learn more about Bay Area Bike Share, please visit [www.bayareabikeshare.com](http://www.bayareabikeshare.com). Additionally, a presentation is being sponsored in San Jose by APA California – Northern on September 23, 2013, from 6–8 pm in the Dr. Martin Luther King, Jr. Library, Room 225/229. Panelists will include John Brazil of the City of San Jose Department of Transportation, Aiko Cuenco of VTA, Colin Heyne of the Silicon Valley Bicycle Coalition, and Laura Ruchinskas of Alta.



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## Due process in administrative hearings

By Stephen A. McEwen, Esq.

Administrative proceedings involving permit denials, revocations, and other land use entitlements can present special challenges to local agencies.

- What type of proceeding is required?
- What role can local agency counsel play without creating a due process violation?
- Should the local agency retain special counsel?

Two recent appellate decisions have helped clarify these issues and shed light on how local agencies should conduct administrative hearings. In essence:

- Due process does not require an adversarial hearing or a strict separation of functions in every administrative proceeding.
- Some administrative proceedings are adversarial in nature and require a prosecutor. In those situations, due process prohibits an attorney from advocating a position and advising the decision maker in the same proceeding, and also from advocating a position before a legislative body that he or she advises regularly.
- Governmental agencies' in-house legal departments may perform both advocacy and advisory roles if the advisor for the decision maker is screened from any inappropriate contact with the advocate.
- In administrative proceedings, due process does not require the formal introduction of evidence.

### Background

#### ***Today's Fresh Start v. Los Angeles County Office of Education* (2013) 57 Cal.4th 197**

In *Today's Fresh Start*, the California Supreme Court considered whether the administrative procedures followed by the Los Angeles County Office of Education to revoke a school's charter violated due process. The County Office, acting through its governing board, the Los Angeles County Board of Education, approved Today's Fresh Start's charter in 2003. In 2007, the County Office conducted an investigation of Today's Fresh Start and determined that charter revocation was appropriate. Following a series of public hearings, the County Board voted 4–3 in favor of revocation.

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### Too much parking, and at a cost

*TransForm.org*, August 9, 2013

**Shannon Tracey**, <http://bit.ly/15YRhRo>

According to “Daniel Rowe of King County Metro Transit, residential buildings throughout the Seattle area are saddled with approximately 40 percent more parking spaces [than are] actually being used. And it doesn’t matter whether you’re in the central business district or a suburb. Rowe is the lead staffer for Right Size Parking, a project that seeks to help cities and developers strike a balance between parking supply and demand.” <http://1.usa.gov/WqRQzK>

“Rowe calculates that for a typical suburban multifamily project with 150 homes, roughly \$800,000 is spent to build parking spaces that will sit vacant. That increases the average cost of living in one of those homes by over \$5,000 — whether through increased rent, fees, and/or purchase price.”

### Marine life outracing land animals toward cooler habitats

*UBC Media release*, August 4, 2013

<http://bit.ly/19H2ycU> • “Marine species are migrating toward the poles as much as 12 times faster than land-based species as a result of the warming climate, according to a new study by an international team of scientists published in the journal *Nature Climate Change*, <http://bit.ly/13yoF1u>

“The study shows marine species distribution moving toward the poles at an average of 72 kilometres per decade, compared to terrestrial species, which are moving poleward at an average of six kilometres per decade despite sea-surface temperatures warming three times slower than land temperatures.

“Global responses of marine species revealed here demonstrate a strong fingerprint of this anthropogenic climate change on marine life,” the paper said.

“The international research team also found that the timing of spring events in the oceans has advanced by more than four days, nearly twice the figure for land.”

### Be careful what you sue for: NEPA, not CEQA, will govern HSR

*Fort Worth Star-Telegram*, August 9, 2013

**Juliet Williams**, <http://bit.ly/14idwxw> • “California’s high-speed rail project is no longer subject to the state’s rigorous environmental laws after a federal transportation board ruled that it has oversight of the project, the state attorney general’s office argued in a brief filed August 9th. The June decision by the federal Surface Transportation Board — which was sought by opponents of the bullet train — pre-empts the authority of CEQA, the state argued in the filing made on behalf of the California High-Speed Rail Authority.

“Opponents of the project could lose one of their most significant legal tools if a federal judge agrees with the state’s argument. The state asked the court to dismiss a five-year-old lawsuit by Atherton, Menlo Park, and Palo Alto seeking to block the bullet train through the Pacheco Pass south of San Francisco. They argued that the route would harm the environment. A Sacramento County Superior Court judge dismissed their suit in February but they appealed to the federal court, which in July ordered both sides to answer the question ‘Does federal law pre-empt state environmental law with respect to California’s high-speed rail system?’ If the court sides with the state, it would mean complying only with the National Environmental Policy Act, and any lawsuits would have to be filed in federal court.”

