CP&DR

VOL. 26, NO.12 – JUNE 15, 2011 CALIFORNIA PLANNING & DEVELOPMENT REPORT

'Parklets' Recapture Public Space, 120 Square Feet at a Time

BY JOSH STEPHENS

Among the many counterintuitive theories that Jane Jacobs dispensed was that of the evils of parks: if designed and situated poorly, they could turn into vast dead spaces where unsavory characters could congregate and mischief could ensue. She preferred, instead, smaller, more intimate spaces with close connections to their communities.

If Jacobs loved New York City's Washington Square Park, then she would have swooned over "parklets."

Arguably the most adorable urban space to come along in a long time, parklets are to Golden Gate and Central parks what amoebas are to elephants. They are multiplying, not by mitosis but by entrepreneurship, all over San Francisco – with Oakland, Long Beach, and other cities in California and elsewhere showing interest.

The typical parklet consists of a platform that occupies between two or three curbside parking spaces. Typically made of wood and stylistically reminiscent of Scandinavian saunas, platforms sit flush with the sidewalk and usually includes seating and sometimes greenery. Parklets thus serve

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ANDRES POWER

San Franciscans relax and enjoy café seating, landscaping and bicycle parking at this parklet, on 24th and Noe Streets in San Francisco.

'Making the San Fernando Valley'

Racial exclusion and a 'fantasy past' in quintessential California suburb

book review

BY JOSH STEPHENS

Early in her account of the development of San Fernando Valley, Laura R. Barraclough describes an 1880s-era photo that captures the wholesome spirit of what would become Los Angeles' great bedroom community: "Captioned 'Lankershim's best product,' [it] showed several hundred white children standing in a field, grinning at the camera."

Jeff Spicoli and Moon Unit Zappa, they are not.

Long before the Valley became a 1980s punch line or even a citrus hotbed, it was first, according to Barraclough, an Anglo sanctuary. Though diversity now reigns in the Valley as it does elsewhere in southern California, Barraclough contends in her new book, *Making the San Fernando Valley: Rural Landscapes, Urban Development, and White Privilege*, that the Valley was, and still may be, "an explicitly and unabashedly white supremacist place."

Plenty of places in America are dominated by residents who, for one reason or another, happen to be white. But Barraclough argues that few places were so deliberately crafted for them. As one of the country's most notable receptacles of 1950s white flight, the Valley rose to promi-

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AS OF PRESS TIME, Governor Jerry Brown had announced that he intends to sign AB 1x 26/27, the pair of bills that would compel redevelopment agencies to make voluntary contributions to the state or else face elimination. Opponents of the budget trailer bill contend that the requested contributions would be so burdensome – totaling $1.7 billion this fiscal year – as to effectively end redevelopment in the state by putting all but the most financially solvent agencies out of business. "Make no mistake about it: AB 1x 26/27 would lead to the elimination of redevelopment agencies throughout California," said California Redevelopment Association Executive Director John Shirey in a statement. "Since the (legislative) passage of these bills, we've heard from dozens and dozens of agencies that will not be able to make the 'ransom' payment, and thus will be forced to shut down, eliminating hundreds of thousands of jobs in the process." Shirey has vowed that CRA and other organizations will file suit if the governor signs the bills. He contends that they violate Proposition 22, which was designed to prevent the transfer to certain funds, including redevelopment agencies' tax increment, to the state.

DESPITE CONCERNS voiced by the Riverside County Airport Land Use Commission, the Perris City Council approved an 1,860-unit, 341-acre mixed use development under the flight path of March Air Force Base. The council voted, 5-0, to rezone agricultural land in order to accommodate the proposed development, to be called Harvest Landing. The March Joint Powers Authority is drafting guidelines calling for residential densities of no more than six units per acre near the base's flight paths. The JPA's concerns reportedly center on noise and potential accidents. Much of the Harvest Landing development would include densities of 12 homes per acre. Members of the City Council said that the base's safety record of only one known accident makes them confident that the development will not conflict with the base.

A NEW STUDY issued by the Institute for Transportation and Development Policy rates two California regions among leading areas for bus-based transportation because of their high-quality bus rapid transit systems (BRT). ITDP rated Los Angeles as one of the top-five BRT cities in the country for its Orange Line, a separated busway, off-board fare collection, and buses arriving every four minutes in rush hour to provide high-quality service and attract new passengers, carrying 22,000 passengers a day. The organization also commended several Bay Area cities. It noted that planned BRT lines in San Francisco, Oakland, and San Leandro "will help to redefine transit throughout the Bay Area." The report suggests that a clearer and more widely accepted definition of what BRT is would increase public understanding of and demand for this high-quality transportation option. The report outlines the BRT Standard, a first-generation attempt at defining a scoring system (along the lines of the LEED rating system for green buildings), which ranks BRT systems as gold, silver, or bronze.

THE PACIFIC INSTITUTE recently released a report entitled Municipal Deliveries of Colorado River Basin Water, documenting population and water delivery information and trends for 100 cities and agencies that deliver water from the Colorado River basin. Since 1990, the number of people in the United States and Mexico who use Colorado River basin water has increased by more than 10 million – but their overall per capita water use declined by an average of at least one percent per year from 1990 to 2008. The report notes that California's Metropolitan Water District of Southern California service area grew by more than 3 million, but total water deliveries actually fell, reflecting an overall decline in per capita deliveries of 23%. However, one Metropolitan member agency, the City of San Marino, had the third-highest per capita delivery rate of any agency in the study; the two higher rates were both agencies serving the Coachella Valley.

THE OWNER of the Homewood Mountain Resort has proposed a major expansion and redevelopment of the modest ski area on the west side of the Lake Tahoe basin. The $250 million plan would raze many of the buildings on the 1,250-acre site and create a luxury destination that could bear little resemblance to the modest ski area that has operated there for decades. The centerpiece of the plan is a hotel that would, reportedly, be the largest hotel to be built on the California side of Lake Tahoe in 20 years. Opponents fear that the development would create air pollution, harmful runoff, and traffic on Highway 89. One alternative described in the project's environmental impact report would be to shut down the ski area entirely and replace it with luxury estates.

