

Epic S.F. Redevelopment Wins Approval

Hunters Point Project Would Be City's Largest In A Generation

BY JOSH STEPHENS

When the Hunters Point Naval Shipyard closed, the United States Navy was steaming home from the South China Sea and the best way to get across San Francisco was in an airborne Mustang GT. It was then, 34 years ago, that the prospect of a massive redevelopment for Hunters Point and adjacent Candlestick Point first sprang to life. And it was just last month that a project was finally approved.

Replacing the former drydocks and heavy industrial facilities on the southern, bayside edge of San Francisco will be up to 10,000 units of housing as well as 5 million square feet of commercial space and 300 acres of green spaces. Located entirely in a redevelopment project area, the development is intended to be served by a web of transit and revitalize one of the city's most destitute neighborhoods.

"The opportunity to get over 700 acres of waterfront land entitled is a once-in-a-generation opportunity," said Michael Cohen, director of the city's Office of Economic and Workforce Development "It's particularly important because these lands resides in the heart of a part of

the city that has been underserved."

Miami-based homebuilder Lennar will serve as master developer for the roughly \$8 billion plan, which was approved, along with its environmental impact report, by the San Francisco Board of Supervisors Aug. 3. Cohen said that Lennar would develop the project's horizontal components while a range of other developers and subcontractors would develop the vertical component, in part to avoid a monolithic development.

Along with its waterbound cousin Treasure Island – also a former military installation to be redeveloped by Lennar – Hunters Point and Candlestick Point, which together encompass a full 2 percent of the city's land area, are likely to constitute to be the largest new development that San Francisco will ever see.

"We believe pretty strongly that this is not only the biggest but probably the most important development project in San Francisco's modern history," said Cohen.

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August Legislative Roundup

Capitol update

BY JOSH STEPHENS

This month's legislative session, which concludes August 31, includes no game changers like SB 375, but it does include a few bills related to land use and redevelopment that bear watching, ranging from a rumored CEQA exemption for a Los Angeles football stadium to the expansion of transit-oriented districts, as defined by the state.

CEQA

Los Angeles Stadium CEQA Exemption

Over 100 organizations have signed on to a statement circulated by

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The staff of the California resources board has released a staff report [1] and CEQA functional equivalent [2] document with its proposals for per capita greenhouse gas emissions targets for the state's four largest MPO's. The report comes roughly two months after ARB staff presented the board with a target range [3] of 5-10 percent per capita reductions for 2020 for the four urban MPOs and "placeholder targets" for those of the Central Valley.

Somewhat unexpectedly, ARB staff has recommended different targets for each of the "big four." They are as follows:

- MTC Bay Area: 7% – 2020; 15% – 2035
- SANDAG: 7% – 2020; 13% – 2035
- SACOG: 7% – 2020; 16% – 2035
- SCAG: 8% – 2020; 13% – 2035
- San Joaquin Valley MPOs (eight MPOs) placeholder targets: 5% – 2020; 10% – 2035

ARB is currently accepting comments on these targets. The board is scheduled to consider them Sept. 23.

More than 200,000 square feet of retail, office and residential space, approximately 555 new parking spaces (including a new public parking garage) are in store for downtown Walnut Creek. With the passage of a development plan by the City Council on August 10, the city of 65,000 is striving to generate additional economic vitality in its historic core. With this 5.4-acre redevelopment project, which will include downtown's first hotel, the city hopes to attract business, create jobs, and increase sales tax revenue. And, like many cities trying to spur private investment in development, Walnut Creek is considering fee breaks for developers, reducing some parking requirements, offering small business assistance loans and sharing new property or sales tax revenue generated by a project. With the plan itself costing \$500,000 and the environmental impact report coming in at \$220,000, the city is searching to recoup those costs. Part of the plan includes the sale of a city-owned 15-space parking lot for \$3 million.

Amidst concerns about the tenuous economic

situation, the Riverside County Local Agency Formation Commission paved the way for Jurupa Valley's to vote on its incorporation in 2011. The Commission's unanimous vote culminated several years of advocacy and organization by Jurupa Valley Incorporation Research Committee. Jurupa's initial flirtation with incorporation in 1992 fell short by a wide margin, and the communities of Mira Loma, Pedley, Glen Avon, Indian Hills, Rubidoux and Belltown remained under the aegis of Riverside County. This time around, committee members hope to convince their neighbors of the benefits of incorporation, namely local control, ahead of the March 11th vote. The proposal is not without its detractors, including the very head of the incorporation commission, George Spiliotis.

Citing projections of stagnant sales tax revenue, Spiliotis objected to what he considers to be a presently unfeasible plan. City boosters, however, remain unfazed, and are optimistic that Jurupa will follow in the footsteps of its neighbor Eastvale in voting to adopt cityhood.

Five California cities feature prominently in a list of the top ten least educated metropolitan areas in America, according data recently compiled by the Brookings Institution. The list's sole criterion is the percent of the population that has attained a bachelors degree. California's standouts in the regard are as follows: No. 1 Bakersfield (14.7%), No. 2 Modesto (15.1%), No. 3 Stockton (15.6%), No. 6 Fresno (18.9%), and No. 7 Riverside-San Bernardino-Ontario, CA (19.0%).

Home to 1,300 residents, Sunset Beach, the funky beachside "island" of unincorporated Orange County, will be incorporated into its much larger neighbor City of Huntington Beach.

Over cries of opposition from Sunset Beach residents, at a public hearing Aug. 9, the Huntington Beach City Council voted, 5-2, to complete its application to the Orange County LAFCO. The annexation of these 85-acres of ocean front land continues the process of incorporating the last remaining pieces of unincorporated OC, in order to shift the burden of providing necessary services

from the County to cities. According to LAFCO rules, Huntington Beach's annexation takes precedence over what was a latent movement to incorporate as an independent city.