### Audit sought of high-speed rail land acquisition

*Associated Press*, August 7, 2013

<http://bit.ly/1cifKHc> • “Two Republican Assemblymen from the Fresno area want the state auditor to review the California High-Speed Rail Authority’s moves to buy up land for the project. The lawmakers asked the Joint Legislative Audit Committee to investigate the appraisal process, assessment of land values, and the role of private contractors as the rail authority seeks to acquire or seize 356 parcels for the first leg in the Central Valley. The authority has begun making offers to dozens of landowners as it seeks to start work on the first 30-mile leg of the project. The authority has also hired a private firm to help homeowners and businesses relocate.”

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## Norcal roundup

Assembled by Jennifer Piozet, associate editor

### Solano cities compete for One Bay Area funds <http://bit.ly/13hDdVh>

"Solano County cities have priority development areas so they can compete for [One Bay Area] transportation dollars. Dixon is already getting a share of One Bay Area transportation dollars for a project that could hasten the day that trains stop at that train station. The city hosted a groundbreaking ceremony Thursday for a \$6 million pedestrian crossing under the tracks at West B Street. Of this amount, \$2.5 million is coming from a One Bay Area grant. 'To me, that makes downtown more business-friendly,' Batchelor said. 'It makes more businesses want to locate downtown, to keep our downtown moving forward.' Vallejo has long wanted to give its waterfront and downtown area a shot in the arm. It has created a 189-acre area that runs along Mare Island Strait and extends eastward into the historic downtown. Benicia in 2007 adopted a master plan for its downtown. It too will use the priority development area program to try to advance its goals. The idea is to create a 'walkable transit town center.'" —Barry Eberling, "Dixon, Benicia, and Vallejo make growth plans," *Daily Republic*, August 10, 2013.

### Aquaponics: the future of agriculture? <http://bit.ly/16HYyWy>

"Jon Parr and Drew Hopkins are attempting to create the largest commercial aquaponics operation in the country. This is Viridis Aquaponics, a Pajaro Valley start-up with global ambitions. Their system will allow them to use far less water than conventional growers, and no fertilizer or pesticides. To control bugs, they'll regularly infuse greenhouses with carbon dioxide. Parr said they'll be able to grow a head of lettuce in a month and more than four heads in a square foot, each month all year. A conventional farmer might get one head of lettuce per square foot, and two to three crops per year, he said. 'The science is there, the environment, we're going to have to go that way,' said Ryan Chatterson, a Florida biologist. 'It's just a matter of how quickly.' The produce will be delivered live, the roots bagged to retain moisture. He said Viridis plans to market to restaurants, where chefs can have greens like basil sitting in a cup of water on the counter top, fresh until the last leaf is picked. 'This farm model we're creating is going to be replicated by everyone,' Parr said." —Donna Jones, "'Future of agriculture:' Venture aims to be the world's largest aquaponics farm," *The Santa Cruz Sentinel*, August 10, 2013.

### 3D scans preserve mission design <http://bit.ly/15Ofts1>

"Oakland-based nonprofit CyArk and 3D Virtual Design Technology are partnering to conduct 3-D laser scans of all 21 missions along El Camino Real de California, as well as four presidios and three pueblos. Once the work is completed, the public will have a very detailed rendering of the mission that can be used if ever it falls victim to decay, natural disaster, or other calamity. CyArk was founded in 2003 by Iraqi-born San Francisco engineer Ben Kacyra and his wife, Barbara, who have made it their mission to digitally document world heritage sites and to archive the data. Kacyra helped invent a portable 3-D laser scanning device that is now being employed to capture the data. CyArk already has scanned missions Dolores, San Juan Bautista, Carmel, and San Luis Rey along the El Camino Real. Father Junipero Serra generally is credited with founding the footpath in the late 1700s that later developed into the 'Royal Highway,' connecting 21 missions along a 700-mile stretch of road in California. Several of the historical structures along the route, which runs parallel to the San Andreas Fault, have been damaged or destroyed by earthquakes." —Derek Moore, "3-D scans of Sonoma mission aim to preserve structure's original design," *The Press Democrat*, August 7, 2013.

