

Can Fresno Stop Sprawl In Surrounding Counties?

BY LARRY SOKOLOFF

Fresno, the largest city in the Central Valley, is going to keep growing. The question is, in which direction?

City leaders who are dealing with issues of leapfrog development, declining neighborhoods and strained city services, would like to keep growth inside city limits as infill projects.

But local counties, including Fresno and Madera, are happy to encourage some of that overflow growth as it moves beyond the affluent north side of Fresno. Both counties have many developments planned for the region near the San Joaquin River, which is the border between the two counties. This has led to years of environmental

litigation between the large city and the counties.

Fresno recently settled a lawsuit against Madera County over the large Tesero Viejo planned community. But the city is still involved in other litigation, and is appealing a recent decision against Fresno County's plans to allow 2,500 homes at Friant Ranch.

Amidst the litigation, the city and its two county adversaries recently met with a mediator from the state's Strategic Growth Council to discuss some of the longstanding issues. The meeting was required in the settlement of Fresno's lawsuit over Tesero Viejo, and Fresno County was also invited.

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insight
WILLIAM
FULTON

Still Waiting For Redevelopment 2.0

Two years ago, when Redevelopment 1.0 ended, it was widely viewed as the end of an era – but maybe not the end of redevelopment. Maybe it would no longer be possible to use tax-increment financing to solve all urban development and infrastructure problems. But surely a new set of techniques would emerge, either as a result of state law (after all, Gov. Jerry Brown promised a replacement) or because local officials and developers would get creative. Redevelopment 2.0 might not be as powerful, but something good would come along.

We're still waiting.

Gov. Jerry Brown is so down on a new redevelopment regime that Senate leader Darrell Steinberg didn't even both to put legislation on his desk this year, even though the new legislation won't affect the state's general fund and even though he could have gotten it passed in the Legislature.

Meanwhile, most cities that had active redevelopment agencies are snarled in the redevelopment wind-down process. Interestingly, in most cases the hang-up has

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IRVINE'S GREAT PARK will be completed by Five Point Communities, a developer that will construct the remaining 700 acres of the park in exchange for the right to build 10,000 homes on the remainder property – 4,600 more than previously envisioned. <http://www.latimes.com/local/la-me-1128-great-park-20131128,0,7135115.story>

If constructed, the project will include more houses and less parkland than originally envisioned when Irvine struck a deal with Lennar Homes before the recent real estate downturn.

The Great Park will be built on the former El Toro Marine Air Base, which the Pentagon sold to Lennar in 2005. The original deal called for a 1,300-acre park that would rival Central Park in New York City or Balboa Park in San Diego. Lennar paid the city more than \$200 million, but only about 200 acres of the park were completed before the real estate downturn killed Lennar's plans for private development of part of the land. Subsequently, Lennar turned the property over to Five Point, a spinoff still owned mostly by Lennar; and a new deal was struck. The end of redevelopment on 2012 killed even the revised deal, however.

City Council dissenters Beth Krom and Larry Agran did not change their votes despite Mayor Steven Choi's efforts to persuade them that "a historic moment" required a unanimous vote.

Landscape architect Ken Smith, who worked on the previous iteration, was quoted in the *Los Angeles Times* as saying: "They really are developing something that isn't creating a great public park in any way. It's just sort of cheap and fast and takes up a lot of space."

FACEBOOK ISN'T VERY OLD, but things change fast in Silicon Valley. A San Francisco developer is proposing a controversial redevelopment of the company's former headquarters in Palo Alto, [paloaltoonline.com](http://www.paloaltoonline.com/news/2013/12/04/city-to-review-proposed-redevelopment-of-old-facebook-site) reports. (<http://www.paloaltoonline.com/news/2013/12/04/city-to-review-proposed-redevelopment-of-old-facebook-site>)

In classic Silicon Valley fashion, the proposal goes to great lengths to redevelop the property on Page Mill road without actually increasing the amount of usable development. The existing two buildings total 300,000 square feet, as would the four buildings that would replace them. The existing two buildings are located in the middle of the site and surrounded by parking lots, while the four new buildings would be on the perimeter of the site surrounding a central courtyard. About 600 existing surface parking spaces would be replaced with over 900 semi-sunken spaces.

Nearby residents and Stanford University are both lobbying the city for a "spine road" through the site, which the proposal does not currently

contain. Previous neighboring projects included the spine road that could be connected to this project. However, the project would close off the rear entrance to the site from California Avenue. "It was a back door into Facebook," said a neighborhood leader. "All the employees took that, all the shuttles, service vehicles. So it was kind of a nightmare."