LAFCO analysis indicated that an independent Sunset Beach would be financially unsustainable, and with the annexation Huntington Beach stands to reap over \$400,000 per year in property and hotel tax revenue. Ultimately, of greatest concern for Sunset Beach residents is the threat of losing its small town charm to the push for more development and the right to control its own destiny.

Backed by a \$20 million grant from the federal government, the San Francisco Municipal Transportation Authority is rolling out SFpark, a first-of-its-kind parking program. Using high tech meters and wireless sensors, the city will be able to adjust the price of each meter (never changing by more than 50 cents hour-to-hour) to meet parking demand in that area at that time. By letting the price of parking change with demand, the program aims to more accurately price the cost of using precious city real estate for car storage. At the same time, SFpark will help to ensure that there is always an open spot for those who absolutely need it. Consequently, fewer cars will be circling the block looking for that rare open spot, cutting down on both congestion and wasted fuel. Additionally, drivers will benefit from a number of new useful features. Instead of having to carry around fistfuls of quarters, drivers will be able to use credit and debit cards at the new meters. And, before leaving home, San Franciscans will be able to check parking availability and prices on line.

Despite a deeply depressed residential and commercial real estate market across California, the Sacramento County Board of Supervisors is considering a plan to open to development 20,000 acres of land. Amidst warnings that such a plan would produce an excess supply of land, opponents decry it as a gift to wealthy property owners at the expense of the mission to encourage smart, transit-ori- – CONTINUED ON PAGE 3



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ented growth over continued urban sprawl. When the 20,000 were initially considered for development, the assumption was that the Sacramento area would be adding 100,000 new housing units by 2030. However, recent estimates that factor in the recession now suggest half that number. Just months away from a vote that seems increasingly likely to approve the proposal, criticism is falling on campaign donations given to supervisors by the very interests that stand to benefit most from it.

Charging violations of CEQA review of the proposed Marina Center development, Humboldt Baykeeper and the Environmental Protection Information Center are again filing a lawsuit against the city of Eureka.

The suit alleges that the city's initial environment review is not sufficient to put the proposal to the vote as a ballot measure. The 42-acre area in question, known as the Balloon track property, is an abandoned rail yard currently suffering from contamination by previous industrial activities. Defending the Marina Center project's environmental bona fides, Randy Gans (VP of property owner Security National) pointed out that the project would clean up the site and create 11 acres of wetlands, in addition to its focal points of residences, offices, and retail.

Despite the apparent merits of Marina Center, the plaintiffs contend both that the EIR is narrow in scope to the point of being flawed, and that it cannot be considered for the ballot measure, as it is currently under judicial review.

Concerns about an \$11 billion water bond [↩] have prompted the California Legislature to scrap plans to put the measure on this year's ballot. Voters will have to wait until 2012 to vote on the Safe, Clean and Reliable Drinking Water Supply Act. The next two years will hopefully be enough time for legislators to fix the provisions deemed objectionable by two-thirds of both the Senate and Assembly. The overall price tag might scare off some voters weary of adding to the state's liabilities. But the real devil is in the details: \$2 billion in earmarks to

private corporations for running the publicly funded waterworks, \$3 billion in unspent funds from the 1996 water bond, funding for water education centers amidst school closures and funding cuts, not to mention an ultimate cost of \$22 billion once its paid off with interest in 2050. Those who voted in favor of the delay are hoping to produce a measure in two years focusing just on the critical elements to maintain the state's water infrastructure.

On the heels of a heated battle over preservation of Los Angeles' Century Plaza Hotel – a mid-century modern landmark by architect Minoru Yamasaki – the owners the have announced a comprehensive plan for a mixed-use development that will complement, and not significantly alter, the hotel.

The proposed development represents something of a compromise solution. Developer Michael Rosenfeld's initial plan was met with resounding disapproval from preservationists and Paul Koretz, the City Councilmember representing Century City. In contrast, the new design by architect Henry N. Cobb utilizes the 1966 hotel as the focal point of the property, with two 46-story towers to the west. It would be the largest new high-rise development in the city. The new oblong towers, will sit on the 5.75-acre property and contain up to 290 luxury condominium residences, 94,000 square feet of restaurant and retail space, and up to 100,000 square feet of office space. Additionally, a revamped Century Plaza hotel would be converted to house 63 luxury condos and a new ballroom.

The San Francisco Metropolitan Transportation Commission (MTC) has approved 22 new capital grants totaling \$44 million through its Transportation for Livable Communities (TLC) program to finance pedestrian, bicycle and streetscape improvements near public transit in cities around the Bay Area. The purpose of TLC is to support community-based transportation projects that focus on downtown areas, commercial cores, neighborhoods and transit corridors and support pedestrian- and transit-friendly developments are hallmarks

of the program. The TLC Program also supports the region's FOCUS Program by investing in Priority Development Areas (PDAs), designated areas in which there is local commitment to developing housing, along with amenities and services, to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit.

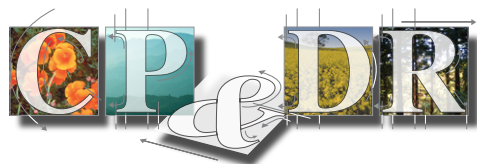
The 22 projects approved for funding are being developed throughout the Bay Area, including the three largest cities of San Jose, San Francisco and Oakland, and 14 other cities (Berkeley, San Leandro, Hayward, Richmond, Alameda, Union City, San Carlos, Concord, Livermore, Hercules, Vallejo, Santa Rosa, Petaluma, and Cotati). These projects were selected from a pool of 33 projects, requesting \$80 million in funds. Applications were received from seven of the nine Bay Area counties. Marin and Napa counties did not apply for funding in this cycle. View a list of the 22 projects awarded capital grants at http://www.mtc.ca.gov/news/press_releases/TLCGrantlist2010.pdf. ■



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legal digest

C.E.S.A. Applies To State Agencies

DWR Considered A “Person” Under C.E.S.A.