### Implications of an aging population <http://bit.ly/16XfYg3>

"Palo Alto may be a mecca for young tech entrepreneurs, but it also has a disproportionately high number of residents 65 and over — and that segment is expected to grow as Baby Boomers age in place. 'There are some very young 80-year-olds and some very old 60-year-olds,' notes John Sink, vice president for programs at the nonprofit senior agency Avenidas. But even as many Boomers vow to stay young through exercise and nutrition, chronic illness and what Sink calls 'major life events,' such as loss of a spouse, inevitably come with the years. An informal 2006 'white paper' on the impact of aging Boomers on Palo Alto raised the specter of a community where 'upwards of 40 percent of our total population will be 55 years of age or older' by 2030. Sink segments current and future users of older-adult services into a range of categories: lifelong learners, health seekers, practical-help seekers, volunteers, and the frail elderly." —Chris Kenrick, "What will Palo Alto look like when Baby Boomers turn 80?" *Palo Alto Weekly*, August 4, 2013.

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## Seismically unsafe Hayward building demolished <http://bit.ly/14ei7ow>

"A 13-story Cal State East Bay landmark on the Hayward hills skyline visible for miles will come tumbling down Aug. 17. Warren Hall, which has been declared the most seismically unsafe building in the California State University system, lies about 750 yards from the Hayward Fault. The U.S. Geological Survey is capitalizing on the demolition to study a portion of the Hayward Fault. Scientists and volunteers placed almost 600 small seismometers on both public and private property surrounding the building to monitor the implosion, which will mimic a very small earthquake, said Leslie Gordon, a USGS communications specialist. Trustees authorized \$50 million to demolish Warren Hall and replace it with a new five-story administration building on the east side of campus. Work is expected to begin in November on the 67,000-square-foot building, with a tentative opening planned for May 2015." —Rebecca Parr, "Cal State East Bay building demolition set for Aug. 17," *The Daily Review*, August 2, 2013.

## Bay Area leaders plan for population growth <http://bit.ly/15tlpmv>

"Bay Area leaders on July 25 approved a long-term regional plan meant to accommodate population growth over the next few decades while meeting state mandates for cutting air pollution and improving access to public transportation. The final vote on Plan Bay Area came during a meeting of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). According to the MTC, the plan is a 'work in progress' that continues earlier efforts to 'develop an efficient transportation network and grow in a financially and environmentally responsible way.' Some speakers praised the plan as it was originally presented, expressing hope that it will provide a wider variety of alternatives to congested Bay Area roadways and prevent the displacement of low-income residents as rents throughout the region soar. A meeting in Walnut Creek in the spring drew a few angry Danville residents vociferous in their belief that it was a plot to force low-income housing on wealthy communities. Heather Gass, a Danville realtor, carried a sign that said, 'ABAG and MTC don't speak for me. This is a rigged meeting.'" —Bay City News Service, "Bay Area leaders adopt regional plan to accommodate future population growth," *Pleasanton Weekly*, July 19, 2013.

## Saving homes through eminent domain <http://nyti.ms/162KNTS>

"Scarcely touched by the nation's housing recovery and tired of waiting for federal help, Richmond, California, is about to become the first city in the nation to try eminent domain as a way to stop foreclosures. The banks have warned that such a move will bring down a hail of lawsuits and all but halt mortgage lending in any city with the temerity to try it. Despite rising home prices in many parts of the country, including California, roughly half of all homeowners with mortgages in Richmond are underwater, meaning they owe more — in some cases three or four times as much more — than their home is currently worth. Many of the communities considering eminent domain were targeted by lenders who steered minority families eligible for conventional mortgages into loans with higher interest rates and ballooning payments." —Shaila Dewan, "A city invokes seizure laws to save homes," *The New York Times*, July 29, 2013.

## Flocks of gulls mean problems for Bay Area <http://bit.ly/1bRHAqZ>

"The bay's population of California Gulls has exploded from 24 birds in 1980 to more than 53,000 today. The gulls are increasingly colliding with airplanes, even causing several aborted takeoffs and landings at Bay Area airports. They're swarming landfills, dive-bombing schools and neighborhoods, and gobbling up shorebirds that public agencies have worked for years to bring back from near extinction. California Gulls lay up to three eggs a year, and each can live to be 25 years old. But along with condors, trumpeter swans, and other beloved birds, they are protected under the Migratory Bird Treaty Act of 1918. The law makes it illegal to kill any California Gull or destroy its eggs without a permit from the U.S. Fish and Wildlife Service. 'Individual birds have a learned behavior. They become specialist predators — Charles Manson gulls,' said Dave Riensche, a biologist with the East Bay Regional Park District. 'If you remove them, problem solved. It's like in the schoolyard, if you remove the bully, the other kids don't learn that behavior.'" —Paul Rogers, "Bay Area sea gull population explodes, bringing flocks of problems," *San Jose Mercury News*, July 20, 2013. ■