IN YET ANOTHER SANTA MONICA MOUNTAINS CONTROVERSY, scientists are arguing over a gated community's impact in Los Angeles's Porter Ranch.

Hidden Creek Estates would remove 456 trees and move 6.5 million cubic yards of earth in order to build 188 homes. <http://touch.latimes.com/#section/-1/article/p2p-78272446/> It is currently being considered for approval by L.A. County but would be annexed to the city of Los Angeles if built. The houses would sell for between \$850,000 and \$1.5 million.

One scientist called it the continuation of an amoeba-like tendril of development" that stretches through the Santa Susana Mountains, where parks agencies manage 10,000 acres of open space plus the 2,300-acre Antonovich Regional Park. But the Texas-based developer said the houses would be clustered on an area that has already been disrupted by ranching and filming operations ■



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Announcing the CAL PLANNING ROL-ARENA ®

BY MORRIS NEWMAN

HIGHLY CONFIDENTIAL MEMO TO THE EDITOR OF CALIFORNIA PLANNING & DEVELOPMENT REPORT. WARNING: DON'T NOBODY ELSE READ THIS. STRICTLY "ENTRE NOUS." STAY OUT!

Dear Colleague:

Something has happened to the American sports venue. Despite their great cost, stadiums and arenas have become as disposable as the paper wrapper on yesterday's tater tots.

The latest example, of course, is Atlanta Fulton Stadium, the current venue of the Atlanta Braves. This 17-year-old has-been was built as a venue for the Olympics, and converted a year later for major-league baseball. It's publicly owned. But the stadium is not perfect. It does not connect easily to public transit, and parking can be hard to find. Plus, the downtown location is this "minority-majority" city (no dog whistle here!) is not optimal for the majority of Braves fans, who live in the northern and western suburbs. (Did you hear a high-pitched squeal? Me neither!) The stadium may need \$150 million in repairs, the Braves management claims. "Who's gonna pay for that?" they appear to say, without using those exact words. "Us? We don't think so."

Anyway, after 17 years of pre-recorded electronic organ accompaniments to "Take Me Out to the Ball Game," the Braves are

looking for a greener pasture. That new pasture, depending on the will of local voter, may lie in suburban Cobb County, just 12.5 miles to the north. With little or no public input, the county supervisors have agreed, in principle, to contribute \$300 million toward the \$670 million stadium. Plus, the county has agreed to pay 50% (!) of future maintenance costs, without any ability to recapture that public money. That's not a problem, because county officials say the whole thing can be done without raising taxes! Taxes are tyranny, after all, and nobody treads on Cobb County (unless they're millionaires wearing cleats.)

And just so the deal won't be a total waste, the Braves brass say they want to spend another \$400 million on 1 million-square-feet of "sports entertainment" sprawl, replete with bars, restaurants and impulse retail; the team is reportedly shopping for a developer to go halves with them. Some Cobb County residents have reportedly complained that the planning process has been conspicuously, uh, absent. Well, if there's one thing you learn from living in the South, it's that you can't please everyone.

As for the 17-year-old stadium in downtown Atlanta, they'll find something to do with it, won't they? Just ask the folks in Irving, Texas, who demolished their 39-year-old Texas Stadium in 2010, after having

been abandoned by the Cowboys for the \$1.15 billion AT&T Stadium in nearby Arlington. The city has been trying to interest developers in the site. At last report, there have been no takers.

This discussion reminds me of Sacramento, home town of both This Reporter and the Sacramento Kings. The Kings have played the past 26 seasons in the Sleep Train Arena, formerly known as the Power Balance Pavilion, formerly known as Arco Arena. After a well-publicized fracas this past spring, which involved a tug-of-war for team ownership between corporate meanies from Seattle and some Golden State billionaires, the National Basketball Association decided that the Kings should stay in Sac-town, as long as the new ownership would build a \$477 million stadium, this time in a downtown area. (This time, the location is fortunate, because it replaces an underperforming retail mall. Although Sacramento voters rejected a proposal in 2006 for a \$600 million stadium to be built on the public dime, there were fewer protests this time around for a public contribution of \$250 million for the crucial task of bringing basketball to downtown Tomato-town. As for Sleep Train Pavilion, well, we'll figure out something. (At least the 1988-era arena is finished, unlike the half-built baseball stadium next door, which will never be finished, apparently, because somebody else

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built a ball park, Raley Field, in the meantime.

So clearly, colleagues, we can see that 1) teams need to move frequently and 2) stadiums have very short half-lives. The cost of stadiums places an undue burden on both team owners and local governments. Hell (pardon my language) stadiums can't even be converted to discount malls or low income housing!