BY LESLIE Z. WALKER

The Department of Water Resources is a “person” for the purposes of the Fish and Game Code and thus is prohibited from killing an endangered or threatened species protected by the California Endangered Species Act (CESA), the First District Court of Appeal has ruled.

The ruling came in a case involving the operation of the State Water Project’s Harvey O. Banks pumping plant, which extracts water from the Bay Delta for eventual delivery to Southern California cities and San Joaquin Valley farms. Operation of the pumping plant traps and kills significant numbers of fish, including winter-run Chinook salmon, spring-run chinook salmon and Delta smelt. The winter-run chinook salmon is listed as endangered under the California Endangered Species Act, while the spring-run chinook salmon and the Delta smelt are considered threatened.

The organization Watershed Enforcers filed a lawsuit seeking to stop the Department of Water Resources (DWR), which oversees the State Water Project, from operating the pumping plant because the agency was “taking” the fish species without a permit under CESA (Fish & Game Code, § 2050 *et seq.*). The state and three local water agencies that are State Water Project customers – Kern County Water Agency, San Luis & Delta-Mendota Water Authority and West-

lands Water District – argued that CESA did not apply to DWR because the agency was not a “person” within the meaning of CESA. The trial court rejected this argument and ruled that DWR must get a take permit to continue operating the pumping plant.

At first, the state appealed. But the agency later decided to drop its appeal and comply with the ruling. The intervening water agencies, however, pursued the appeal because they fear that applying CESA to state pumping plant operations could reduce water deliveries. They continued to insist that DWR was not person that needed to get a take permit. The appellate court agreed to decide the case despite its mootness, because the issue was one of general public interest that is likely to recur.

At issue in the appeal was the meaning of Fish and Game Code § 2080, which provides, “No person shall ... take ... any species ... that the [Fish and Game Commission] determines to be an endangered species, or a threatened species.” The term “take” means to catch, capture, or kill. The Department of Fish & Game, through a permit or memorandum of understanding, may issue an incidental take permit to individuals, public agencies and various other entities that allows the taking of endangered or threatened species for scientific, educational, or management purposes.

The intervening water agencies argued that because the term “person” is ambiguous, reference should be given to the definition in Fish and Game Code § 67. It defines “per-

son” as “any natural person or any partnership, corporation, limited liability company, trust, or other type of association.” The code does not specifically name state agencies. The court, however, considered that other statutory language within CESA emphasizes the act’s application to state agencies. Further, Fish and Game Code § 2081 exempts several entities – including public agencies – from the § 2080 prohibition in certain circumstances. The court reasoned that if § 2081 could exempt public agencies from § 2080 take prohibition in some instances, then § 2080 necessarily applies to public agencies.

In addition, the court gave deference to the Department of Fish & Game’s regulations, which contemplate the application of the incidental take process to state agencies.

“[I]nterpreting § 2080 to exclude state agencies would lead to the unreasonable result that major actors, whose operations result in the taking of endangered and threatened species, would be exempt from the general take prohibition,” the court concluded. ■

■ The Case:

Kern County Water Agency v. Watershed Enforcers, No. A117715, 2010 DJDAR 9168. Filed June 17, 2010.

■ The Lawyers:

For Kern County Water Agency: Daniel J. O’Hanlon, Kronick, Moskovitz, Tiedemann & Girard, (916) 321-4500.

For San Luis & Delta-Mendota Water Authority: Andrea A. Matarazzo, Diepenbrock Harrison, (916) 492-5000.

For Watershed Enforcers: Michael R. Lozeau, Lozeau Drury, (510) 749-9102.

Housing Advocates Debate Hunters Point Plan

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As could be expected in a city famous for its activism, the development plan did not come about without heavy lifting.

The most major hurdle it had to clear came in the form of dueling ballot measures in 2008. Proposition G asked voters to weigh in on the concept of the plan in a nonbinding referendum while Proposition F would have required 50 percent of its housing to be subsidized. The former won with 61 percent of the vote while the latter was defeated.

Supervisor Chris Daly, one of Prop F's main backers, cast the lone dissenting vote in the 10-1 final approval last month on the grounds that the project still does not include enough affordable housing.

Daly's office did not respond to request for comment. His apparent sentiments, however, are in stark contrast with those of other housing advocates.

"There have been few projects in recent city history that have been so aligned with our goals," said Tim Colen, executive director of the San Francisco Housing Coalition.

Colen said that the project's emphasis on workforce housing – which he said is currently produced in the city at a rate of "zero, nada, zip" – would be a major contribution to the city. The plan aids very low-income residents by demolishing the Alice B. Griffith housing project and replacing it with an equivalent amount of housing that will be guaranteed to current project residents. Colen said that past displacements had caused residents to "scatter, never to return."

Despite the project's lopsided final victory on the Board of Supervisors, preliminary votes on key points were far closer. A rendition of Daly's call for affordable housing and a vote to disallow a key bridge both lost on 5-6 margins. Daly raised the affordable housing issue even after acknowledging Lennar's contention that more affordable housing would make the project financially infeasible.

Other critics of Lennar's plan, which was developed in conjunction with the San Francisco Redevelopment Agency and Department of City Planning as well as input from countless community groups, contend that it is not as progressive as it should be. Although the plan calls for several bus routes to extend into the former base, it includes no direct connection to rail transit. Arthur Feinstein, conservation chair of the San Francisco chapter of Sierra Club, said that a planned bus rapid transit line will not sufficiently reduce the area's dependence on personal autos and that the plan's parking requirements.