**Annual snowmelt runoff shrinks.** "Spring snowmelt from the Sierra Nevada to the Sacramento River has declined over the past century" largely because of "warmer winter temperatures. More precipitation falls as rain instead of snow and directly flows from watersheds before the spring. As a result, the portion of runoff that occurs between April and June has declined by about 9 percent." —"Indicators of climate change in California," August 8, 2013, <http://bit.ly/162tArm>



On appeal, the school argued that there was an unacceptable risk of actual bias in the proceedings because the superintendent who recommended revocation also served as the County Board's secretary and executive officer and a single attorney served as general counsel for both the County Office and County Board. The school also argued that it was entitled to a full evidentiary hearing prior to revocation.

The Supreme Court rejected these contentions. With regard to the overlapping functions argument, the Court held that Today's Fresh Start failed to present "specific evidence" of "actual bias." The Court concluded that the superintendent's roles did not violate due process because she had a statutory duty to investigate charter school problems and make appropriate recommendations and did not participate in the revocation vote. Next, the Court observed that the County Board's general counsel did not act as a prosecutor and "presented no evidence, examined no witnesses, and made no argument in favor of revocation." Rather, "she was counseling the County Board, as she had County Office staff, in connection with the same task: the initial decision whether Today's Fresh Start's charter should be revoked." This did not violate due process.

Finally, applying the balancing test set forth in *Mathews v. Eldridge* (1976) 424 U.S. 319, which requires a consideration of the relative costs and benefits of additional procedures in light of the interests at stake, the Court held that an evidentiary hearing was not necessary to satisfy due process requirements. The Court observed the need for flexibility in the area of administrative proceedings. In the Court's view, the County Board provided Today's Fresh Start with ample notice of the hearing and an opportunity to present its defense. The benefits provided by a formal evidentiary hearing were insubstantial in comparison to the burdens that would result from such a procedure.

#### ***Sabey v. City of Pomona* (2013) 215 Cal.App.4th 489**

In *Sabey v. City of Pomona*, the Second District Court of Appeal held that a due process violation occurs when one law firm partner plays an advocacy role before a decision making body while another partner in the same firm advises the decision maker. Sabey involved an employment dispute before the Pomona City Council. The plaintiff, Glenn Sabey, was fired from the Pomona Police Department and requested an advisory arbitration. Debra L. Bray, a partner in a private firm, represented

the City at the advisory arbitration. The advisory arbitration decision was subject to city council review. The Pomona City Council requested Peter Brown, the City's Chief Labor Negotiator and Bray's law partner, to act as the council's legal advisor on the Sabey matter. In this capacity, Brown met with the council in closed session and "presented on the Sabey matter." The council affirmed Sabey's termination.

The Court of Appeal found that dual roles played by Bray and Brown violated due process. The Court acknowledged the decision in *Howitt v. Superior Court* (1992) 3 Cal.App.4th 1575, which held that "[p]erformance of both roles by the same law office is appropriate . . . if there are assurances that the adviser for the decision maker is screened from any inappropriate contact with the advocate." In the Court's view, however, *Howitt* did not apply to law firm partners because they owe each other "the fiduciary duties of loyalty and care." Here, Brown was advising the city council regarding a "result achieved by his fiduciary." The Court concluded that, under *Morongo Band of Mission Indians v. State Water Resources Control Board* (2009) 45 Cal.4th 731, "the risk of Brown providing the City Council with biased advice and thereby tainting its decision-making process was too high to be acceptable under constitutional principles." The Court summarized its holding as follows:

The rule we announce is simple. Agencies are barred from using a partner in a law firm as an advocate in a contested matter and another partner from the same law firm as an advisor to the decision maker in the same matter. It is true that agencies and law firms will have to adjust to the rule we announce today, but that is the cost of due process.

*Sabey*, therefore, draws a bright line between government lawyers and attorneys from a law firm. Lawyers from the same government agency can still play advocacy and advisory roles on the same matter so long as there is appropriate internal separation of the attorneys and there is no "specific evidence demonstrating actual bias or a particular combination of circumstances creating an unacceptable risk of bias." (*Morongo*, *supra*, 45 Cal.4th at p. 740.) With regard to private law firms, however, *Sabey* concludes that it is a *per se* due process violation for two partners to play those roles in the same matter regardless of whether the firm erected an ethical wall between the attorneys.

