

S.F. Yacht Race Inspires Changes on Dry Land

America's Cup may catalyze long-term development of piers and bayfront

BY NATE BERG

IN TWO YEARS the world's biggest event on water will take place in San Francisco. But, like many other mega-sporting events, the 34th America's Cup is expected to have no small impact on land.

With an expected draw of hundreds of thousands of spectators, San Francisco is already contemplating plans to capitalize on the crowds and prestige of the America's Cup. While it's no Olympics or World Cup in terms of scope, the event does present the city with an opportunity to bring about long-term changes. San Francisco was named as the host of the event on December 31, and its plans – both short- and long-term – are already unfolding.

The America's Cup is traditionally hosted by a yacht club associated with the past winner and is therefore chosen largely by fiat, in contrast with the fierce competition for the Olympic Games. Bay Area luminary Larry Ellison – CEO of Oracle Corp. – won the Cup in 2010 and spearheaded the efforts to bring the race to his home waters.



Former San Francisco Mayor Gavin Newsom and Larry Ellison, CEO of Oracle Corp.

COURTESY AMERICA'S CUP EVENT AUTHORITY

The race itself will take place in a wobbly ring within the Bay, meandering along the Embarcadero and Bay Bridge, past Treasure Island and Angel Island, over to the Marin Headlands, and then a quick in-and-out beneath the Golden Gate Bridge. Its organizers expect viewers to watch from all around the Bay, but the focus of attention will be around the city's piers, which will host the main viewing areas as well as a number of temporary facilities for the event.

The city's bayfront between the Golden Gate and Bay bridges is already a busy tourist area, and the months-long racing events are expected to bring upwards of 200,000 visitors a day to the area. Most of the event-related work will be temporary,

and much of it is centered around Piers 27 and 29. This will be the main viewing area, and also the site of the America's Cup village. The racing teams will be based at Piers 30 and 32, and will be the site of much activity during the main racing events held between July and September

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Planner Champions Interests of the Poor



BY JOSH STEPHENS

ALVARO HUERTA grew up in a forlorn place, where urban planning surely failed. Growing up in Los Angeles' Ramona Gardens housing project, the son of Mexican immigrants, Huerta read only two books and wrote a single two-page paper through 13 years of elementary and secondary school in the public school system. But he knew what he was missing, and he is now in the process of completing his doctorate at UC Berkeley's Department of City & Regional Planning. Currently a visiting scholar at UCLA's Chicano Studies Research Center, Huerta has emerged as a leading voice for disenfranchised urban poor. Last fall, the American Planning Association awarded Huerta its national Advancing Diversity & Social Change award for his service to the planning world and to minority communities.

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IF EVERYTHING HAD GONE according to schedule, this issue of *CP&DR* would have included coverage of the fate of redevelopment. Instead, the budget trailer bills that would enact Gov. Jerry Brown's proposal – AB 101 and SB 77, which are mirrors of each other – remain in limbo as the governor tries to rally support.

Between the two houses, he needs five Republican votes, and so far everyone is digging in their heels. In the meantime, the speculation flies and new proposals abound. The California Redevelopment Association and League of Cities support a plan by which agencies would voluntarily surrender some of their tax increments in order to fund schools. This would, supposedly, skirt the constitutional battle for which both organizations are gearing up. There's even wind of a Republican request to attach CEQA reform to the passage of some of the governor's proposed taxes. Meanwhile, interests groups ranging from chambers of commerce to affordable housing advocates are furiously lobbying for the preservation of Enterprise Zones and redevelopment. Even the beleaguered Williamson Act has its vocal supporters.

How this will all play out – first in the Capitol, then in the voting booth, and, undoubtedly, in the courts – remains far from certain. This budget season has enlivened and galvanized the land use community like never before. We at *CP&DR* are as eager as anybody else to find out what sort of a state we are going to be living in henceforth.

—JOSH STEPHENS

THE CALIFORNIA COASTAL COMMISSION has certified a development on a 220-acre site on the Samoa Peninsula in Eureka. The approval marks one of the final stages in the planning process for Samoa Pacific Group, which purchased the land in 2001. The Humboldt County Board of Supervisors will have to weigh in before construction can begin. The part of the peninsula in question was formerly the location of a 19th Century lumber mill. Given the delicate nature of the location, the developers had to reassure commissioners that the project would be able to withstand potential earthquakes and tsunamis, as well as protect natural resources. To clear the path for the development, the developer conceded to conduct brown-field cleanup and construct a new wastewater treatment facility.

A SUPERIOR COURT JUDGE has issued an injunction that could hinder implementation of AB 32, California's landmark global warming bill. The decision comes after a legal challenge by environmental justice advocates who argue that the bill's cap-and-trade mechanism – the key tool in reducing carbon emissions – would produce outcomes that would disproportionately hurt low income and minority Californians. The judge found that AB 32 had not adequately considered alternatives, as required under the California Environmental Quality Act. According to plaintiffs, some in-

dustrial polluters would be able to continue emitting high levels of pollution in poor neighborhoods simply by purchasing "carbon credits." Therefore, the disadvantaged residents of these areas would continue to be subject to unhealthy conditions. Additionally, these environmental justice groups object to the lack of reductions required of agricultural pollution, which particularly affects poor migrant workers. The California Air Resources Board rejects the claims that a cap-and-trade system would result in environmental harm and has vowed to appeal the decision.