"They could have required less parking, smaller parking ratios like 0.5 to 1 for every unit rather than 1:1," said Feinstein. "Elsewhere in the city they have approved much lower ratios for parking."

Cohen admitted that the project wasn't as transit-rich as the forthcoming new Transbay Terminal, which sits atop several rail lines in downtown Francisco. But he did say that by building up the population of the

Bayview area and extending transit lines into the new development, bus transit throughout southeast San Francisco could double the overall use of transit in the area.

Moreover, environmental activists have taken issue with a four-lane bridge that would cross the Yosemite Slough and connect the development with adjacent Candlestick Point, where the 49ers NFL team may play for only a few more years before they make an expected move to Santa Clara. Feinstein said that the Sierra Club, among others, was concerned about the plan's handling of the project's parkland, emissions, and the Yosemite Slough bridge.

Supervisor Sophie Maxwell, who represents Bayview and has long championed a redevelopment project at the shipyard, said that the bridge will hardly constitute an intrusion on the bay's ecosystem. "As far as birds and critters are concerned, any bird worth their salt knows how to navigate a bridge," Maxwell.

Perhaps of greatest concern, however, is responsibility for cleanup of the mess left by the Navy. The site is designated as a federal Superfund site, and local officials have called for environmental justice for area residents and insisted that the Navy and EPA commence remediation posthaste.

The paradox of the long wait at Bayview is that planning principles have evolved significantly since the property was originally abandoned. Even so, its collection of mostly low-rise multifamily units and park-like neighborhoods strike some as antiquated.



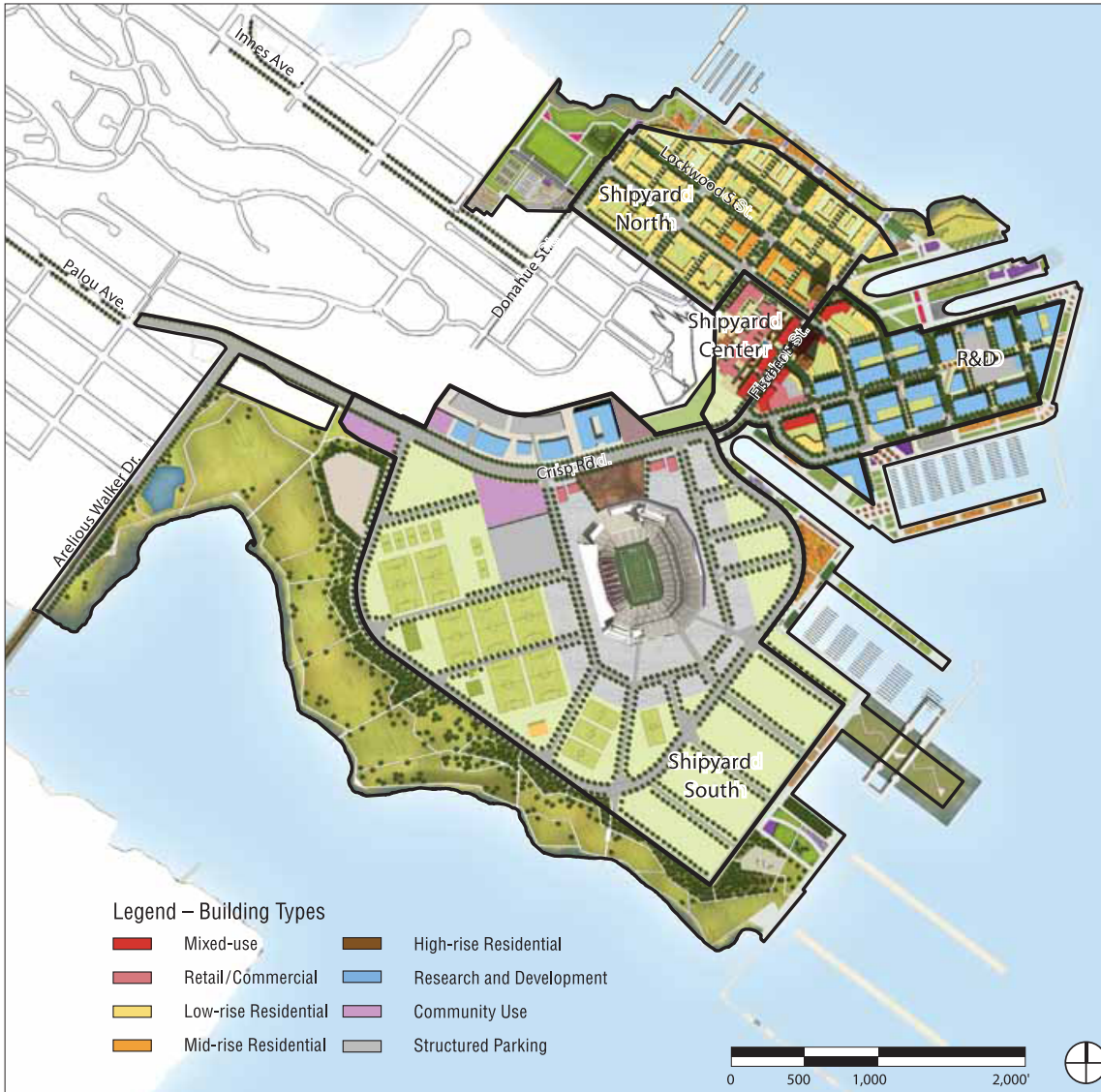
Hunters Point Naval Shipyard closed in 1974, leaving a toxic mess on hundreds of acres of prime bayfront real estate.