So here's the plan, on the down-low, colleagues: We are getting into the stadium business. And we only have to build two or three of them. How, you might ask, eye brows raised and mouth agape in astonishment, would this be possible? Oh, just use a 7,000-year-old Mesopotamian invention known as little rubber wheels.

Yes, colleagues, we're going to invent ... the rolling stadium! Look, fellow planning journalists, it doesn't make sense for cities to spend to spend a half billion dollars every couple of years, just to watch the local sports heroes move to a newer stadium in another city. With our new proprietary CAL PLANNING ROL-ARENA® we simply unlock the wheels underneath the thing, and push the sucker to the suburbs, or redeveloping downtown area, whatever. Granted, a stadium is a bit of a plus-sized customer for your standard super-freeway, so we would be wise to design the sports facility

The Kings have played the past 26 seasons in the Sleep Train Arena, formerly known as the Power Balance Pavilion, formerly known as Arco Arena.

in 20-footwide segments, which can roll down the road, extra-wide-load-style. (Are you keeping up with me? I know I type pretty fast.)

Now, you may say, whoa there Rabbi, how do we freshen up the architecture for new customers? After all, each new facility needs a unique, new look to impress the folks in suburban I've-Got-Mine-ville USA. This is where you're lucky to have someone like me, colleagues. For each new location in which a CAL PLANNING ROL-ARENA® is deployed, we will use a new WRAP-AROUND sheet of mylar imprinted with a new façade, just like the printed coverings you see on personalized automobiles used by plumbers and internet start-ups.

The creative challenge here is to give each stadium an image based on local culture and history. Now, sports stadiums built in downtown areas of cities like Baltimore or Denver can reflect the look of historic buildings

that surround them. Sacramento, for example, is a city with a rich railroad history, plus a brisk trade in vegetables. Imagine a stadium that is covered with a picture of an old locomotive, with the coal cars full of butternut squash! It will fit right in.

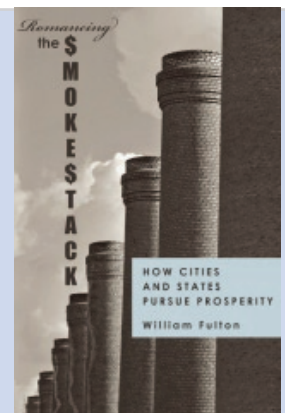
Corporate identity is obviously another area of concern. Sleep Train Arena --is there a better-named facility anywhere in the world? -- has had to change its name three times in past quarter century. (I've known embezzlers who have changed their names less often.) I propose that each rolling stadium be equipped with a big sign with magnetic letters, like those by second-run movie houses and organic-food supermarkets. I have done reconnaissance on these establishments, and have observed that a single employee, equipped with a magnet on a long pole, is able change the wording on these signs fairly quickly. We simply remove the magnetic letters that spell out SLEEP TRAIN ARENA and re-arrange them to read, for example, FLOOD PLAIN INSURANCE SERVICES, A Levee of Safety When Your Waters Are Rising. At \$20 million a pop for naming rights, I think it's a worthwhile investment.

Now, colleagues, as I see it, the first hurdle we have to clear with this thing is money. For starters, I estimate--

(At this point, the computer freezes and the document is lost.) ■

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legal digest

Napa Not Required To Do New EIR On Housing Element

BY WILLIAM FULTON

The First District Court of Appeal has upheld the City of Napa's decision to rely on its 1998 general plan environmental impact report in adopting its 2009 housing element.

Latinos Unidos De Napa sued the city, claiming a new environmental impact report should have been prepared for the housing element. But the First District disagreed, essentially concluding that the land use changes contained in the housing element were so minor that they did not trigger the need for a new EIR.

The 1998 general plan covered growth expected until the year 2020, and, in accordance with state law, the city updated its housing element in both 2001 and 2005. The 2009 housing element changed the minimum residential densities in seven commercial and mixed-use areas from 10 to 20 units per acre and increased densities for eight

multifamily sites by a total of 88 units. The housing element also made some changes for specialty housing areas required under housing element law, such as homeless facilities, and made some changes to the zoning code to conform to the new land use designations.

The city's initial study under the California Environmental Quality Act concluded that these changes were "within the scope" of the 1998 general plan and therefore an EIR was not needed.

Latinos Unidos De Napa sued, but First District – like the trial judge who heard the case -- was not receptive to the group's arguments.