CHINA ALLEY IN HANFORD is the lone California entry on the National Trust for Historic Preservation's recently released 2011 list of America's 11 Most Endangered Historic Places. In 1877, Chinese immigrants settled in this San Joaquin Valley town and established a vibrant rural Chinatown. The National Trust contends that most of its historic buildings are currently suffering from deterioration and disuse and are vulnerable to insensitive alteration as there is no local historic preservation staff or commission to enforce preservation protections.

AS EXPECTED, Nevada Gov. Brian Sandoval signed SB 271, the state's law that could enable Nevada to pull out of the Bi-State Compact that governs the Lake Tahoe basin. SB 271 makes two major demands of the Tahoe Regional Planning Agency, the agency that governs land use in the basin per the provisions of the compact. To avoid a threatened Nevada secession by 2015, TRPA must 1) produce a long-delayed regional plan update; 2) alter the voting structure of its board so that, effectively, the delegation from California cannot exert veto power over the one from Nevada, vice-versa (see *CP&DR* Vol. 26, No. 11, June 1, 2011 [ ]). The California Legislature and Congress would have to approve such a change. Nevada Sen. John Jay Lee sponsored the bill in order to give Nevada landowners more control over development on their side of the lake; he and others have accused TRPA of depressing the region's economy by stifling development. Opponents of the bill – which include almost all major environmental groups in the region – fear that development on the Nevada side would endanger the entire watershed. Sandoval signed the bill June 17.

THE U.S. FISH AND WILDLIFE SERVICE today finalized the designation of 14,069 acres of critical habitat for the Lane Mountain milk vetch, a rare plant threatened with extinction. The Lane Mountain milk vetch *(Astragalus jaegerianus)* is found in only the central Mojave desert northwest of Barstow. More than half of the species' range is located within the recently ex-

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panded boundaries of the Fort Irwin National Training Center, with some areas heavily used for desert tank training. The habitat on Fort Irwin is exempted from the designation based on a commitment by the army to establish two onsite conservation areas and a third "no-dig" zone, which limits the extent of ground disturbance. The plant is scattered in a 20-mile-long region in San Bernardino County. Much of its habitat is threatened with destruction by off-road vehicles including tanks; mining; and suburban development, according to the Center for Biological Diversity, which lobbied for the plant's protection.

WITH FUNDING from Orange County's Measure M, conservation groups will have over $200 million at their disposal to pursue a novel approach to preserving open space. The pool of funding has already helped to buy an 84-acre parcel of land as a mitigation measure for several future freeway projects. The purchase of Saddle Creek South was carried out by the Orange County Transportation Authority and backed by a number of environmental groups. This purchase runs counter to the typical mitigation strategy of buying up smaller pieces of land immediately adjacent to the impacted area. OCTA contends that larger parcels of land can better support diverse wildlife than a patchwork of smaller pieces.

TELEVISION PRODUCER Dayna Bochco, wife of television producer Steven Bochco, who produced "NYPD Blue" and "L.A. Law," has been named to the California Coastal Commission. Dayna Bochco currently sits on the board of the Santa Monica-based group Heal the Bay and serves on the local leadership council of the Natural Resources Defense Council. She replaces 15-year veteran Sara Wan of Malibu. Wan had been known as one of the staunchest advocates on the commission for the protection of coastal ecosystems and public beach access. Bochco is expected to bring a similar approach to the commission. Her track record includes helping defeat the Highway 241 extension in Orange County and her advocacy for the passage of AB 32. In a formal announcement, California Senate President Pro Tem Darrell Steinberg touted Bochco's business and legal background as two key elements in the strength of her candidacy.

ADDITIONAL FUNDING has been secured for Humboldt County's Salt River restoration project, thanks to two $1 million grants from the U.S. Fish and Wildlife Service and the California Coastal Conservancy. All told, the project has been in the works for over two decades and will cost a total of $12 to $16 million. The restoration work entails restoration of the Salt River and its headwaters, in part by keeping both clear of sediment buildup. The first phase consists of restoring 400 acres of wetlands on the Riverside Ranch property. When the project is finished, water from the Ferndale wastewater treatment plant will flow more freely through Salt River. The project will require coordination with dozens of local land-owners. The California Department of Conservation has allocated funding to pay for a manager to oversee the restored river and to coordinate with a non-profit oversight council. Phase one is expected to get underway this year, with phase two following in 2012.

A DEVELOPER has put forward a $2 billion plan to turn San Francisco's Seawall Lot 337, adjacent to AT&T Park, into a hub of retail, office space, open space, and up to 1,000 residential units. AT&T park's prime tenant, the San Francisco Giants, holds the development rights to the land and will likely make its plans public this fall. Financial backing for the project is coming from developer The Cordish Companies. However, the specific plans have yet to come into focus, as architects consider over a dozen different options. The centerpiece of the project could be a proposed basketball arena, an idea being pursued by Port Commissioner F.X. Crowley. The San Francisco County Board of Supervisors will have the final say on the project.

DESPITE THREATS OF LITIGATION by the office of Attorney General Kamala Harris, the L.A. County City of Santa Clarita has wrapped up a decade-long planning process that has produced a long-range strategic growth plan. The City Council unanimously approved the document, dubbed "One Valley, One Vision" (see *CP&DR* Vol. 26, Issue 7 April 2011 [ ]). Many stakeholders were concerned with how the city plans to accommodate an anticipated influx of 200,000 residents – a number that had many worried about traffic and air pollution. In response, city officials noted that the plan calls for focusing development in the city center around transit stations, while keeping rural areas undeveloped. Harris' office, meanwhile, has contended that the plan does not do enough to mitigate greenhouse gas emissions.

PLANS FOR AN ALL-IN-ONE TRANSIT CENTER at Burbank's Bob Hope Airport have hit a snag: Construction bids were about 50% higher than the anticipated cost of $112 million. The new facility would transit, rental cars and taxis all under one roof. A confluence of factors has driven up the price, but higher construction materials costs and concerns that the project would run into difficulties were cited as the two biggest. Officials with the Burbank-Glendale-Pasadena Airport Authority are considering options to keep the project on-budget, including a scaled-back project that would shrink the main building from four to three stories. Part of the impetus for the new center is a finding by the FAA that the airport's car rental center is too close to an existing runway. ■

Partial Demolition of L.A. Neighborhood Does Not Qualify as Taking

Property owners lose suit over program to demolish homes near LAX airport

BY CORI BADGLEY

HILLEL ARON

A takings claim filed by property owners in Manchester Square, (above) which lies under the flight path of LAX, was dismissed by the Second Distric Court of Appeals.