ACCORDING TO RECENTLY RELEASED environmental documents, the Marine Corps is considering six alternatives for expanding its San Bernardino County training facility. The Marine Corps' preferred alternative would extend its footprint into an area of Johnson Valley currently designated as a recreation area for off-road vehicle enthusiasts. The Marine Corps grounds currently hosts "live fire" air-to-ground training exercises on almost 1,000 square miles of land. The desired Johnson Valley parcel would add roughly another 230 square miles of land abutting to the east. According to military officials, the extra land is needed so that up to 3,000 Marines can perform simultaneous maneuvers. These exercises are geared towards training soldiers for combat in desert conditions.

A U.S. EPA-FUNDED STUDY titled, Location Efficiency and Housing Type – Boiling It Down to BTUs, has drawn some conclusions that may be disheartening to fans of green design. The study examined various scenarios that would improve energy efficiency versus a baseline of typical suburban building patterns. The key finding was that locating a building in a transit-oriented neighborhood – versus an auto-dependent one – had greater energy efficiency gains than merely improving the quality of the building to Energy Star standards or replacing standard cars with "green" cars. This finding strengthens the argument that transportation is often the principle contributor to a given building's energy consumption. That said, the study emphasizes that green buildings, green cars, and transit-oriented development all play important roles in saving energy.

IN LOS ANGELES COUNTY, the City of Torrance has won legal approval to grant building permits for a new 75,000 square foot Walmart. The City Attorney reportedly called the approval process "run of the mill," but a labor-backed community group had sued the city in the hope of forcing a full-fledged environmental review. At the end of February, a Superior Court judge issued a tentative ruling in favor of the city and Walmart; the following week the judge made that decision final, allowing the city and Walmart to avoid a CEQA review. Part of this CEQA exception centers on the fact that the new store would be a renovation of an old Mervyn's storefront, and not an entirely new building.

SANTA MONICA planning director Eileen Fogarty has announced her intention to resign in May 2011, after serving four and a half years in that role. During her tenure, Fogarty steered Santa Monica's adoption of a landmark land use and circulation element (LUCE). In 2010, the planning document won the "Outstanding Comprehensive Planning Award" from the California Chapter of the American Planning Association, on top of accolades it earned from the Santa Monica Conservancy and Los Angeles Chapter of the APA (see *CP&DR* Local Watch Vol. 25, No. 17 Sept. 2010 [1]). Fogarty also helped streamline the development approval process and helped enhance trust between

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planners and Santa Monicans, many of whom had grown skeptical of development. Her replacement will arrive with a full slate of important projects: realizing the LUCE; overseeing a major redevelopment project at Bergamot Station; planning a new civic park; and preparing for the arrival of the Expo Light Rail line in 2015, which will connect the coastal city to downtown Los Angeles.

IN OCTOBER, CP&DR REPORTED that the Lawrence Berkeley National Laboratory [↖] was looking to consolidate some of its offices that are spread across a number of Bay Area facilities. Since then, developers from eight different cities have submitted a total of 21 proposals to officials working on the project. The plan from here is to whittle that list down to a handful of sites that could be studied more closely, and then announce a final decision in June. Since this new facility will accommodate up to one fifth of the lab's staff, one of the criteria for the site is that it has to be within a relatively short drive from the main facility in the Berkeley hills. Officials in Richmond – to Berkeley's north – are making a strong push locating the facility there. A number of Richmond locations could meet the lab's demands, including the Richmond Field Station, a parcel currently owned by the University of California and used by researchers. That said, Richmond will be competing with proposals from Oakland, Alameda, Emeryville, and a half-dozen other East Bay cities.

LAST WEEK, LOS ANGELES developer AEG announced that it would begin the formal environmental review process on its proposed downtown football stadium. At the end of March, AEG will host the first scoping meeting, at which they expect to hear extensive public input on transportation and parking issues. Angelenos can expect to see a completed environmental document by the end of 2011. In the meantime, AEG is pushing ahead with further developments at its L.A. Live campus. The football stadium – and its accompanying convention center expansion – would require the addition of hundreds of adjacent hotel rooms to be effective. AEG is also expected to announce a contract with a developer to build a 375-room hotel.

SAN JOSE has been considering a plan to revamp its convention center for several years. To pay for the renovation, the San Jose City Council is expected to approve the issuance \$120 million in bonds, which would be paid for by an extra four-cent hotel room tax. The current plan on the table would add a new ballroom, conference space, a dramatic entrance, and replace aging utility infrastructure. Those components actually represent a scaled back version of a \$300 million proposal that was floated three years

AFTER WEEKS OF STALEMATE AND TOUGH TALK – on both sides – the California Redevelopment Association has announced an alternative to Gov. Jerry Brown's intention to eliminate redevelopment. The CRA announced today a compromise plan that would preserve the architecture of redevelopment while allowing the transfer of certain funds to schools (at the expense of affordable housing), thus easing the state's deficit.

CRA Executive Director John Shirey said that the proposal does not yet have any sponsors in the Legislature but that feedback on initial drafts of the proposal had been positive. Shirey said that he expected the governor to be unyielding but hoped that legislators would be able to swap it into the budget bill in place of the governor's more draconian measure.

Budget talks have reportedly stalled in Sacramento, with the governor attempting to garner support from Republican legislators.

CRA officials say that their plan would comply with the state constitution – particularly Proposition 22 – by allowing voluntary contributions from redevelopment agencies. In doing so, the compromise plan presumably avoids the legal battles that would likely ensue if the governor's plan was adopted intact.

The proposal includes the following two key provisions:

- Local redevelopment agencies can voluntarily suspend their housing set-aside for FY 2011-12. An equivalent amount of funds must then be contributed to local school districts in project areas. In exchange for this contribution of funds for FY 2011-12 to local schools, the agency will be allowed to extend the project area's life by two years.
- In addition, or alternatively, redevelopment agencies could voluntarily contribute up to 10 percent of their tax increment revenue stream to local school districts for 10 years, beginning in FY 2011-12.