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### Lessons from *Today's Fresh Start* and *Sabey*

*Today's Fresh Start* and *Sabey* both clarify the due process requirements for due process hearings. When these cases are viewed in conjunction with prior cases on administrative hearings, we can take away the following lessons:

- Due process does not require an adversarial hearing or a strict separation of functions in every administrative proceeding, including those involving the revocation of a permit, charter, or other vested right. Based on *Today's Fresh Start*, local legislative bodies and agencies have discretion to choose the most appropriate procedure, subject to *Mathews v. Eldridge* cost-benefit analysis. City managers and other executive officers can make recommendations to the legislative body in these proceedings without violating due process. Furthermore, city attorneys and general counsel can advise staff members and the legislative body on statutory requirements and procedures, but cannot advocate a particular position, present evidence, examine witnesses, or defend their agencies' past actions.
- Some administrative proceedings, such as the civil service proceedings in *Sabey*, are adversarial in nature and require a prosecutor. In those situations, due process prohibits an attorney from (1) advocating a position and advising the decision maker in the same proceeding (*Nightlife Partners v. City of Beverly Hills* (2003) 108 Cal.App.4th 81) and (2) advocating a position before a legislative body that he or she advises regularly (*Quintero v. City of Santa Ana* (2003) 114 Cal.App.4th 810).
- Governmental agencies' in-house legal departments may perform both advocacy and advisory roles "if there are assurances that the adviser for the decision maker is screened from any inappropriate contact with the advocate." (*Howitt v. Superior Court* (1992) 3 Cal.App.4th 1575.)

- Based on *Sabey*, partners in a private law firm may not perform both advocacy and advisory roles in an administrative proceeding, even with an ethical wall. *Sabey* involved two partners, but the Court's broad language suggests that it would apply to any two law firm attorneys, regardless of their status or title within the firm. *Sabey* also involved an employment dispute, but the sweeping rule announced in the decision will likely apply to a wide variety of adversarial proceedings.
- In administrative proceedings, due process does not require the formal introduction of evidence.

### Conclusion

While *Sabey* may complicate some administrative proceedings for cities that use outside private counsel, *Today's Fresh Start* is a welcome decision because it confirms that local agencies have the needed flexibility to define the appropriate administrative procedures and carry out administrative proceedings. Local agency staff should consult with the city attorney or general counsel at the outset of an administrative hearing to determine what type of proceeding is required and to ensure a clear understanding of the procedural requirements, including evidentiary standards.



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**How and where to create equitable housing.** "Urbanizing the suburbs won't be easy. Zoning regulations often don't allow mixed-use buildings and smaller spaces, and it's proven difficult to graft good transit onto places built for cars, but it might provide a way to create a third option between paying obscenely expensive rent and enduring punitively long commutes. Maybe it'd take some of the emotion out of the suburb versus city debate so both sides can talk rationally about how to create more equitable, sustainable housing." —John Dizea, *The Daily Beast*, <http://thebea.st/1ciC160>

## Why SF may be the new Silicon Valley

*The Atlantic Cities*, August 5, 2013

**Richard Florida**, <http://bit.ly/16XJrGG>

“Together, the Bay Area’s centers in Silicon Valley and San Francisco make the Bay Area the world’s largest center for venture capital-backed high tech industry in the United States and the world. The region attracted \$13.5 billion in venture capital investment in 2011, more than four times that of greater Boston or greater New York, the nation’s second and third largest centers for venture capital investment.

“Venture capital in the Bay Area is no longer primarily or predominantly centered in the quintessential techie hub of Silicon Valley. San Francisco has been catching up. ‘For all its power, Silicon Valley has a great weakness,’ wrote legendary Silicon Valley investor Paul Graham, its ‘soul-crushing suburban sprawl.’ But, he added, ‘a competitor that managed to avoid sprawl would have real leverage.’

“That ‘competitor’ has turned out to be nearby San Francisco. In her book *Regional Advantage: Culture and Competition in Silicon Valley and Route 128*, AnnaLee Saxenian of the University of California, Berkeley, explained how Silicon Valley’s decentralized, cooperative ecosystem allowed it to adapt to new technologies, besting Boston’s more rigid corporate model. This flexibility has come to the fore once again, as the Bay Area’s tech community adjusts its locational model to meet the preferences of a new generation of workers and to take advantage of the abundance of affordable, easily repurposable industrial real estate that can be found in cities.”