United by common complaints against a particularly loud, disruptive neighbor, the residents who live under the flight path of Los Angeles International Airport are a relatively cohesive bunch. The Second District Court of Appeals has ruled, however, that neighborhood cohesion goes only so far.

According to the court's decision in *City of Los Angeles v. Superior Court* (2011), the city's voluntary program by which certain residents who live near the airport can sell their property to the city does not amount to a taking of adjacent properties.

In this case, plaintiffs argued that the city's program to purchase properties in areas near LAX and demolish the buildings constituted inverse condemnation of adjacent properties owned by plaintiffs. The decision illustrates the difficulty of establishing such a claim when a public entity does not directly invade a claimant's property. The court was not persuaded, and plaintiffs' suit was dismissed.

In 2000, the city established the "Voluntary Residential Acquisition and Relocation Program" for the neighborhoods of Manchester Square and Belford. According to the city, this program was created in response to residents who expressed a desire to relocate rather than to submit their homes to city-funded soundproofing as mitigation for the noise associated with the airport. As the name of the program implies, the city purchased properties from only those who chose to sell to the city – without ever invoking taking a property against an owner's wishes. By 2009, the city had spent several hundred million dollars to purchase and demolish 72 percent of the multi-family dwellings and 94 percent of the single-family dwellings in the area.

Unlike the majority of the property owners in Manchester Square and Belford, plaintiffs in the suit – including owners of rental properties within the neighborhoods – chose not to sell. Yet, as more and more buildings were demolished by the city, the number of renters in plaintiffs' properties continued to decrease as the neighborhood presumably became less appealing socially and aesthetically. Instead of selling their properties, plaintiffs brought suit against the city claiming inverse condemnation: the city's program, they claimed, devalued their property but offered no compensation.

The trial court agreed with plaintiffs. The city appealed, and the appellate court reversed.

In the appellate court's words, the central question in the case was "whether the City's creation of 'condemnation blight' resulted in a duty to pay just compensation." In answering "no," the court discussed prior case law holding that "there is no property right appurtenant to plaintiff's property … which entitled him to the maintenance of his residences…" (*Bacich v. Board of Control* (1943) 23 Cal.2d 343; see also *Hecton v. People ex rel. Dept. of Transportation* (1976) 58 Cal.App.3d 653; *Oliver v. AT&T Wireless Services* (1999) 76 Cal.App.4th 521 [See *CP&DR Legal Digest* Vol. 15, No. 1, Jan 2000 [ ].)

The court also discussed another Supreme Court case, *Klopping v. City of Whittier* (1972) 8 Cal.3d 39, in which the City of Whittier had initiated and then withdrawn condemnation proceedings while continuing to declare that it would one day condemn the property. The California Supreme Court found that this amounted to a compensable taking because the city's pro-

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mised actions had lowered property values.

In this case, plaintiffs asserted that the principles in *Klopping* applied to the city's actions, and therefore, a taking had occurred. In comparing the facts in this case to those in *Klopping*, the court found that plaintiffs had failed to show any facts that would support a *Klopping*-style taking. Specifically, plaintiffs presented no evidence "that the City had condemned their properties, had intent to eventually acquire their properties through condemnation, or had a plan for future use of their property that would someday require condemnation of their properties – or any property in Manchester Square or Belford."

Contrary to plaintiffs' implications, the city's program was voluntary, and plaintiffs presented no evidence that any former owner felt coerced to sell their property to the city. The "blight" that emerged was therefore the result of voluntary actions which, though possibly detrimental to the remaining owners, were not directly influenced by the city. Under these facts, the court held that the city acted properly in acquiring and demolishing the properties, and plaintiffs were not entitled to compensation. ■

➤ The Case:
City of Los Angeles v. Superior Court (2011) 194 Cal.App.4th 210

Statute of Limitations Runs Out in Housing Element Dispute

Developer filed suit too late over city's rejection of plans for mixed use development

BY WILLIAM W. ABBOTT

A NOTABLE FEATURE of California land use law, when compared to the overall body of civil law, is the relatively short filing period for bringing legal challenges. This constraint came into full view in *Haro v. City of Solano Beach*, in which the would-be builder of a mixed use development claimed that the city violated the terms of its own housing element.

The California Environmental Quality Act has, potentially, the shortest time period in which legal challenges can be filed – as few as 30 days, depending upon the fact pattern. For legal challenges alleging noncompliance with provisions of the state Planning, Zoning and Development law, the relevant statutes are slightly longer at 90 days. However, the Legislature has created an even longer filing period based upon challenges under the affordable housing laws. A recent decision of the Fourth Appellate District illustrates the overlapping and potentially conflicting application of CEQA and other land use statutes.

The northern San Diego County city of Solano Beach submitted a draft housing element to the Department of Housing and Community Development in 2007. The department found the element in compliance. However, compliance was subject to approving a then-pending application for a site referenced as Site 8 in the Housing Element for 131 units, including 13 affordable units. Site 8, which is near the Solano Beach train station, was one of nine such sites identified by the Housing Element as appropriate for mixed use and residential development. In fact, Site 8 was considered crucial for the implementation of a Housing Element policy to encourage residential capacity in mixed-use developments. The Housing Element claimed that Site 8 would "be a key to the City's ability to meet not only its regional share for new construction but also its quantified objectives by income category."

In the following year, the city processed a developer's application for Site 8. After a number of public hearings, the city directed the applicant to revise the project design based upon inconsistency with local zoning and specific plan requirements. This decision meant that project approval could not meet a grant deadline. The project ultimately failed to qualify for a $6 million grant and thus became financially infeasible.

> The California Environmental Quality Act has, potentially, the shortest time period in which legal challenges can be filed — in some cases, as few as 30 days.

Roughly two months later, on July 8, 2008, plaintiffs gave notice to the city that failure to approve the original Site 8 project violated its housing own element. On August 27, 2008, the City Council adopted Resolution 2008-152, retaining outside legal counsel to defend the city against anticipated legal challenges to its housing element. On September 2, 2009, the plaintiffs filed a complaint and writ of mandate. The petitioners presented eight causes of action, all linked to alleged compliance with various requirements of state affordable housing requirements applicable to planning, zoning and land development requirements.