CRA estimates that the alternative could raise more than \$2.7 billion over the 10-year life of the proposal, exceeding the \$1.7 billion in the governor estimates that could be gained by eliminating redevelopment.

ago. The San Jose Redevelopment Agency was supposed to play a large role, but its involvement was undone by the agency's own budgetary problems, not to mention the specter of a statewide axe of redevelopment altogether. Bill Sherry, who led the \$1.3 billion upgrade to San Jose International Airport, will oversee the renovation. The convention center project is expected to be finished in roughly two years.

A LEGAL CHALLENGE THREATENS to derail plans for a rail maintenance facility along the planned Foothill Light Rail extension, which will travel 11 miles from Pasadena to Azusa. A Monrovia property owner, who would have his property seized by eminent domain, is challenging the construction authority's compliance with CEQA. He contends that the authority should have considered other, allegedly superior, sites for the maintenance yard. The City of Monrovia supports locating the yard on the 24-acre parcel within the city's borders, because it would bring in 200 permanent jobs. Construction authority CEO Habib Balian asserted that the environmental review process met all CEQA-based requirements.

CONSERVATION GROUPS have filed a lawsuit against the San Francisco Recreation and Park Department for killing federally protected threatened and endangered species at Sharp Park golf course, city-owned course located within Golden Gate National Recre-

ation Area. The Wild Equity Institute, Center for Biological Diversity, National Parks Conservation Association, Surfrider Foundation, Sequoia Audubon Society and Sierra Club filed the suit in federal court under the Endangered Species Act to stop ongoing harm to the threatened California red-legged frog and the endangered San Francisco garter snake. "It's clear that the city's plan to protect endangered species at Sharp Park has failed miserably and it's time to stop this unnecessary harm to protected species," said Jeff Miller, conservation advocate for the Center for Biological Diversity, in a statement. The groups claim that evidence of harm to red-legged frogs at the golf course this winter shows that the Park Department's endangered species "compliance plan" has failed. In recent years, pumping and drawdown of wetland water levels after frogs have laid eggs brought notice of violations from the U.S. Fish and Wildlife Service. ■



legal digest

Adult Bookstore Case Sent Back to District Court

'Biased' witnesses prevent court from settling First Amendment challenge to L.A. ordinance

BY LESLIE WALKER

THE NINTH U.S. CIRCUIT COURT OF APPEALS has reversed a District Court's grant of summary judgment to two adult bookstores. The stores had claimed that a Los Angeles ordinance requiring the dispersal of adult businesses violated the First Amendment. The Ninth Circuit found that the declarations upon which the summary judgment was based were biased and did not amount to "actual and convincing" evidence sufficient to cast doubt on the rationale for the ordinance.

The ruling is the latest in a 15-year-old case that the court called "resilient." Yet the ruling settled nothing. All the Ninth Circuit did was return the case, known as *Alameda Books*, to District Court for trial.

First, some background. In the mid-1970s, the City of Los Angeles conducted a study from which city officials concluded that incidences of crime are higher in areas with concentrations of adult businesses. In 1978, the city enacted an ordinance requiring, among other things, that an adult arcade not be located within 1,000 feet of an adult bookstore. Five years later, the city amended the ordinance to clarify that an adult arcade and adult bookstore also could not operate in the same establishment.

Alameda Books and *Highland Books* opened during the early 1990s as combination adult bookstore and arcade. In 1995, a city inspector informed *Alameda Books* and *Highland Books* that they were in violation of the ordinance. They brought suit in U.S. District Court for the Central District of California pursuant to 42 U.S.C. § 1983, a federal statute that provides a remedy for persons who, under color of state law, are deprived of rights, privileges or immunities granted under federal law or the U.S. Constitution.

The bookstores won at the trial court and appellate court levels, but the U.S. Supreme Court reversed those decisions in *City of Los Angeles v. Alameda Books, Inc.*, (2002) 535 U.S. 425 (see *CP&DR Legal Digest*, June 2002). [↩] In a 5-4 decision, the high court created a new framework, based on *Renton v. Playtime Theaters, Inc.*, (1986) 475 U.S. 41, for reviewing ordinances aimed at reducing the secondary effects of adult businesses.

The case then hung in limbo for several years while the Ninth Circuit decided other cases based on the Supreme Court's ruling. Fi-

Since the U.S. Supreme Court's ruling in *Alameda Books*, the Ninth Circuit has yet to find that a plaintiff has successfully cast doubt on a city's evidence or rationale for adult business regulation.

nally, District Court Judge Dean Pregerson granted summary judgment against the City of Los Angeles, finding the bookstores' evidence was actual and convincing enough to cast doubt on the city's purpose in enacting the ordinance. On appeal, the Ninth Circuit found that the declarations were facially biased and insufficient to call into question the municipality's justification of the ordinance.

The Ninth Circuit Court, citing *Renton*, articulated the applicable legal test to determine whether an ordinance violates the First Amendment:

- 1) Does the regulation completely ban protected expression?
- 2) Was the city's purpose in enacting the provision to ameliorate secondary effects?
- 3) If so, the regulation is subject to "intermediate scrutiny" and the court "must ask whether the provision is designed to serve a substantial government interest, and whether reasonable alternative avenues of communication remain available."