## When in Rome, walk

*The New York Times*, August 1, 2013

**Elisabetta Povoledo**, <http://nyti.ms/14k22AF> • “Via dei Fori Imperiali, a multilane artery running through the heart of Rome, is typically a frenzy of swerving cars. But Mayor Ignazio Marino is seeking to transform the avenue to something calmer. Mr. Marino plans to ban private traffic on the roadway, which bisects a vast archaeological site, from the central Piazza Venezia to the Coliseum. Conservators say the plan would solidify the world’s largest urban archaeological area. The final goal is to make the Via dei Fori Imperiali a pedestrian area from one end to the other, and to finance the project with subsidies from the European Union.

“Of course, modern Romans, and especially the neighborhood’s residents, have more practical concerns. Most have to do with the anticipated spillover effect of closing a broad avenue used by as many as 1,600 motorists an hour during peak times of day.

“Conservators and municipal and state archaeology officials have long nurtured the wish to reconnect the forums. They have also been keen to limit the effect of traffic on the monuments, including vibrations and smog, which is eating away at the surface of the monuments. The mayor said he hoped that the road closing would help modify Romans’ driving habits, by encouraging more people to leave their vehicles at home. He said about 60 percent of Romans travel less than five kilometers a day — roughly three miles — to get to work.”



Via dei Fori Imperiali, Rome. View from the Vittoriano to the Coliseum.  
Photo: Markus Mark via Wikimedia Commons.

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## Affordable Care Act pressures public unions

*The New York Times*, August 4, 2013

**Kate Taylor**, <http://nyti.ms/1cqnyw3> • “State and local governments tend to offer more expensive health plans than private businesses do, and workers often accept smaller wage increases to retain their benefits. Now cities and towns across the country are pushing municipal unions to accept cheaper health benefits in anticipation of a component of the Affordable Care Act that will tax expensive plans starting in 2018. The tax was inserted into the Act at the advice of economists who argued that expensive health insurance with the employee bearing little cost made people insensitive to the cost of care. Cities and counties are warning unions that if they cannot figure out how to rein in health care costs now, the price when the tax goes into effect will be steep, threatening raises and even jobs.

‘I think it was misguided all along,’ said Robert B. Reich, the former labor secretary. When the law was being written, he worried that the tax was ‘a blunt instrument that could too easily become a bargaining chit for cutting back benefits of workers. Apparently, that’s what it’s become.’ Jonathan Gruber, an economist at the Massachusetts Institute of Technology who was a paid consultant to the Obama administration on health care policy, said forcing state and local governments to rein in health care costs was exactly what the tax was intended to do. “This is intended to shift compensation away from excessively generous health insurance toward wages,” he said.

## Creating the dream city

*Salon.com*, July 31, 2013

**Henry Grabar**, <http://bit.ly/13AMIlz> • “Whatever your views on the benefits and drawbacks of many people living in close proximity, the world is urbanizing at a historically unprecedented pace. Five times as many people live in cities now than did 50 years ago. The United Nations estimates there will be more people living in cities in the year 2050 than there were people living on the earth in 2000. While the most impressive symbols of this massive migration are certainly the world’s 23 “megacities,” the bulk of global urbanization is occurring in thousands of smaller, less familiar cities. ... Our cities are living laboratories for experiments in how we want to live. There are cities trying to figure out how to get bigger, like Paris, or how to get smaller, like Detroit. There are cities making traffic move faster (Mumbai), and slower (Zurich); and cities that offer free transit (Tallinn). ... Examples are only worth so much, though. If the metropolis of the future were a catalog of best practices, city life would become very boring indeed. The culture of a city doesn’t fuel discussions at think tanks and government meetings, but when we think about the places we love most, it’s sharp in our minds. A great city, Mumford wrote, represents the pinnacle of human achievement, ‘Man’s greatest work of art.’”

## On being an urban planner in the Tech World

*Next City*, July 26, 2013

**Molly Turner**, <http://bit.ly/15QhFLZ>

“Here in urban Silicon Valley, the tech community is wading into urban planning. At hackathons and conferences, TEDx talks and prototyping festivals — all focused on critical urban issues ranging from homelessness to economic development, public art to public transportation — I find myself the only urban planner. Tech innovators have great qualities for solving complex urban problems. They value ideas and creativity. They pilot and iterate rather than just ‘vision.’ They also like to work on a *tabula rasa*, void of constraints or institutional knowledge. Sometimes that means repeating mistakes of our urbanist past. [Missing is the] context through which to understand ‘eyes on the street’ or ‘the creative class.’ But context is the planner’s job, and tech innovators and planners have much to learn from each other. But our assimilation into the tech world may not be easy. Many of the problems planners solve are too complex and politically fraught to be packaged into an elegant app, and may scale too slowly or [fail] to attract investors. Don’t limit yourself to technological tools that simply make the work of planning more efficient, responsive, or participatory. Rather, expand your reach with technological approaches that revolutionize the way we live in cities altogether.”