The city responded by filing a demurrer, arguing that the claims were barred either by the 90-day provisions of Government Code sections 66499.37 (90 days; Subdivision Map Act) or alternatively 65009(d) (1 year; housing element challenges). The city also argued that, as a matter of law, the plaintiffs failed to state a cause of action. The trial court ruled for the city on both the statute of limitations as well as the substantive legal issues.

On appeal, the Fourth Appellate District ruled for the city on the statute of limitations grounds; because that ruling disposed of all of the claims, the court declined to rule on the substantive allegations. The court's ruling on the statute of limitations focused on 65009(d) as it was most favorable to the plaintiffs. Litigation under this code provision first requires the future plaintiff to give written notice to the city or county before it files suit. The code then provides that the cause of action accrues "60 days after notice is filed or the legislative body takes final action in response to the notice, whichever occurs first."

As pled, the complaint established that the City Council took action on August 27, 2008. This became the controlling date in calculating the statute of limitations and as a result, plaintiff's complaint, filed on September 2, 2009, did not meet the one-year requirement. Therefore, the appellate court concluded that the case had been appropriately dismissed. ■

➤ The Case:
Haro v. City of Solano Beach, No. D057304, 2011 DJDAR. Filed May 12, 2011. Ordered published May 12, 2011

➤ The Attorneys:
For Plaintiff: Affordable Housing Advocates and Catherine A. Rodman

For the City of Solano Beach: Burke, Williams & Sorensen, Thomas B. Brown, Matthew D. Visick and John J. Welsh; McDougal, Love, Eckis, Boehmer & Foley and Johanna N. Canlas; Goldfarb & Lipman and Barbara E. Kautz

Oil Town of Maricopa Running on Fumes

Grand jury recommends rare step of disincorporation in light of crushing debt

BY JOSH STEPHENS

At the rate things are going, cities in California might not just be broke – they might become an endangered species. This month, a grand jury recommended that governance of the tiny city of Maricopa be turned over to the Kern County Board of Supervisors.

Once the center of the petroleum industry at the southwestern end of the Central Valley and the home of the famous Lakeview gusher, Maricopa – located about 40 miles southwest of Bakersfield – has declined the recent decades of its 100-year history. Kern County Supervisor Ray Watson said that centralization in the oil industry cut down on employment in the area, and many of the remaining oil field workers live in larger towns such as nearby Taft.

"I'm not at all surprised," said Watson. "Maricopa has lost population in the last few years due to the way the oil industry is managed."

With a population of 1,154 – down from a historic high of 20,000 during the peak of the region's oil boom – Maricopa is now the smallest city in Kern County. Of California's 481 cities, only 12 have smaller populations than Maricopa – most of them in rural areas in the far northern part of the state.

If Maricopa ceases to exist as a legal entity, it would be just the third such city to do so in modern California history. It might even be the fourth, depending on whether legislation to force disincorporation of the City of Vernon goes through.

The Cities and Joint Powers Grand Jury conducted an investigation into Maricopa's municipal health and published troubling findings in its report "City of Maricopa: Lots of Past, Any Future?" The report judges the city on its ability to provide basic services such as police, fire, and sanitation services that, under California law, all incorporated cities must provide. The grand jury concluded that "with a crumbling infrastructure, the financial resources of the city are insufficient to cover current needs let alone retire outstanding debts."

Those debts include more than $61,000 owed to the county for fire protection and more than $100,000 owed to the Local Agency Investment Fund for monies the city borrowed for street repairs but that were diverted to "ordinary expenses." The report also accuses the city of borrowing from private individuals in order to meet some of its payroll and even for keeping cash "in an unsecured desk."

ANTANDRUS, WIKIPEDIA.ORG / INSET: KERN COUNTY MUSEUM

Maricopa, about 40 miles southwest of Bakersfield, is home of the famous Lakeview gusher (inset, 1910). A grand jury has recommended disincorporation of the tiny city, which has declined in the decades since its incorporation in 1911, and that governance be assumed by the Kern County Board of Supervisors.

The report also suggests that the city has neither the political will nor the administrative competency to pay its debts or restructure its governance. The report carries a vitriolic tone, noting that investigators were met with "delays and excuses" from many city officials.

No member of the Maricopa City Council or city staff responded to interview requests for this story.

The report acknowledges that the prospect of disincorporation might be "distasteful" but necessary in light of the city's dire situation. However, it is the citizens of Maricopa that will have to decide whether disincorporation is more, or less, distasteful than carrying over $200,000 worth of debt.

If Maricopa disincorporates, Kern County will automatically assume responsibility for what remains of the town. County officials are not taking a position on disincorporation but say that they stand ready.

"If they decide to cut their losses and disincorporate, then the county is prepared to assume those services," said Watson. "That's our job."

In most years, the potential disincorporation of a city would be not only distasteful but, in fact, unheard-of. This year, however, Maricopa is the second city to flirt with oblivion.

Since the original 1963 passage of what is now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act, which governs municipal incorporations, only two cities have suffered that fate: Cabazon in 1972, and Hornitos in 1973, both of which were small hamlets that withered.

The possible demise of Maricopa comes amid a raucous debate over the fate of the City of Vernon, an industrial enclave east of downtown Los Angeles (see *CP&DR* Vol. 26, No. 5, March 2011 [ ]). The Legislature is currently deliberating on a bill that would forcibly dissolve the Vernon city government, which has been accused of corruption. The bill that would fell Vernon would have no bearing on Maricopa because that bill, AB 46, is directed

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>>>> Maricopa Considers Its Demise

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KARIN MILLER, CALIFORNIA BLOG

If Maricopa is to disincorporate, it must do so by the will of its own voters, which is not likely, says Kern County Supervisor Ray Watson. "The people that live out there have a lot of pride in their community. ... They are reluctant to give up that local control they feel they have." Above: Downtown Maricopa.

at all cities with populations less than 150 because, by law, the Legislature could not deliberately single out a city. (Vernon is the only city in the state with a population of less than 150, though the similar city of Industry has 219.)

Therefore, if Maricopa is to disincorporate, it must do so by the will of its own voters. Watson said that they are unlikely to do so.

"The people that live out there have a lot of pride in their community," said Watson. "It's a historic place. They are reluctant to give up that local control they feel they have."