For a plaintiff to show no substantial government interest exists, the plaintiff must either demonstrate that the municipality's evidence does not support its rationale or furnish evidence that disputes the municipality's factual findings. If the plaintiff fails to do either, then the regulation stands. If the plaintiff succeeds in casting doubt on the city's rationale, the burden shifts back to the city to supplement the record with new evidence justifying the ordinance. To successfully cast doubt, the plaintiff must offer "actual and convincing" evidence that does "more than challenge the govern-

ment's rationale; it must convincingly discredit the foundation upon which the government's justification rests." (*Imaginary Images, Inc. v. Evans* (4th Cir. 2010) 612 F.3d 736, 747 (citing *Giovani Carandola, Ltd. v. Bason* (4th Cir. 2002) 303 F.3d 507, 516).) Under the Supreme Court's *Alameda Books* ruling, a municipality's justification cannot be that its regulation will reduce secondary effects simply by re-

ducing speech proportionately.

In this case, the issue is whether the ordinance was designed to serve a substantial government interest. The specific question for the Ninth Circuit was whether the evidence provided by *Alameda Books* and *Highland Books* (which now operate a single corporation, *Beverly Books, Inc.*) was sufficient to cast doubt on the city's rationale. The Ninth Circuit explained that a plaintiff must do more than point at a municipality's lack of empirical evidence or challenge a city's methodology. The court cited a Sixth Circuit decision, *Richland Bookmart v. Knox County*, (6th Cir. 2009) 555 F.3d 512, 527-28, in explaining that a plaintiff bears a heavier evidentiary burden in attempting to cast doubt than the municipality does in justifying the ordinance.

Providing the bookstores' evidence were declarations from the vice president of *Beverly Books* and from an individual who installs adult arcade systems, including the systems in the

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Every City for Itself: Adapting to Climate Change

BY JOSH STEPHENS

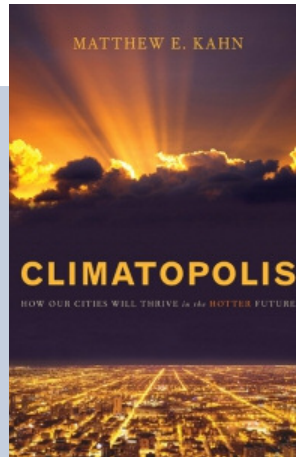
A GREAT DEAL OF LITERATURE has already anointed the hero in the fight against climate change: the city. Beginning with David Owens' *Green Metropolis* and including the work of Paul Hawken, Ed Glaeser, and countless others, the city has come to symbolize all the ways that humans can live densely and tread lightly on the Earth.

These accolades might be premature. In his brief but wide-ranging book *Climatopolis: How Our Cities Will Thrive in a Hotter Future*, Matthew Kahn renders no such heroes.

Kahn, a professor of economics and public policy at UCLA, does not say that we are doomed, even in the face of a three-foot sea level rise. He does, however, explain a host of reasons why the desire to defend against and adapt to a changing climate will be fraught with complications, many of them based in basic economic principles and faulty public policy. To Kahn, climate change is just a structural shift that will send us scrambling to reach a new equilibrium; it will not be a clarion call for purposefulness and altruism.

To a great extent, Kahn hams it up in the role of the circumspect economist. His prose is self-consciously lively and fun, perhaps to make up for the fact that his book has no grand narrative or particularly inspirational message. The playful attitude gets wearisome when he drops pop culture references ad nauseam, or constructs a whole chapter around Kobe Bryant. Pandering aside, Kahn is deadly serious about his message that market forces, as much as climactic forces, will determine who wins and who loses in the coming century.

Kahn considers climate change a certainty, as does the scientific community. He then assumes that individuals and institutions will eventually adapt to these changes whether they believe in them or not, such that choices about urban growth, energy consumption, and living patterns will



Climatopolis: How Our Cities Will Thrive in a Hotter Future

Matthew E. Kahn, Basic Books
274 pages, \$26.95

be dictated by subtle and not-so-subtle strategies of adaptation. We may find, for instance, that real estate in Fargo grows more expensive (because Fargo will get warmer without becoming oppressive) while real estate in inland Southern California will go in the tank (see below).

Kahn introduces the notion of “climate bundle,” which accounts for changes not only in temperature but also in precipitation. With this holistic perspective, Kahn places his bets on five U.S. cities that will weather the permanent heat wave well without having to adapt: Salt Lake City, Milwaukee, Buffalo, Minneapolis, and – no kidding – Detroit. After a half-century of migration to the West and South, it appears that the Great Lakes region will rise again. (Internationally, Kahn bets on Moscow, Beijing, Paris, Crakow, and Calgary – all chilly inland cities, at least for now.)

Kahn isn't saying that these cities are particularly green or that they even need to be green. Rather that they have the greatest possibility of maintaining, or improving, their current quality of life. Ironically, writes Kahn, the supposedly heroic

cities – the New Yorks, San Franciscos, and Portlands – are unlikely to do anyone much good because “the cities with the smallest carbon footprint are the least likely to permit new housing to be built.” In other words, Prius-driving yuppies don't want to let in any more Prius-driving yuppies.

Unlike its Northern California neighbor, Los Angeles has never been a model for sustainability, and Kahn spends a whole chapter elaborating on the fate of his adopted home. He notes that with a 13-degree rise by 2070, the city with the mildest weather in the country will end up feeling like Jacksonville, Florida. Whether the beautiful people will want to subject their hair to that kind of climate remains open to debate. Currently, places with warm winters and mild summers command

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>>>> Bookstore Case Remanded to District Court

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plaintiffs' establishments. Both men said that the adult bookstore and adult arcade could not be separated because a stand-alone adult arcade would not attract a significant number of customers and would be perceived as “seedy.” The ordinance would thus reduce secondary effects simply by reducing speech proportionately, in violation of the First Amendment, they said. The declarations contained lengthy passages of identical text. Despite the city's objection to the bias of the evidence, Judge Preger-son found the declarations to be actual and convincing enough to justify summary judgment in favor of the bookstores.