"It feels like very old-school and is going to result in a lot of traffic congestions, a lot of greenhouse gas emissions," said Tom Redulovich, executive director of local smart growth and social justice advocacy ground Liveable City. "In the rest of the city we've been trying to say, let's be a city that's more compact and more walkable....and that shipyard property feels like it's headed in the

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Plan Extends Bayview Street Grid

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The master plan for Hunters Point and Candlestick Point includes 10,000 units of housing, at least 3 million square feet of commercial, and an option to develop a new stadium for the 49ers.

much public debate and discussion and vetting as this one.”

“I think they contributed tremendously,” added Maxwell. “You have to have both, because there’s zoning and then there’s planning and then there’s redevelopment. In a lot of ways, what we said was that the redevelopment plan would follow the plan of the planning department, and we had many dual meetings and dual planning sessions together.”

Although the project has its share of auto-oriented big box retail, of the sort that might be found in a suburban greenfield development, the plan makes a relatively strong connection to the surrounding urban fabric. The Hunters Point plan intends to let the city wash into the shipyard and reach towards the bay by continuing the street grid that currently butts up against the wasteland of the shipyard.

“All these streets that currently dead-end into a barbed wire fence will be continued all the way to these waterfront parks,” said Cohen. “By doing that we ensure that this project isn’t an enclaved separate

other direction.”

City officials expect, however, that the few details in contention are outweighed by massive benefits that came in part from perhaps the most extensive series of planning meetings in the city’s history.

“The wait has produced a lot of good things,” said Maxwell. “It has helped to unite the community.”

The San Francisco Redevelopment Agency served as the city’s lead agency in the planning process to the distress of some critics, who felt that the agency was less responsive than the Planning Department would have been.

Cohen dismissed that claim as “absurd” and said “there is not a project in SF’s history – there isn’t anything close – that has gone through as

from the existing Bayview community.” ■

■ **Contacts & Resources:**

- Lennar Hunters Point Community Official Site <http://www.hunterspointcommunity.com/>
- Michael Cohen, Director, San Francisco Office of Economic and Workforce Development, (415) 554-6969, <http://www.oewd.org>.
- Tim Colen, Executive Director, San Francisco Housing Action Coalition, (415) 541-9001, <http://www.sfhac.org>.
- Sophie Maxwell, Supervisor, City and County of San Francisco District 10, (415) 554-7670.
- Tom Redulovich, Executive Director, Livable City, (415) 344-0489, <http://www.livablecity.org/>



Legislature Considers Land Use Bills

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the Planning and Conservation League opposing a CEQA exemption for the development of a would-be NFL football stadium in downtown Los Angeles. The concerns have arisen in part because of an exemption granted to Majestic Realty in 2009 for its proposed stadium in the City of Industry and because of Gov. Arnold Schwarzenegger's stated desire to grant exemptions to certain projects in the name of economic development.

However, rumors about AEG's intentions may be exaggerated according to company officials.

"We have progressed no further than researching and evaluating different alternatives," said Michael Roth, AEG's VP of communications. "We have not sought any legislation or announced any plans to pursue a stadium." Roth added that any stadium would still need to prepare an environmental impact report.

PCL Legislative Director Tina Andolina said no bill has yet come forward but speculated that the exemption might come in the form of a budget amendment or a gut-and-amend. She said that AEG had hired lobbyists in Sacramento for the purpose of seeking the exemption, but that PCL could not confirm those reports. Roth said that the idea for the stadium is in such early phases that to yet call it a plan would be an exaggeration.

Then again, in Andolina's analysis, publicity raised by PCL and its supporters might be the sort of action that would cause a developer to lay low or abandon an exemption request entirely.

"When these things are done in the light of day," said Andolina, "they're typically killed because there's so much opposition to this type of underhanded political maneuvering."

AB 499 (Hill) Environment: CEQA: determination: dispute.

Status: Senate Floor (Second Reading)

Assembly Bill 499 would make it more difficult for courts to dismiss legal challenges regarding CEQA on technicalities. Currently, confusion over which "real parties in interest" to list when a lawsuit is filed can lead to cases being dismissed before they are heard. AB 499 clarifies that the parties that must be named in a CEQA lawsuit for a particular project are those listed by the lead agency as "recipients of approval" for that project in the agencies' Notice of Exemption (NOE) or Notice of Determination (NOD).

Miscellaneous Land Use

AB 2650 (Buchanan) Medical Marijuana

Status: Senate Appropriations Committee

Even as cities across the state are implementing their own regulations to control – or prohibit – the sale of medical marijuana, AB 2650 would impose a statewide restriction with regards to schools. It would, however, grandfather any opposing local ordinance adopted before 2011.

AB 602 (Feuer). Land Use: Cause of Actions: Time Limitations

Status: Senate Floor (second reading)

Seeking to change a Court of Appeal (*Urban Habitat v. City of Pleasanton*), this bill would create an unlimited statute of limitations to challenge land use planning decisions.

See previous CP&DR coverage June 24, 2010. [↩]

AB 987 (Ma) Transit village development districts: infra-

structure financing.

Status: Senate Floor.

Based on emerging research that suggests that transit-riders are willing to habitually walk up to one-half mile in order to reach a high-frequency transit stop such as light rail or subway, this bill would double the current designation of a transit village development district from to one-half mile from one-quarter mile.

Assembly Speaker Pro Tem Fiona Ma, D-San Francisco, introduced a similar bill last year that got vetoed. In his veto message, Gov. Schwarzenegger indicated that he objected to a component of the bill that dealt with infrastructure financing districts. Ma has removed that component in this year's bill, which is intended to facilitate the sort of transit oriented development that SB 375 promotes.