Then again, noted Watson, "when you don't have the financial capability, you don't have the control either."

If residents did choose disincorporation, that vote would trigger a formal process administered by the Kern County Local Agency Formation Commission. LAFCO would have to make its own findings regardless of the residents' vote and the grand jury's findings.

"We would have to follow our regular process because it's considered a reorganization," said Rebecca Moore, executive officer of Kern County LAFCO. Moore suggested that the remains of Mariposa could be governed by a special district that would take over city services.

Ironically, the cost of the LAFCO process might rival the amount of Maricopa's debt.

"It would be expensive," said Moore. "There would have to be an environmental report done."

Watson said that he does not expect this trend – such as it is – to spread.

"There are many cities throughout the state of California that are having financial problems," said Watson. "I think the unique thing about Maricopa is that they just have a very small population base." ■

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>>>> S.F. Program Seeks to Repurpose Parking Spaces

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as outdoor rooms where passers-by can linger without contending with vehicles or pedestrian through-traffic. Parklets can also serve as outdoor dining areas for cafes and even landscaping features to introduce greenery into a streetscape.

"Along any commercial corridor in San Francisco – probably in most places – people like to be outside, and they like to people-watch," said Andres Power, the director of the Pavement to Parks program at the San Francisco Planning Department. "It's part of what makes us humans, so [parklets are] sort of a no-brainer."

Enthusiasm for parklets arguably has grown out of National Park(ing) Day, an annual event in which artists and urbanists take over parking spaces temporarily and replace them with art projects and other public amenities. Sponsored by the San Francisco design collective Rebar, National Park(ing) Day has grown to include thousands of sites in dozens of cities across the country.

Parklets, however, are intended to be permanent fixtures in the urban landscape. As a relatively novel typology, parklets have prompted the San Francisco Planning Department to come up with regulations and procedures for issuing permits in relatively short order.

The promotion of parklets is, according to some, a way for cities to atone for past offenses against the public realm.

"We take out seating, we take out benches, we take out any amenity that would give people a reason to be there," said Blaine Merker, principal at Rebar. "That's sort of a bigger issue that Americans need to figure out and you see it in microcosm in parklets."

"They've sparked people's imagination about…how they can be a part of shaping the public realm," said Ethan Kent, vice president at the New York-based advocacy group Project for Public Spaces.

Under Power's direction, San Francisco's parklets program began with a pilot project established in front of the Mojo Bicycle Café on Divisidero Street in 2009. Since then, at least six more trial projects have been built. Power said he received 25 applications for his first round of parklet permitting and nearly 50 applications for the permitting round that closed June 16.

So far in San Francisco, supporters of this sort of urban acupuncture have been plentiful and enthusiastic – to degrees nearly unheard-of in urban planning.

"Generally, the program has been as universally accepted as a program can be in San Francisco," said Power. "We had very strong support from the top, all the way up to the mayor. The challenge was not 'should we do this' but, 'we are doing this; let's make it work as well as possible.'"

Though the city has to issue permits for parklets, much as they would for other private uses of public space, such as sidewalk cafes or farmers markets, no public money goes into them in San Francisco. Parklets are constructed by "sponsors," which are usually individual businesses or collections of businesses that believe that they will enhance the public realm and even attract customers. For restaurants, a parklet can be a whole new dining room.

"I feel very strongly about providing residents of the city with more open spaces," said Hanna Suleiman, owner of North Beach's Caffe Greco and sponsor of an early parklet. "The parklet itself was greeted extremely warmly by almost every customer I have."

Access to parklets cannot, however, be limited to customers. The city and other support-

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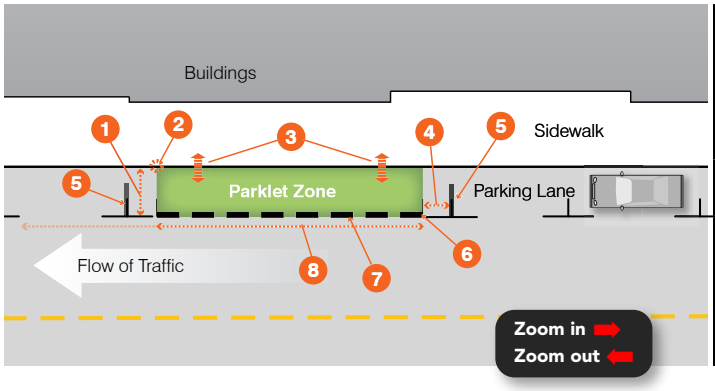
The San Francisco Planning Department's Design and Placement Guidelines for Parklets



>>>> Parklets Call for Bureaucratic Cooperation

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ers are adamant that any parklet – no matter how expensive and how closely connected to a business – must remain part of the public realm and open to all passers-by. Parklets in San Francisco are required to include signage to that effect.

"It needs to be legible as a public space and inviting," said Hodge.

There are enough potential sponsors such as Suleiman that, supporters say, the City of San Francisco and its dozens of distinct retail neighborhoods can accommodate a nearly limitless number of parklets.

"The concept of a parklet is universal – it can work anywhere," said Power. "As long as you design for that constituency, the spaces are successful."

In his effort to help parklets spread across the city, Power has coordinated a permitting process that, in San Francisco, as in many other cities, might fall through the bureaucratic cracks. Because they are located in the public right of way, parklets can fall under the jurisdiction of departments such as planning, public works, transportation and others and thus require strong political support to encourage departments to work together.

Power said that his main goal has been to establish a permitting process that is inexpensive and specific, so that applicants are well aware of their responsibilities as sponsors to ensure that parklets are well maintained and accessible. As well, Power said that applicants must also adhere to a fairly rigid set of design guidelines in part so that he and his staff do not have to spend time parsing sloppy applications. Sponsors are also required to hold a minimum of $1 million worth of liability in-

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PHOTOS: REBAR GROUP

Although parklets, such as these in Noe Valley and on 22nd St., can give a boost to sponsoring businesses, San Francisco requires that all parklets in the city bear signage indicating that they are in the public realm and open to all passers-by.