The Ninth Circuit, however, found that the failure of the District Court to take into account the bias of plaintiffs' witnesses was a significant issue. “The content of the declaration strike us as plausible, but the sources are necessarily suspect.” District Court Judge Richard Cudahy, sitting by assignment to the Ninth Circuit, wrote for the court, noting the men's self-interest in the matter.

Because the credibility of a witness is almost categorically a trial issue, summary judgment was inappropriate, the unanimous three-judge appellate panel ruled. The court remanded the case for further proceedings in District Court.

Since the U.S. Supreme Court's ruling in *Alameda Books*, the Ninth Circuit has yet to find that a plaintiff has successfully cast doubt on a city's evidence or rational for adult business regulation. This case articulates an important presumption in favor of a city's reasoning. ■

> The Case:

Alameda Books et al. v. City of Los Angeles,
No. 09-55367, 2011 DJDAR 1672, 2011 U.S. App.
LEXIS 1769. Filed January 28, 2011.

> The Lawyers:

For Alameda Books: Clyde DeWitt, (702) 386-1756.
For the city: Steven Blau, city attorney's office,
(213) 978-8244.

>>>> Climate Change Will Favor Some Cities

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huge premiums in real estate values. That may go away. Kahn figures that the rich will continue to cluster along the more temperate coast (which, he writes, would be maximally efficient if it assumed the density of Manhattan – if only Angelenos would accept density and, perhaps, part with some of their golf courses), while the inner-city poor and inland suburbanites will swelter. Wearing his dispassionate-but-wry economist's hat, Kahn notes that those places “will suffer home price declines as their climate amenity premium vanishes.”

Climate changes, writes Kahn, will be accompanied by an infinite number of economic signals, many of which will serve to highlight current market failures that are brought on by shortsighted policies or structural inefficiencies. One lousy policy, writes Kahn, is that of cheap water and power in Southern California. He writes that prices should be allowed to rise as these resources become increasingly scarce. Instead, Los Angeles' response to its decades-old water crisis is to tell people not to hose down their driveways. Talk about a drop in the bucket. In light of this kind of half-hearted measure, Kahn advocates old-fashioned, efficient pricing signals to encourage consumers to do what is necessary.

Los Angeles is not, of course, the only city that has to cope with climate change while also trying to maintain its status in the world. Kahn visits New York – often considered the darling of sustainable living – and points out that it, too, has plenty of adapting to do. Climate change presents New York with a new forum in which to compete: every city is going to experience climate change differently, and every city must devise and pay for its own adaptive measures. In the most crass terms, if a city fails to make the right investments, then – polar bears be damned – its homeowners and business-owners are going to wake up to severely depressed real estate values. In this sense, Kahn sees public policy as a way to protect an investment known as “life as we know it.”

This attention to the landed classes, though, highlights a problem that will arise largely in cities of the developing world. In the chapter entitled

“Bono's Anxiety,” in reference to the U2 frontman's concern for the global poor, Kahn explains why the poor will suffer most from a changing climate. While rural lifestyles and agricultural output will be upset by changing weather patterns, in the cities “climate change will increase inequality across Indian states, because more educated areas will fare better as their politicians work for the people, unlike those in poorer, more backward regions.” India's only hope may lie in “leapfrog” development, in which it waits for the developed world to devise the right technologies and techniques and then adopts them in one fell-swoop.

In his penultimate chapter, on “opportunities” that will arise from climate change, Kahn attempts to put a positive spin on the looming tragedy. He explains how some places will end up with better skiing and how carbon pricing will lead to a resurgence in the shipping industry. He is not, however, so sanguine on the popular notion of creating clusters of “green jobs.” He writes, “...for every one hundred new jobs created in a city, only a small share of jobs (less than 10 percent) go to unemployed residents.” He is skeptical of subsidies for green industries or other interventions, preferring

instead a carbon tax that will force all other industries to adapt of their own accord to higher energy prices.

Even without those policy changes, Kahn's ultimate message is that the climate is not going to wait for them or for any other adaptive strategies. It is already brewing in the stratosphere, heating up little by little, irreversibly building up to the moment when we finally cannot ignore it any longer. And when that moment comes, we will have to adapt whether we like it or not. For that reason, Kahn's account has an air of futility. He offers recommendations mixed equally with predictions – about human behavior and the economic forces that compel people not to make the right decisions. Ultimately, it's a breezy primer on the world to come but one that is neither scary enough to inspire action nor entertaining enough (try though it might) for anyone to take notice. We will simply have to wait for some other hero to come along. ■

Ultimately, it's a breezy primer on the world to come but one that is neither scary enough to inspire action nor entertaining enough (try though it might) for anyone to take notice.



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CP&DR: What is your mission? What are the social, economic, and political issues that you feel passionately about?

ALVARO HUERTA: I'm interested in issues of diversity, social justice, and equity. In a state like California, which is about 30 percent Latino, you don't have the same amount of representation in education or at the higher level in planning positions or in faculty positions—people making the decisions taking place in everyday life.

Another area within that is the issue of how this country treats immigrants, particularly how conservatives and Republicans are treating in the current recession that we're facing. People that were once middle class are now very vulnerable in the working class or are now unemployed. I'm interested in that population on the bottom who don't have a voice and are people are blamed for things that have nothing to do with them. They're not the ones who deregulated the banks or engaged in the war in Iraq where there was no threat. But for some reason the burden is put on them.