**Our forests are hotter and drier.** “What the public may not realize is how extensive the impact of climate change already is. Since 1950, the three worst forest fire years in California — measured by acres burned — were 2003, 2007, and 2008. And the average number of acres scorched every year since 2000 is almost double the average of the previous 50 years — 598,000 acres annually now, compared with 264,000 acres a year then.” —*Mercury News*, <http://bit.ly/162nQxJ>

(continued on next page)

## Designing smart open cities

Domus, June 25, 2013

Reed Duecy-Gibbs, <http://bit.ly/14Prn4n> • “Cities need to change to accommodate the influx of people during the 21st century. Becoming smarter is only part of that. A revolution is occurring in how our urban spaces are conceived, created, and inhabited. This revolution is much less about the physical city and much more about how the city and its inhabitants communicate with each other. Cities must be *open*, with the legal, political, business, and technological infrastructure that allows people, governments, and citizens to share information and data with little or no friction. *Open* must mean open to all, [bridging the] divide between the digital haves and have-nots.

“We need to use *design thinking* — solving problems by synthesizing disparate elements and ideas skillfully, beautifully, and empathetically — to synthesize and match the explosion of digital tools with real world problems. It’s important to distinguish between *design thinking* and the design professions. Many policy makers, entrepreneurs, engineers, and planners also engage in *design thinking*. Solving our cities’ problems will come from pluralistic, networked, and ongoing approaches. We need to design cities where effective communication rather than control is prioritized.”

## Working from home: A work in progress

HBR Blog Network, July 24, 2013

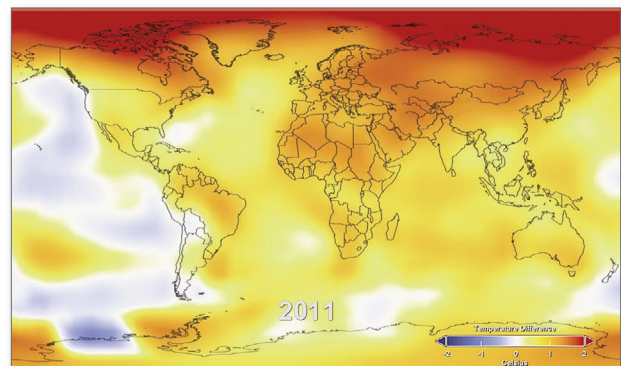
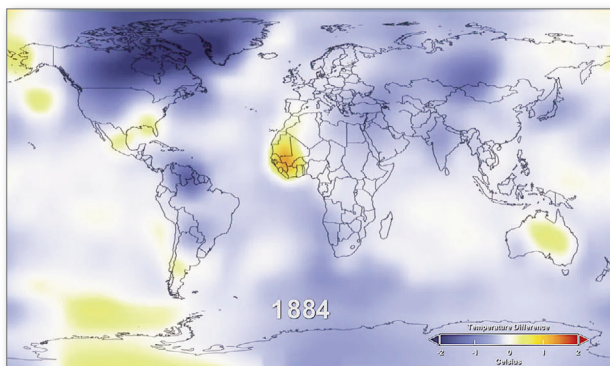
Teresa Amabile and Steve Kramer,

<http://bit.ly/1432T1a> • The widely circulated memo that banned telecommuting at Yahoo! stressed the importance of physical proximity for preserving the creative culture. Earlier this year, we collected daily electronic diaries from employees of the HR department in a New York bank. One particularly interesting pattern [was] the strongly positive comments from employees on the occasional days that they worked from home. Participants felt that they made more progress when they worked from home [giving] reasons [that] included increased focus, greater creativity, saved time, and feeling relaxed and comfortable. Our participants consistently rated their frustration with the work lower when they worked from home — a pretty powerful endorsement. Of course, there’s a catch. The participants in our study were doing inherently independent work, much of it repetitive, with little need for collaboration and little room for creativity. Forcing employees into the office could be very important if success is largely dependent on the frequent exchange of novel ideas between workers. The bottom line: working at home makes a lot of sense for some people and some kinds of work. Marissa Mayer’s report-to-work order may prove appropriate for Yahoo’s employees because of the creative, collaborative nature of their work.”