>>>> S.F. Parklets Depend on Private Funds, Local Support

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PHOTOS: SAN FRANCISCO BICYCLE COALITION

San Francisco's parklets program began with a pilot project established in front of the Mojo Bicycle Café on Divisidero Street in 2009. Since then, at least six more trial projects have been built. Andres Power, director of the Pavement to Parks program at the San Francisco Planning Department, said he received 25 applications for his first round of parklet permitting and nearly 50 applications for the permitting round that closed June 16.

surance; however, Power said that parklets are covered by most restaurants' and merchants' existing policies.

Startup costs for a parklet include fees of nearly $1,000 to apply and have a site inspection, plus $650 for the removal of parking two meters and a $221 annual fee.

Kit Hodge, deputy director at the San Francisco Bike Coalition, said that the most successful parklets are those that gather strong neighborhood support even before a formal application is filed with the city. The Bike Coalition has been actively promoting parklets and, Hodge said, has been helping some sponsors with their outreach programs.

Sponsors are responsible for gathering public support and ensuring that a proposed parklet fits with neighborhood character. In fact, said Power, reaching out to neighbors is a non-negotiable requirement for city approval.

"It's important to create these things in ways that reflect the locals and helps preserve the identity of the neighborhood," said Kent.

Power said that sponsors must demonstrate neighborhood support before they for a permit. The city will hold public hearings if a proposal generates opposition, but Hodge said that very few have gone to a hearing.

Although parklets consume valuable urban parking spaces – often in neighborhoods where street parking is scarce, Power said that the whole point of parklets is to capitalize on existing patterns of pedestrian traffic and thus are considered unobtrusive.

"One of the saving graces of this program....it's the businesses that are clamoring for this most," said Power. "There's a nexus that helps us move beyond the concern over parking loss."

A basic parklet might simply be a wooden platform of 20 feet by 6 feet (the dimensions of two standard parking spaces), but so far architects and designers have found little end to the possibilities that they present. Designs include everything from bare platforms on which merchants have placed tables and benches to swooping topographical features and benches integrated into the structures themselves.

Other features include railings, planters, stand-up bistro tables, raised platforms, and decorative bollards.

"They look relatively straightforward but a lot of thought has gone into how to use every inch of that space," said Blaine Merker, principal at the design and art collective Rebar, which has promoted and designed several parklets. "It's tight real estate."

While a parklet might cost less than, for instance, an addition to a café dining room, they do not necessarily come cheaply. Power estimates that the design, construction, and planning for a basic 120-square-foot parklet costs between $5,000 and $10,000, plus upkeep, per parking space. Merker said that cost compared favorably with the $2 million per block that a recent upgrade of Valencia Street cost.

"That was a lot investment for a 2-foot change in the curb line," aid Merker. "(Parklets

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>>>> Other Calif. Cities Seek to Replicate S.F.'s Parklets Program

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are) an opportunity to test out in prototype new kinds of public spaces before we commit in bricks and mortar."

Despite architects' and sponsors' enthusiasm for parklets, their economic impacts are as yet undetermined. Power's office conducted a small survey to study the impacts of the initial Divisadero Street parklet and found modest gains in pedestrian activity on the block around the Mojo Café and a stronger sense of "community character." The survey found, however, that local businesses did not necessarily attract more customers.

But warm feelings for parklets may transcend cost-benefit analyses.

"Am I making a lot more money with it? I don't think I am," said Suleiman, of Caffe Greco. "But it creates ambiance and aesthetically improves the look of the neighborhood."

Whether parklets stoke business or end up being expensive planters for the sponsoring businesses, the general public in San Francisco has, according to Power and others, embraced parklets wholeheartedly.

"Compared to a lot of other new infrastructure ideas, these have had very little public opposition," said Hodge, of the Bike Coalition.

Power said that some neighbors have raised concerns over lost parking, and Hodge noted that many residents simply do not understand what parklets are. Power admitted that parklets could attract loitering and the homeless. However, he said that parklets also provide exactly the sort of vibrancy and street life that tends to ward off unsavory activities.

"It has built-in eyes on the street," said Power. "Because the funding entity has invested some capital in building the project… there's a vested interest in ensuring that the space is used appropriately."

The only problem, according to Merker, is that because of the need for private funding, certain places might get too much of a good thing.

"I worry about a two-tiered system of public space development where the nicest public spaces are out in front of the merchants who can afford to pay for them," said Merker. "I'd love to see somebody for a scholarship fund… for maybe a mom and pop who don't have money for improving the public realm."

Many of those cities are now catching on to parklets as well. Merker and Power both said that they have received inquiries from cities across the country to inquire about setting up parklet programs. Whether parklets can survive outside their native San Francisco habitat, remains to be seen. Opportunities in other cities might be more limited than they are in San Francisco's famously vibrant streets and distinctive neighborhoods.

"(Parklets) do happen to be in neighborhoods that have businesses and pedestrian traffic and retail that can benefit from it," said Kent.

> Parklets could attract loitering and the homeless, but "... [They have] built-in eyes on the street. Because the funding entity has invested some capital in building the project ... there's a vested interest in ensuring that the space is used appropriately."
>
> **– ANDRES POWER,**
> PAVEMENT TO PARKS PROGRAM DIRECTOR

The City of Oakland's planning department is working towards a formal pilot program that could launch this year. Oakland Deputy Director of Planning and Zoning Eric Angstadt said that planners in Oakland are enthusiastic about parklets but that, as elsewhere, the Planning Department alone cannot singlehandedly authorize their construction.

"It's one of those newer ideas that doesn't stick conveniently in any one department necessarily," said Angstadt. However, Angstadt noted that parklets naturally fall under the purview of planning because "they tend to grow out of more planning-focus things like streetscapes and transportation demand management programs, and alternative parking strategies."

As well, the city's well known financial crisis has forced Angstadt's team to consider lost revenue at parking spaces that might be commandeered for parklets.

"With the city's budget the way it is, it has to be revenue-neutral," said Angstadt. He suggested that the issuance of permits for parklets could be contingent upon sponsors' identifying new spaces for paid parking to offset lost revenue.

David White, redevelopment project officer with the Long Beach Redevelopment Agency, said that he would like to help bring parklets to Long Beach but that that he is concerned about identifying appropriate funding schemes.

White said that private funding "would be outstanding," especially given the precarious nature of redevelopment agencies in California, and suggested that business improvement districts – which pool funds from businesses – might be ideal sponsors for parklets.