"If I was staffing this bill," said Detwiler, "I would make the pitch that what's in this bill is consistent with the governor's commitment to densification."

Redevelopment

AB 1641 (Hall). Redevelopment: blighted areas (L.A. County)

Status: Senate Floor (second reading)

Applying to two obsolete public housing complexes in South L.A., which is represented by Assembly member Isador Hall, this bill would provide that blighted areas may be characterized by the existence of housing constructed as government-owned projects constructed prior to January 1, 1960. The bill would authorize a project in these areas to include the development of other housing, including privately owned housing units available to persons and families of low and moderate income and workforce market-rate housing units. Specifically, the bill would create project areas surrounding Jordan Downs and Nickerson Gardens housing projects in order to use redevelopment funds for a planned \$5 billion mixed use redevelopment project.

AB 2531 (Fuentes) Redevelopment: economic development

Status: Senate Local Government Committee

A game-changer that would allow redevelopment agencies to pay for business development and job programs, rather than just brick-and-mortar remedies for blight. Would have a sunset of January 1, 2018.

See previous CP&DR coverage July 16, 2010. [↩]

Disadvantaged Communities

SB 1174 (Wolk) Land use: general plan: Future Sustainable Communities Pilot Project.

Status: Assembly Appropriations Committee

This bill would create the Future Sustainable Communities Pilot Project to pay for general plan updates for disadvantaged communities, using Proposition 84 bond funds. The bill would authorize a city or county with a disadvantaged unincorporated community, inside or near its boundaries, to apply to the Strategic Growth Council to receive the financial assistance necessary to update its general plan to facilitate the transformation of the disadvantaged unincorporated community into a sustainable community. The bill would require the Strategic Growth Council to choose 5 cities and 5 counties with a disadvantaged unincorporated community inside or near their boundaries to receive financial assistance in order to promote sustainability

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Bill Seeks To Aid Disadvantaged Communities

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in those communities.

SB 194 (Flores). Community Equity Investment Act of 2010

Status: Assembly Housing & Community Development Committee

SB 194 would require the Strategic Growth Council, when awarding funds for urban greening projects and planning grants and incentives, to give priority to applicants that incorporate into their general plans certain amendments regarding disadvantaged communities. General plans would have to account for disadvantaged islands and fringe communities and lay out goals for rectifying those communities' problems; those goals may include annexation and/or expansion of city services.

SB 194 would also condition the eligibility for non-entitlement Community Development Block Grant funds on the certification that a city or county applicant has updated its general plan by January 1, 2013 to plan for disadvantaged unincorporated communities. SB 194 would require those cities and counties to spend that money proportionately in the areas within their jurisdiction that have the greatest number of low- and moderate-income residents, and to target the majority of those funds to those most in need.

AB 853 (Arambula) Local Government Organization

Status: Senate Floor, Second Reading

This bill addresses the always sticky question of annexation of poor unincorporated areas by cities. It would expand planning for, and expedite city annexations of, disadvantaged communities by identifying infrastructure deficits in municipal service reviews. This bill would also require the agency to include in its written statement a determination with respect to the location and characteristics, including infrastructure needs or deficiencies, or any disadvantaged inhabited communities, thereby imposing a state-mandated local program.

The bill would also require a local agency formation commission, upon the review and update of a sphere of influence on or after July 1, 2010, to include in the review or update of each sphere of influence of a city or special district that provides public facilities or services related to sewers, nonagricultural water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged inhabited communities. The current sticking point revolves around the costs that counties would have to bear in paying for the annexation application for disadvantaged communities. ■

from the blog

<http://www.cp-dr.com/blog>

A Strategy Session For Los Angeles

If you are at all involved with urban planning in Los Angeles you were probably either in the audience or on the panel at last night's "The Future of the Los Angeles City Planning Department (and the City of Los Angeles)" event, sponsored by AIA, APA-L.A., ULI, and Cal Poly Pomona's College of Environmental Design. I suppose a third option is that you were stuck in traffic and couldn't make it.

Those of us in the room at Southwestern Law School in Koreatown were treated to perhaps the most far-ranging, sincere, and sometimes entertaining discussion about planning in Los Angeles in recent memory. It was, to an extent, a master class for new Planning Director Michael LoGrande [↩], who attended fresh off his confirmation by the Los Angeles City Council. The event was organized before Mayor Antonio Villaraigosa nominated LoGrande, and his attendance was not promised. But how could he not attend, and how could he not share a few words, given that the entire two hours was dedicated to the equal measures hope and desperation that surround the years to come at the L.A. Department of City Planning?

By the looks of things, LoGrande has not exactly picked a cushy job for himself. His own brief introductory remarks, while replete with the requisite visionary rhetoric, focused on the department's financial challenges and his eagerness to partner with outside firms and organizations to help craft the city's plans.

Moderated by Planning Commissioner Michael Woo, the 10-member panel represented some of the region's most astute practitioners

and observers of planning in Los Angeles, ranging from architects to developers to journalists to former members of the Planning Department staff. They amounted to an unusually candid bunch, whose expertise centers not necessarily on planning per se, but rather on that unquiet beast known as planning in Los Angeles.

If no other lesson emerged – for LoGrande or anyone else who would dare imagine what the city should and could look like – it is that Los Angeles is sui generis, in its form, geography, demographics, history, and politics. Jane Blumenfeld – the recently retired consigliere to LoGrande's predecessor, Gail Goldberg [↩] – said it most bluntly by calling it "the most politicized planning land use development city in the world."