That has to do with my own personal upbringing. I experienced poverty and racism firsthand and now that I'm in a position to say something about it, I can say that at the personal level and also at a professional level.

CP&DR: In what ways have cities contributed to, or help solve, the problems that interest you?

AH: If we look at the history of urban planning in California and throughout the U.S., it's been a mixed bag. There's been a lot of great progress in terms of improving the quality of life in cities and creating the infrastructure and institutions of higher education. We have segregated housing from sources of pollution. So planners and government have done a lot of great things to protect the interests of average people.

On the flip side, during the middle 20th century we had urban renewal: federal programs where you see that there's segregation of minorities in the inner cities and you see white flight into the suburbs and then you see how the schools where the poor live are overcrowded, poorly funded, and (that) perpetuated the poverty that people are under that live in these types of conditions. The cities themselves are set up in such a way that, for the poor, they only perpetuate the status quo. There are those that have the resources to get ahead, and those that don't are unfortunately at the bottom.

At an institutional level there's an understanding that things are the way they are because it's sort of a normal state of being. Inequality is part of the system and people accept it. You have people that are rich and influential and those that are poor and destitute. You have a situation where the people themselves are being blamed for their own circumstances: you're poor because you don't work hard enough or because you don't apply yourself in school.

Then you have situations like a Justice Sotomayor or a Barack Obama, and the message is that if you work hard you can become president or a justice of the Supreme Court. But those examples place the burden on individuals and families: it implies that they're in the situation they're in because they lack initiative, because their culture doesn't put education as a priority.

CP&DR: What do cities need to do address these issues?

AH: We need to have a New Deal for cities and to have programs that are aimed at getting people back to work. There's too much emphasis on planning and infrastructure and not enough in terms of people and the social capital that already exists in terms of people. If you look at any poor community, there is a lot of organization and there's a sense of purpose. People pull their resources together to get by.



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COURTESY UCLA LUSKIN SCHOOL OF PUBLIC AFFAIRS

ALVARO HUERTA

Winner,
2010 American
Planning Association
Advancing Diversity &
Social Change
Award

As planners there should be an emphasis on helping people and working within informal institutions. It could be microloans or helping people with their businesses out of their homes. A lot of people don't work in the formal economy but they still need to get by. For example, some people collect cans and recyclables to sell. You have a lot of entrepreneurial spirit, and a lot of them come from their countries, from South America. But when they come here, they're relegated to dead-end jobs.

I believe in big government in the sense of investing in people and investing in projects that can help them relieve poverty. I think, for example, there should be a GI Bill for inner-city poor people. If we have these types of programs to address the needs of the poor that attend these overcrowded schools, I think it will make a difference.

CP&DR: These ideas are quite different from what planners deals with on a daily basis. How do you shift the planning profession to the things you're talking about?

AH: The problem in general with planning is that they're part of a bureaucratic system that's overwhelming. They're under the direction of the city council. They're just following orders, and they make recommendations based on what the policymakers say and do.

A lot of people say that they want to join (planning departments) and change them from within. That's fine and dandy. These are personal prerogatives. But at the end of the day they are part of the same system that they wanted to change. I believe that planners and policy makers should take a more bottom-up approach, where they go directly to the communities that they are serving and allowing concerned members to have direct input into the planning process. This means holding planning at local schools and community centers in the various languages of the communities without the technical language that excludes those without college educations.

In a city like Los Angeles, for example, the special interest groups have such a grip that they determine what happens. Any of these things that I talk about are seen as marginal or idealistic things that are not realistic when it comes to day-to-day reality at City Hall.

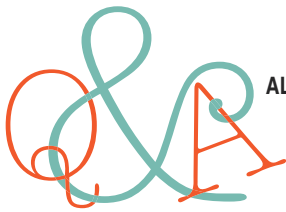
For example, they want to build a billion-dollar football stadium and the mayor and all these people are behind it. To me, that's preposterous. I thought the city is broke and are laying off thousands of people. And all of a sudden AEG wants to build a stadium. There's no proof that these stadiums are profitable. When LAUSD wants to build a school near a freeway, you don't see the same outcry or rally to prevent that from happening. Poor immigrants don't guarantee season tickets.

CP&DR: How do you think the elimination of redevelopment would affect low-income communities in ways that planners aren't aware?

AH: When funds are allocated specifically to blighted communities or to areas that need investment and all of a sudden that money is taken away, the hope of any change is just not there anymore. There was a time with urban renewal when these funds were only in the interest of certain groups, like business groups. Like we had Dodger Stadium, which displaced a whole community. But now we see that — with more people being aware of these types of practices — these monies that have been allocated more for communities where there's a need for affordable housing or a need for businesses or other things that will generate some income and that also dignify the community. When you take that away, there's no incentive in the private sector for them to (invest in the community). There's just no profit to be made if you don't have government involved.

Some of the negatives with these types of investments is that it leads to gentrification. I think the challenge is to beautify and

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improve communities without displacing the people who live there. But just overall the trend at the moment is not looking very good for these communities that are in desperate need of funds.

Unfortunately I don't see the same transparency that should take place among these agencies. A lot of CRAs operate in a fashion that people don't know what they're doing. A lot of the language is very technical, and meetings are held during the day. At the CRA meetings, there's no coincidence that the audience members are typically lawyers and lobbyist from special interest groups, where most community members are even unaware of their existence and role in their communities.

If CRAs were better integrated into the community and held town hall meetings in the communities that need the most attention. Hold them after-hours, have translation, there will be more of an outcry. But at the moment, unless you're an urban planner or you have some special interest, most people don't really know what's being debated.

CP&DR: Are there any impacts on these communities from SB 375 that you're either hopeful about or wary of?