For all the money and planning that can go into a parklet, even their supporters say that they will be truly successful only when they are torn down – in favor of something more lasting. For Power, parklets are one step towards encouraging public bureaucracies to invest in the pedestrian realm.

"Parklets really (make cities) think about things in a more pragmatic way, to think about change on the street as being a good thing, to think about temporary uses as being a good thing," said Power. "That is not endemic to the bureaucracies of the typical American city."

Merker said that cities' embrace of parklets should, ultimately, lead to investments that will make parklets obsolete.

"These are not a permanent solution," said Merker. "We still need to make really good permanent public spaces." ■

➤ Contacts & Resources:

San Francisco Pavement to Parks Program
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Hanna Suleiman, Owner, Caffe Greco

David White, Redevelopment Project Officer, Long Beach Redevelopment Agency, 562.570.6615

>>>> Perpetuating the Frontier Myth

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nence not only because of garden-variety paranoia but because of what Barraclough describes as a perverse embrace of the American frontier myth. She recasts Fredrick Jackson Turner's Frontier Thesis as an ur-narrative that celebrates the pioneer spirit while invoking obscuring the crimes committed against indigenous peoples and, in California, Mexican settlers.

A professor of sociology at Kalamazoo College (Mich.), Barraclough takes particular issue with one of the great symbols of the frontier – the horse – and with the modern-day persistence of equestrian neighborhoods. Tucked within the Los Angeles' city limits are Sylmar, Lakeview Terrance, and Shadow Hills (where Barraclough herself grew up). These places continue to nurture what residents describe as a "rural" lifestyle not 15 miles from Hollywood, downtown Los Angeles, and other places where horses appear only on shirt pockets and tailgates. It's an extreme example of urban sorting according to cultural preferences. But it's also, implicitly, about racial preferences.

Barraclough focuses on large-animal husbandry not because it is widespread but because it is dishonest . There was never, she argues, a time when the frontier lifestyle appeared organically in the Valley. In the early 20th century, the Valley's many "movie ranches" stood in for other parts of the American West.

Real estate developers circulated fake histories of the Valley that made it out to be a wholesome place of homesteading and rugged individualism. They thus confused the Valley with the character that it played in the movies. In addition to endorsements from fake heroes like Gene Autry and Roy Rogers, one booster went so far as to promote the Valley as the "white spot of America," a noxious phrase that Barraclough invokes repeatedly.

Though that propaganda has, thankfully, been forgotten, Barraclough contends that residents still ascribe to a galloping sort of nostalgia. By keeping horses in their backyards – within the limits of the nation's second-largest city – residents perpetuate a "fantasy past." This fantasy, unlike most, requires not only bales of hay but also some serious pieces of real estate on which to gallop.

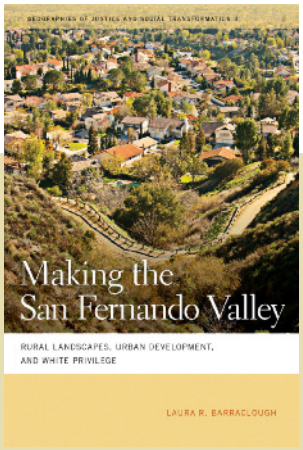
The northeast Valley's remaining "horse-keeping zones" are supported by no fewer than 12 Los Angeles city ordinances enacted between 1963 and 2006. Barraclough excoriates the public officials who, she claims, pander to the mostly white populations by supporting the zoning regulations and other laws that that venerate these domesticated cowboys and implicitly exclude minorities. There aren't any Jim Crow laws, of course. But large lots, large houses, and a curious pastime "reproduce whites' historical racial, class, and economic privileges," writes Barraclough.

Horses, of course, don't make land use policy. The planners and politicians who govern Shadow Hills are, therefore, not just supporting a storybook lifestyle or quirky land use. They too are perpetuating stereotypes and injustice. Barraclough writes that urban policy itself "reinscribe[s] the central elements of the frontier narrative in physical landscapes throughout twenty-first century America."

These conclusions come by way of maddeningly detailed research. Barraclough combs through public documents, attends community meetings, and even lurks on Internet message boards that celebrate this latter-day ruralism. All the while, she is deeply influenced by a mountain of post-structural theory, which casts almost every cultural expression as a power conflict. As a result, Barraclough's account often lapses into tedium as she demonizes every clop and whinny of horse ownership.

Barraclough's writing rarely rises above that of an expanded dissertation. Her allegations, therefore, are likely to be lost to everyone other than like-minded scholars who have heard many similar arguments about other places. So, let's be clear: You might not read *Making the San Fernando Valley*. But the next time you visit – or build – a place that celebrates a rural ideal, you might think about who is invited to that celebration, and who is not.

You'd have to be pretty vapid – more so, perhaps, than any Valley Girl ever was – to do otherwise. ■



book review

Making the San Fernando Valley: Rural Landscapes, Urban Development, and White Privilege

Laura R. Barraclough, The University of Georgia Press, 2011

Architects Take on Transportation Planning

For the most part, public transportation in American cities has all the sex appeal of a hearse.

Elsewhere, London's Tube has its emblems and quaint slogans. The old trolleys of Lisbon climb twisting hills on tiny wheels, like elephant ballerinas. Lord Foster's glass tubes lead to the metro in Bilbao. Prague, Riga, Amsterdam, and countless other cities have streetcars that wend slowly over cobblestones. Don't get me started on Hong Kong's double-deckers.

Paris' Art Nouveau signage allows you to dream that Toulouse-Lautrec might get on at the next stop and start sketching. Back in this century, Shanghai's maglev covers 18 miles in 7 minutes.

On our side of the ocean, reluctant huddled masses do their best to keep their distance while diesels plow past strip malls and deposit their charges beneath freeway overpasses. Is this any way to live?

The Los Angeles Chapter of the American Institute of Architects seems to think not.

This Friday the chapter is sponsoring a design symposium, affiliated with Dwell on Design, called "The Architecture of Transportation," which intends to discuss the aesthetic opportunities behind all the busways, light rail lines, streetcars, and subways that California cities are intending to install. Bear in mind that with Senate Bill 375, peak oil, and glacial traffic, cities have little choice but to build mass transit. The architects' implicit question is not whether it will be fast enough (depends on the mode), or cost-effective enough (don't count on it), but, rather, whether it will be sexy enough.