The discussion did little to contradict that stereotype. It's an amazing thing when a dozen experts get together and generally agree on goals: We want Los Angeles to be more pleasant (i.e. pedestrian-oriented); we want to preserve distinctive neighborhoods and respect community members' wishes; we want to take advantage of new and existing transit projects and we love the 30/10 plan; we want to provide more housing. To a lesser extent, we want to reach out to under-served communities and we want to stoke the city's economy. Restoring the L.A. River would be a fabulous thing to do. All well and good.

(Notably absent, however, was so much as a whisper of rhetoric about sustainability. I have two theories on this: The first is that everyone has grown weary in the process of hoping for, and not achieving, a mythical "green future" – especially in this econo-

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my. The second, more hopeful theory is that sustainability has become implicit, especially to the extent that, thanks to legislation like SB 375, it has become synonymous with density. Indeed, now that L.A. is built out and that the transit system keeps growing, it's arguable that almost every new development will be sustainable by some measure.)

How, though, to achieve those goals?

Suggestions ranged from “enjoy the recession” as a time to think and plan to “Metro should take all the land surrounding transit stops by eminent domain.” Some encouraged LoGrande to align himself with Mayor Villaraigosa's vision (whatever that may be; “elegant density” is still being batted around five years after the mayor first picked it as his slogan) while others were already talking about the next mayor and arguing whether the city charter even made the mayor relevant. Almost everyone agreed that having to serve 15 councilmembers, plus a mayor, is no way to plan a city. Baron Haussmann and Robert Moses would surely concur.

If there was a single point of consensus about how to move forward with high-quality development, it was articulated most clearly by Forest City Sr. Vice President Renata Simril: “For me as a developer, the notion of by-right speaks volumes to my ears. Time is money. I'm more apt to be able to build a project that yields that (desired) result because there's clarity, there's certainty in that plan. And, by the way, I know I'm not going to get challenge by the community because the community has bought into that specific plan.”

Bill Fulton followed up that assertion, saying: “You prove to (councilmembers) that by doing a planning process that results in a consensus that people can buy into that developers will have more clarity...and a roadmap. If you can prove to the politicians that there's some kind of a plan in place that makes it easier for developers to get to the end and built stuff that the neighborhood wants, that's how you prove to councilmembers that good planning is good policy.”

In other words, Los Angeles needs good plans and public officials who will enforce those plans. Beyond that, the panel offered LoGrande an abstracted, highly intellectualized version of what he will experience in L.A.'s neighborhoods and halls of power: passionate, articulate, and often contradictory sentiments. Some highlights from each speaker include the following:

Planning Commissioner Michael Woo (moderator):

“The City Planning Department and the planning director operate in a political culture in which it is more customary than in other cities for elected officials to intervene in the planning process. Also, the Planning Department and planning director operate in a city in which private property interests have very strong influence over what goes on...and where NIMBYism was not exactly born in Los Angeles but certainly moved here at an early age.”

Jane Blumenfeld, former Acting Deputy Director, L.A. City Planning

“If you revise the community plans, a lot of casework is eliminated. We need to get rid of that so that the people who are there... can function efficiently and effectively without having everybody be forced to do casework. Know what is expected in a neighborhood, you won't need to review the color of paint and roofs. There's a lot of work involved, and it's needless and stupid in a lot of ways. They won't have those project-by-project fights.”

Bill Boyarsky, former L.A. Times City Editor

“The biggest obstacle to moderate-priced housing are the land developers, property owners, Central City Association, and the building trade unions. They control planning in LA. I wrote many stories about neighborhoods where Moderate-priced apartment buildings were torn down for more expensive condos...the only thing that saved these people

was the recession. When this recession ends, you're going to have to go back. The mayor is going to have to take a chance.”

Vaughn Davies, Director of Urban Design, AECOM

“The rulebook is there to protect and safeguard us from poor development. It doesn't really promote great development. Sets a minimum standard. All the great places we travel to in the world are illegal to build in Los Angeles. The more opportunities to create traffic and chaos in this city. Sidewalks and the public realm. Make the pedestrian the priority. We need to move swiftly and we need to be as nimble as possible. We can't wait for Planning to unveil some big vision for the city.”

Bill Fulton, Mayor of Ventura; CP&DR Publisher

“Duking it out at the community level is better than duking it out at the project level. But given the history of LA, nobody believes that. They all think they can duke it out at the project level and get a better deal.”

Emily Gabel-Luddy, Past Director, L.A. City Planning Urban Design Studio

“NIMBYs play an essential role in the public discussion because they raise things that would otherwise not be raised. People have insights into the local area that none of the planners have because they do not live there.”

Christopher Hawthorne, L.A. Times Architecture Critic

“There's no city even close to its size that faces so many fundamental questions about what it's going to be in the coming decades.”

“It's a question of whether development is going to guide planning or whether planning is going to guide development. There are a lot of vested interests who really like things the way they are and that they like piece-by-piece planning and duking it out. I think if we can agree that's as an ideal to have planning guide development, then the tricky question is politically how do we get there?”

John Kaliski, Principal, Urban Studio-L.A.; Past President, AIA/LA

“The divide seems to be between those who believe these conversations are useful and those who believe they're useless. Neighborhood council process that's advisory. That's a huge cultural shift in the city that hasn't been recognized yet for all that it could be.”

Renata Simril, Sr. Vice President, Forest City

“As we continue to move forward, I think the future is going to be bright as it relates to TOD. Coupled w/ the 30/10 plan and the effort to focus on key TOD projects throughout the city.

“(There's a) battle between density and preserving the single-family house. If we can agree where density occurs, it's not an either/or. Focusing on TOD gives you not an ‘or’ but an ‘and.’”

Martha Welborne, Executive Director of Countywide Planning, Los Angeles Metro

“We've known for some time that we really cannot build our way out of the transportation problem. If you want to solve mobility issues, a link of land use and transit planning is critical. The MTA controls no land use planning; we just do the transit side. An increased dialog among the 88 cities in the county and the MTA, is critical if we want to build our way out of the problem.”