## 130 years of global temperature data in 26 seconds

NASA.gov, May 22, 2013

<http://youtu.be/IV8PI4R5nI4> • “Global temperatures have warmed significantly since 1880, the beginning of what scientists call the ‘modern record.’ During this time, the coverage provided by weather stations allowed for essentially global temperature data. As greenhouse gas emissions from energy production, industry, and vehicles have increased, temperatures have climbed, most notably since the late 1970s. In this animation of temperature data from 1880–2011, reds indicate temperatures higher than the average during a baseline period of 1951–1980, while blues indicate lower temperatures than the baseline average.” Also see “Global temperature anomalies, 1880–2012,” <http://youtu.be/TO03ColwxHE>



Screen captures from the 26-second video. Credit: NASA

# Plan-it sustainably: mobilizing sustainability planning

By Scott T. Edmondson, AICP

Connecting sustainability planning, APA State Chapters, and the new APA Sustainable Community Interest Group (Division) was the topic of a Sunday afternoon session at this year's national APA Conference in Chicago in April. APA California–Northern Section's Sustainability Committee collaborated with the APA Colorado Sustainability Committee to produce the event.

The event addressed the ultimate planning challenge — mobilizing an effective response to the growing sustainability threat, with climate change being the front-line assault. It was encouraging to see the expansion of sustainability planning evident in many National Conference sessions, yet we seem to be winning battles but losing the war, and the window of opportunity is closing. The complexity of the challenge — from understanding to transformation — further confounds initiative, motivation, and progress. Business-as-usual is no longer an option; best practices are necessary but insufficient. We need intentional, ongoing innovation, scaling, and implementation now to make the decisive difference.

Fortunately, we planners are well positioned to rise to the call and lead successfully. Although our core competence is often understood as land use, our methods are integrative, innovative planning and design. We now need to focus those methods on the complex systems challenge of sustainability. Some refocusing has begun in the emerging arena of regenerative design and planning rising from the longer tradition of ecological planning. The refocusing adds to sustainability planning the endgame of eliminating the economic sources of environmental impacts and creating net positive impacts. The endgame focus is a way to motivate the ongoing innovation needed for ultimate success.

Coincidentally and fortuitously, this integrative method and endgame focus will also transform the economy — an essential component of sustainability success. The traditional win-lose relationship between the environment and the economy will be transformed into win-win. With this approach, sustainability becomes a prosperity platform and method.

In beginning to address this challenge within our spheres of influence, the APA California–Northern and APA Colorado Sustainability Committees collaborated on an informal research project that briefly surveyed State Chapter sustainability initiatives. The results are summarized in the Division newsletter, <http://bit.ly/19fHECq>, page 4. The article informed LinkedIn and wider dialogues leading up to the Conference's facilitated discussion. Organizers and presenters included the new Division's chair and sustainability committee directors from the Colorado, Massachusetts, and Florida Chapters and APA California–Northern.

Breakout discussions responded to these questions:

- What would it take to mobilize sustainability planning in your state APA chapter?
- What are the ways APA chapters can collaborate on sustainability planning for mutual benefit?
- What are the best ways the new Division can promote innovative sustainable planning and support state chapter planning efforts?
- What are your commitments to action?

You can find the results of these discussions, along with links to the research article, the power point presentation, and other resources, at the end of the online version of this Plan-it sustainably column on the Sustainability Committee's website, <http://bit.ly/13vcSMZ>

The presenters of the facilitated discussion are continuing to work in their respective committees and as an informal work group of the new APA Sustainable Community Division.

Stay tuned...

*Scott Edmondson is a planner with the San Francisco Planning Department. A founder, member, and past co-director of the APA Northern Section Sustainability Committee, Edmondson pursues his interest in strategic sustainability through [www.sustainability2030.com](http://www.sustainability2030.com) ■*

**"The good stars line up for California High Speed Rail.** California's federal grant was the largest, and the initiative enjoyed bipartisan support. Former Gov. Arnold Schwarzenegger and his successor, Gov. Jerry Brown, both are champions. Regardless of some concerns about the design and alignment and complaints from the NIMBY crowd, this project continues apace. Other than obvious benefits of providing a rail link between the southern and northern parts of the state, there are co-benefits: providing access to the Central Valley, relieving congestion within metropolitan areas, reducing commercial shuttle air traffic between LAX and SFO, and opening up gates and runways for longer-haul flights." <http://bit.ly/15C6ioq>



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The American Planning Association, California Chapter Northern, offers membership to city and regional planners and associated professionals primarily living or working in California, from Monterey County to Del Norte County, including the nine county San Francisco Bay Area and Lake and San Benito Counties. APA California Northern promotes planning-related continuing education and social functions in order to:

- 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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*Northern News* welcomes comments. Letters to the editor require the author's first and last name, home or work street address and phone number (neither of which will be published), and professional affiliation or title (which will be published only with the author's permission). All letters are subject to editing. Letters over 250 words are not considered.

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