That too is an important question.

Poster for the LA Chapter of the American Institute of Architects' design symposium, held Friday, June 24.

The architects have offered a single image that conveys just about all you need to know about what public transit could be, if policy makers and transit planners were to let passions run wild. The conference's poster – notably more arresting than that of the average land-use event – depicts a tantalizing scene: A briefcase-laden Don Draper-esque gentleman passes by a woman as they walk in opposite directions across a downtown street. She appears younger and is perhaps going to yoga. These two caricatures are frozen between two sets of train tracks, her lead foot stepping over the rail. Their eyes are obscured, but it's nice to think that they might trade glances.

In the background, lit by an undefined, but blazing, source of mid-evening light, cyclists and other pedestrians make their way to bars, restaurants, trysts, and homes. The streetcar that dropped off all of them has headed up the hill out of sight, but another is on its way.

If Mr. Draper (or, better yet, someone like him – but younger and unmarried) and that coed were to yield to their urges and embrace mid-street, as if the war had just ended, they could do so. Why? Because no cars are coming to run them over.

It's a fanciful, but deliberate, suggestion that American cities are such passionless places because Americans' cars make it so (the image is by the photographer Mugley and comes from a *Wired* article). There is no flirting between windshields. No accidental touches through driver-side windows. No taking refuge from the rain under awnings when drivers are already sealed up. Even for those who do take transit, there are too few makeout sessions as the El reaches the end of the line. The French aren't more romantic than Americans; they just have more opportunities.

Perhaps "sexiness" is a little too vague to form the basis of public policy (and, yes, there may be more pressing matters). I would certainly hate to try to quantify it or do a cost-benefit analysis. But "community," which features prominently in the symposium's panels, may be a reasonable approximation for sexiness. The point is that, as everyone from Jane Jacobs to Ed Glaeser to anyone else with common sense has told us, spontaneous, genuine interactions between people – not cars – can lead to both happiness and prosperity. We just need places where those interactions can take place and transportation to get us there in the first place.

So there's another reason for cities to get people out of their cars and instead seduce them on to the train, the bus, and the street. If not, cities themselves may end up in the morgue.

– JOSH STEPHENS | JUNE 22, 2011

No Easy Answers for State's Complicated Housing Mess

In the first quarter of 2011, 53% of buyers could afford the median-priced single-family in California, and 60% could afford the median-priced condo or townhouse, according to the California Association of Realtors.

This is a remarkable turn from the years of the housing bubble, when CAR's affordability index dived to the low teens. Pegging a lower median price and making more generous lending assumptions, the National Association of Homebuilders now places California's housing affordability index at 64.6%.

At the same time, about one-third of California homeowners are underwater, owing more on their mortgage than their real estate is worth, according to CoreLogic, Inc., a leading analyst.

This is the way things are going to stay for a while, apparently. Real estate experts predict housing prices will either fall a touch more, or increase by a few percentage points during the next three or four years. And California housing construction remains in a slump, with the Construction Industry Research Board predicting in late May that builders would pull permits for 51,000 units this year. That is an increase from 36,000 in 2009 and about 45,000 last year, but it's still remarkably few units for a state that continues to add about 500,000 residents a year.

"California is in a situation that shouldn't be possible to be in," Jed Kolko, associate director and research fellow at the Public Policy Institute of California told me. "That is a situation of falling prices, and a situation of high prices."

Here's what he means: California's median home price has fallen by nearly half in five years to about $290,000, yet it is still roughly 75% greater than the national median. Moreover, prices remain the least affordable in the job-rich coastal urban areas such as San Francisco, Silicon Valley and Orange County, while housing has become extraordinarily inexpensive in job-poor inland areas such as the San Joaquin Valley and San Bernardino County – locations where the median price is less than the national average.

"Just because prices have fallen a lot doesn't mean prices are low relative to incomes in California and relative to other states," Kolko said.

Still, there's no denying that real estate prices have nose-dived. That's the primary reason that one-third of homeowners are underwater and that California continues to be among the foreclosure leaders.

So California finds itself in the seemingly intractable position of needing to boost the supply of affordable housing while also bolstering real estate values. "It's very hard to make policy for two problems that call for almost two completely different solutions," Kolko observed.

Making the problems even more difficult to tackle is the fact that California is composed of many different, yet overlapping, housing markets. In the Central Valley, including Sacramento itself, housing affordability is no longer much of an issue. But in much of the Bay Area, San Diego and Los Angeles, a shortage of affordable units remains a problem for households and for businesses. You would think this situation presages the resurgence of the monster commute from homes in Hesperia to jobs in Pasadena, or from Merced to Santa Clara. However, gasoline costs $4 a gallon now, and we are all aware that fuel prices could spike upward again with little warning.

It's no surprise that the policy response at the state Capitol is confused. After years of being a high profile issue, affordable housing has faded into the background. The Brown administration proposes eliminating redevelopment (the state's largest ongoing source of funding for affordable housing development) and the Department of Housing and Community Development's housing element review and technical assistance functions. Bills in the Legislature are all over the map, but the only ones that appear to be moving forward are those that tinker at various fringes. The California Housing Law Project reported last week, "With an increasingly bold mod (moderate) caucus, the Senate appears hostile territory for legislation to address the housing needs of low-income families this year."

On the issues of foreclosures and lending, the state has limited authority, as the federal government does most of the regulating. Plus, banks and other lenders continue to exert a great deal of influence over state lawmakers, as financial institutions can make much larger campaign donations than can homeowners who are drowning in debt. Again, most of the bills that have moved through the Legislature since the real estate market crashed have addressed minor matters.

If you've read this far in hopes of finding light at the end of the tunnel, you're going to be disappointed by the pervasive darkness that I see. The overall market is weak and is going to remain so. Housing policy, not only at the state level but also at the federal level, is equally weak. In an era of black-and-white politics, our housing problems require answers in many shades of gray. Cities and counties that make real decisions about what housing gets built are mostly pawns in a game they don't control.

Senate Bill 375 would have us making housing decisions based in large part on climate change considerations. It's a noble thought, perhaps even visionary, and it's driving conversations about urban development patterns that we probably should have had decades ago. But may I suggest that other climates need to change before California can start truly thinking on such a grand scale.

– PAUL SHIGLEY | JUNE 10, 2011