Elva Yanez, Coordinator, L.A. Collaborative for Environmental Health Policy and Justice

“It's not just the responsibility of the city to create those mechanisms. There is no intermediary in the city of LA that's funded by foundation funds to educate people about planning and do advocacy in an appropriate and constructive manner. We don't need developer front groups muddying the water.”

So that's some of what the panel said. Perhaps the more salient question, though, is who heard it?

The “Louis XVI Room” (not kidding) at Southwestern Law School was filled to capacity with acolytes, employees, and even peers of the folks on the panel. It was like old home week

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for the cognoscenti. But there is a difference between knowing about planning and having an interest in planning.

And who wasn't there? The other four million residents of Los Angeles.

I don't say that to be flippant, but I do mean that for this discussion to matter, it must, by necessity, reach the people who have not yet heard it. Millions of people in Los Angeles don't know what planning is, much less what "do real planning" means. Many haven't considered the pleasures (or not) of density and walkability, or if they have, they don't believe that L.A. could ever be a dense, walkable city. Many would not feel comfortable attending an event (even one free of charge) under crystal chandeliers in a restored Art Deco palace.

As the discussion went on, I kept thinking about all the cars, buses, cyclists and pedestrians passing outside (and about the straphangers passing beneath) the Southwestern Law's Bullocks Wilshire Building in the twilight. And I wondered if any of them had any idea that, in some small way, the future of their city was being discussed – or if they even

knew that the future of the city was up for discussion at all.

If it's true that the recession will, as Renta Simril said, give LoGrande and other L.A. planners some unintended leisure time, then more meetings like this have to take place, both with official department sanction and though the efforts of APA, AIA, ULI, and the like. And they should take place throughout the city in front of mixed audiences, so that residents of different communities can mix and undo some of the atomization that clearly fascinates and troubles Christopher Hawthorne and others.

Los Angeles embodies Jeffersonian democracy at its most absurd, with detached, diverse residents believing that they can control their own fiefdoms – however small – or resigning themselves to having no power whatsoever. And yet, from the city's architecture to its physical environment, Los Angeles strives for greatness even while acknowledging its own shortcomings. Last night's event proved, as ever, that nowhere else do ambition and ambivalence coexist with such intensity.

– JOSH STEPHENS | AUGUST 05, 2010 ■

Have A Plan To Reuse That Bookstore?

The announcement earlier this week that bookstore giant Barnes & Noble is for sale is important to city planners for two reasons.

First, however the deal comes together, the sale will almost certainly result in the closure of some of Barnes & Nobles' 720 U.S. stores. Closures could begin even before there is a sale, as the company tries to increase its appeal by shedding its weakest outlets.

Second, and more importantly, the troubles that Barnes & Nobles is experiencing provide another example of the changing nature of retail sales, and one more warning about basing land use plans or developments on specific uses or businesses. How Americans buy things, and even what we buy, is evolving almost as fast as planners can process development applications.

When I was in downtown Seattle last week, I came across an honest-to-goodness newsstand. Tall racks located right next to the sidewalk, offered hundreds of mainstream and esoteric magazines, local and out-of-town newspapers, racing forms, puzzle books and even a few paperbacks. It was exactly the sort of operation that used to attract crowds in any large or mid-sized downtown. But the newsstand I saw in Seattle struck me as quaint, almost anachronistic.

Is the full-on bookstore going the way of the newsstand? Quite possibly. Independent bookstores have been shutting down rapidly since the 1990s, partly because of competition from the likes of Barnes & Noble, but mostly because reading – and buying – habits are changing.

You don't need me to tell you that people read things online all day long. You're doing it right now. And you don't need me to tell you that people buy things online all day long, too. Last year, Barnes & Nobles' biggest competitor, Borders, closed all its stores in the United Kingdom. Borders has barely staved off bankruptcy in this country. I'm not going to bury Barnes & Noble just yet – the business wires report [↗] the company has at least two serious suitors – but there's no denying the company is struggling.

With the big movement to electronic books, people are likely to

buy even fewer printed books in the future. It's a story familiar to any recorded music retailer. Forrester Research analyst James McQuivey told the Los Angeles Times [↗], "It's really starting to be clear that bookstores are, if nothing else, a very valuable way to promote e-readers and e-books."

As recently as five years ago, nearly every proponent of downtown redevelopment, a lifestyle center or a mixed-use development fought to get a bookstore. They couldn't contain their glee if they managed to snag a Barnes & Noble or Borders. But if the analyst quoted above is correct, the bookstore that was so prized only a few years back may continue to exist only as a marketing tool for sales consummated elsewhere.

I recognize that retail trends come and go. Heck, I'm old enough to have slurped a milkshake at a Woolworth's lunch counter. But retail trends used to hang around for a generation. Now a big trend might last seven years.

My point is this: basing a specific plan, redevelopment plan, or development project on certain retail uses is a very dicey proposition. The bookstore that was a lynchpin 10 years ago may not exist after this Christmas shopping season. Who really knows how other segments of the retail market will evolve over the next few years, let alone over the next 20?

I probably sound like I'm advocating form-based zoning. Maybe so. What I'm really advocating, though, is a focus on making great places – the sort of places that remain vital even while uses evolve and adapt. When you're building and rebuilding a city, what matters are the bricks and mortar, the public plazas and landscaping, the circulation systems, the architecture – the stuff that will survive while numerous retail trends rise and fall. I think most people who have studied cities and city planning understand this fundamental concept. But I also think that people can get distracted by the latest shining object.

– PAUL SHIGLEY | AUGUST 06, 2010 ■