AH: A lot of the pollution that is emitted, there's a disproportionate amount of neg-

ative impact on poor and minority communities. You have cities in southeast Los Angeles where there's a high concentration of people living in a small area and you have five freeways intersecting that area. These are the individuals that are consuming a lot of the pollution that is emitted.

We all benefit one way or another from having businesses that pollute in the sense that there's electricity and people driving...but when it comes to the actual source, it's mainly concentrated in these communities. These are the people that are impacted the most. Unfortunately they cannot get up and leave.

This has nothing to do with NIMBYism. It has to do with environmental racism and environmental justice. In a democratic society everybody should share the burden. We all benefit from having businesses that pollute. But when it comes to the actual cause, it's mainly concentrated in these low-income communities.

When we pass laws to regulate this and reduce the emissions, these laws will de facto benefit those people because these are the individuals who are being exposed to that pollution. That should be the number-one priority for ensuring the health and welfare of people who are in an economic position where they cannot move. ■

This interview has been edited and condensed.

>>>> S.F. In Hurry-Up Mode to Prepare for America's Cup

– CONTINUED FROM PAGE 1

2013, as well as during preliminary racing events held in summer 2012.

Part of the hosting deal between the city and the America's Cup Event Authority includes significant infrastructure investments from the organizers that would refresh a number of aging piers. In exchange for a reported \$80 million infrastructure investment, organizers get development rights and a 66-year lease on the Pier 30-32 and Pier 26-28 complexes. Overall, eight piers will see renovations or improvements ahead of the events, and a number of channels will be dredged. A report from the San Francisco Board of Supervisors' budget analyst in November projected a direct cost of hosting the Cup at about \$42 million, not including lost revenue for the development rights and free leases handed over.

The events and related work are expected to create a \$1.4 billion economic impact for the city and region, according to America's Cup Event Authority spokesperson Stephanie Martin.

The City of San Francisco recently announced a notice of preparation for the project's environmental impact report. A draft EIR is expected to be complete by this summer. Due to the tight deadlines of the event, the environmental review process has been expedited, according to Joy Navarrete, a senior environmental planner in the San Francisco Planning Department. She says the city was able to cut time by skipping the bidding process for an EIR consultant. Instead of the typical 12 to 18 months, this review is expected



COURTESY AMERICA'S CUP EVENT AUTHORITY

Several San Francisco piers will get makeovers from private developers for the 2013 America's Cup.

to take about 11 months.

"But that's assuming the project description doesn't change," said Navarrete.

As the event looms, city officials are trying to plan for the expected boost to traffic in the areas around the main event attractions. With tourist attractions like the Fisherman's Wharf and Pier 39, the area already has a high volume of foot and car traffic. A recent study of Jefferson Street between Pier 39 and Fisherman's Wharf found weekend pedestrian traffic of

more than 70,000 people a day. During the event, even more pedestrian traffic is expected. In fact, it's being encouraged, according to Michael Martin, the America's Cup project director for the city.

"What we recognize very acutely is that this can't be a car event," said Martin. "We don't have enough parking, the places where people are going to want to watch this are in a lot of residential neighborhoods, so we're really look-

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>>>> S.F. Seeks Long-Term Benefits from Yacht Race

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ing hard at how do we make a transit, a pedestrian, a bicycle kind of program that really encourages people to not use their cars.”

Though much of the event’s preparations are temporary, one element will coincidentally become a very important part of the city for the long term. A previously planned new cruise ship terminal will be built at the Pier 27-29 complex, which will also serve as the America’s Cup village. Partial construction on the terminal will begin before the event, creating a spectator and concessions area. Major construction on the terminal will commence after the racing event is over.

Over the long-term, the America’s Cup does have the potential for creating major change in the city. Gabriel Metcalf, executive director of the San Francisco Planning and Urban Research Association, sees the event as an opportunity to kickstart investments in the area that can benefit the city beyond the event. Much of that opportunity lies in transit projects and public space improvements along the waterfront. One of SPUR’s recommendations is the extension of the city’s historic F-Line streetcar further past Fisherman’s Wharf to Fort Mason.

“The long term improvements don’t happen automatically,” said Metcalf. “We can make some key investments in public spaces and public transit that will be here for the long run. They will help us handle the volume of visitors for the America’s Cup, and they will be things that we use and rely on long after the America’s Cup.”

The Golden Gate National Recreation Area’s Fort Mason Center and the National Maritime Historic Park recently released a draft environ-

mental impact statement for the proposed extension of the F-Line. The study for this \$29 million project is expected to complete by January, and streetcars could be rolling in time for the America’s Cup. The source of funding, however, remains an unanswered question.

But Martin in the city’s office argues that the event’s impact won’t only be on the built environment, but also on the logistics of the city.

“It’s also ways that we’re moving people around the city or these information technology tools that could be demonstrated on an event basis, but then we suddenly see the value of them not only to this event but for other events and daily operation of the city,” said Martin.

Other long-term goals of the city are also being fast-tracked because of the America’s Cup. For example, the event is likely to give extra weight to the Fisherman’s Wharf Public Realm Plan. Originally envisioned in 2006, the plan seeks a redesign of the streetscape and circulation of a heavily toured area that hadn’t been updated in more than 50 years. The draft plan was approved last summer. Project Manager Neil Hrushowy of the city planning department says that the America’s Cup has put the Fisherman’s Wharf area even more in the spotlight.

“There’s a lot of political attention and the realization that there’s going to be a whole lot of people from every part of the globe looking at San Francisco and Fisherman’s Wharf,” said Hrushowy. “So we really want to look good for that.”

While the plan and its focus on urban design might have otherwise been a harder sell during tough economic times, the America’s Cup has given it a significant boost.

“It’s something that’s easy for a politician to pick up and say ‘let’s do it’. There’s not a whole lot of work that has to be done before we can move towards final design and then implementation,” Hrushowy said. “The timing’s worked really well for us.”

This will be the first time San Francisco has hosted the America’s Cup, and it may not be the last. Traditionally, the winner of the race gets to pick the venue for the next event. And this being the first time the event will have a large on-shore viewing audience, many expect it to be well-received by the racing teams. And though the America’s Cup could potentially become a recurring part of San Francisco’s waterfront, local officials are wary about thinking too far ahead into the future.

“It’s just an event,” said Navarrete of the city planning department. “For now, we’re looking at it as a one-time event.” ■

(CP&DR contributor Nate Berg covered the urban impacts of the 2010 World Cup.)

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Death Watch for Redevelopment

THE REDEVELOPMENT SYSTEM in California was still standing when the Legislature broke for the weekend Thursday night. But that's only because the bill has gotten caught up in the partisan wrangling over the budget as a whole.

The Legislature will return on Monday, and the betting in Sacramento is that redevelopment will be killed early next week. And discussion around the Capitol is quickly turning to what Gov. Jerry Brown will propose as the "replacement tool" for redevelopment.

SB 77, the bill that would eliminate redevelopment, fell one vote short of passage in the Assembly on Wednesday night [↖] – but that was only because the Democrats had introduced the bill, along with a number of other budget bills, with a two-thirds vote requirement in hopes of luring Republicans over the line. The 53-23 vote went down on straight party lines with one exception: Assemblymember Chris Norby, R-Fullerton, voted with the Democrats. Norby, of course, has based his entire political career, from the Fullerton City Council to the Orange County Board of Supervisors [↖] to the Assembly, on his ideological opposition to redevelopment.

In fact, there are many Republicans who are ready to kill redevelopment, just as there are some urban Democrats who would like to save it. So two possibilities exist for early next week: Either the Republicans and Democrats strike a budget deal and there's an overwhelming vote to kill

redevelopment, or the Democrats bring the idea back in a way that allows a simple-majority vote and kill it separate from the overall budget deal. Either way it looks dead.

One question is whether the Legislature will seriously consider the alternative served up last week by the California Redevelopment Association and the League of California Cities. [↖] The alternative would set up a voluntary system allowing redevelopment agencies to extend the life of their projects if they offer up money to school districts. Supposedly it holds the potential to provide \$2.7 billion in funds for schools.

Unlikely. The general sense in Sacramento on Friday was that the proposal was too little, too late – especially after the scorched-earth approach taken by the CRA and the League since January. Among other things, the alternative seemed designed to plug this year's budget gap without worrying about future years – whereas the Brown Administration seems intent on a permanent shift of tax-increment funds away from redevelopment agencies. And the Democrats – whose urban constituencies should lead them to favor redevelopment – have expended an awful lot of effort in the last two months criticizing redevelopment as fraud-ridden and useless. It would be very hard for them to shift gears and say, "Oh, never mind."

– BILL FULTON | MARCH 18, 2011 ■

The 'Freedom' of the San Diego Freeway

POOR GEORGE WILL. He's getting kicked all over the blogosphere for a recent *Newsweek* column in which he said liberals love trains because they are a way to control the masses, while conservatives love cars because they provide freedom.

Here's the key paragraph from his February 27 piece in *Newsweek*: "To progressives, the best thing about railroads is that people riding them are not in automobiles, which are subversive of the deference on which progressivism depends. Automobiles go hither and yon, wherever and whenever the driver desires, without timetables. Automobiles encourage people to think they – unsupervised, untutored, and unscripted – are masters of their fates. The automobile encourages people in delusions of adequacy, which make them resistant to government by experts who know what choices people should make."

Will was attempting to argue against the Obama administration's \$53 billion push for high-speed rail investment. There's a legitimate debate to be had, and Will could score points because the administration has not done a good job of explaining or defending its proposal. Will's column, however, is the sort of hysteria I expect from the AM radio screamers.

Will has received rebuttal and well-deserved ridicule from *The Huffington Post*, *Yglesias*, the *California High-Speed Rail Blog*, *The New York Times*' Paul Krugman and plenty of others. A *Grist* columnist notes that George Will in 2001 argued for a nine-state, high-speed rail system in the Midwest.

I think Will is simply reflecting the bizarre partisan divide regarding transportation funding. But if I'm going to take his "argument" at face value, I first need answers to a few questions:

First question: Has George Will ever driven a car in a major metropolitan area of this country? When it takes me an hour to travel eight miles on the 405, I'm not thinking about how much I enjoy the freedom of my car. Nor is freedom on my mind when I'm circling blocks endlessly in Berkeley looking for a place to park, or trying to get through the 80-680 interchange on a holiday weekend. I'd give anything for the freedom to ditch the damn car.

Second question: Has George Will ever driven a car in bad weather? I realize trains can get delayed by storms, but most of the time they keep chugging. If you've ever gotten stuck on the wrong side of the Grapevine when it closed because of snow, or gripped the wheel with white knuckles when Tule fog has limited visibility to 50 feet on Highway 99, you're not praising the freedom of your car. No, you're wishing you were free to take another mode of transportation.

Final question (two parts): What about the approximately 45% of U.S. residents (kids, senior citizens, physically and mentally disabled people, poor folks) who don't drive? Does their freedom not matter to George Will?

To that final inquiry, I'm afraid I know the answer.

– PAUL SHIGLEY | MARCH 4, 2011 ■