First, the court concluded that it should apply the "substantial evidence" test, which calls for great deference to governmental decision-making, rather than the "fair argument" test. In applying

the substantial evidence test, the First District found that Latinos Unidos had fallen short of the mark. In knocking down the plaintiffs' argument, the court noted that "the entire Project consists of (1) limited amendments to the Housing Element and the Land Use Element of the 2020 General Plan, and (2) relatively minor amendments to the City's zoning ordinances."

The plaintiffs' argument, according to the court, relied heavily on the fact that in the 1998 general plan, the city had not analyzed the impact of the 2001 housing element, much less the 2005 housing element or the 2009 version that the plaintiff was suing on. Noting once again the exact nature of the 2009 housing element changes, the court wrote: "While the Project incrementally raises maximum densities in limited areas of the City, the Initial Study indicates that this will not increase

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“While the 2009 housing element added 88 units to multifamily properties, the city had, on neighboring properties added 700 fewer housing units between 1998 and 2009 than was called for in the scenario analyzed in the 1998 general plan.”

total potential development above what was already analyzed in the 1998 Program EIR. This is largely because ‘(a) many project approvals have permitted less development than would have been allowed under the applicable 2020 General Plan designations, and (b) the [C]ity’s rate of growth has been less than anticipated by the Plan’s 1994 projections.’“

Indeed, the court noted that while the 2009 housing element added 88 units to multifamily properties, the city had, on neighboring properties added 700 fewer housing units between 1998 and 2009 than was called for in the scenario analyzed in the 1998 general plan.

Plaintiffs also made a variety of other charges, claiming that the city had “failed to comply with CEQA’s informational disclosure

requirements, such that the decision makers and public could not make a meaningful assessment of potentially significant environmental [*30] impacts.” But the First District pooh-poohed these arguments, concluding that they simply represented a different way of stating that the city should have done an EIR. ■

The Case: *LATINOS UNIDOS DE NAPA, Plaintiff And Appellant, V. CITY OF NAPA Et Al., Defendants and Respondents.* 196 Cal. App. 4th 1154,



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“We started talking about ways to talk about planning from a regional perspective,” said Jennifer Clark, Fresno’s new planning director. The next step, she said, is “the state will participate at whatever level we’re interested in.”

“We are at a fairly early stage of discussions and anticipate some additional meetings,” said state Office of Planning and Research director Ken Alex via email. “We are helping the parties explore the issues, the possibilities of more regional planning and development, and various connected issues of sprawl, agricultural land preservation, transit oriented development, and restoration of downtown Fresno.”

Norman Allinder, planning director for Madera County, said the planning directors plan to meet again.

Clark said regional cooperation has been hindered in the past by the size of the region. She contrasted the Fresno area with Houston and Galveston, Texas, where the regional council of government covers 11 counties in an 8,500-square-mile region. Fresno County alone, in contrast, is 9,000 square miles, and has its own council of government.

“I think regional collaboration is a much better model than litigation,” she said.

That sentiment is not far from Allinder’s view. “My outcome, lofty or not, is that they not sue us,” he said.

Allinder said Madera County, with 164,000 residents, wants some of the amenities that exist in Fresno, including more shopping.

“They’ve always acted as if they’re the only ones who should have urban development,” he said. “And all the surrounding communities stand by while they develop their economy while we don’t develop our own.”

It’s a view shared by Alan Weaver, Fresno County’s planning director.

“There are 14 other cities (in the county) that all have the

need to grow and be self-sustaining as well,” he said.

Allinder says that Madera County wants the same kind of smart growth in its county that is being championed in Fresno. He points to plans for the Rio Mesa area, which encompasses many of the proposed developments in the south county. “The Rio Mesa plan of 1995 embodied the principles of smart growth prior to that term being common,” he said.

Rio Mesa could be home to 250,000 people, according to the Fresno Bee. Among the projects are Tesero Viejo, a proposed 5,200 home development and Gunner Ranch West, a proposed 2,800 unit development. There are supposed to be jobs and retail at both locations so residents won’t have to drive far.

But critics of the project, such as Fresno land use attorney Sara Hedgpeth-Harris, contend that until those developments are built out, many of the residents will commute into Fresno, adding to traffic and air pollution difficulties in a region that already has the worst air quality in the nation.

Fresno sued over Tesero Viejo, and settled the matter in May after an agreement was reached for the city to receive a \$1,600 per home impact fee. But Hedgpeth-Harris is continuing with litigation over that project on behalf of environmental groups such as the Coalition for Clean Air. She said in total, 80,000 new housing units are proposed for Madera County.

Approval of Gunner Ranch West, meanwhile, has been held up by the Madera County Board of Supervisors because the developers have failed to identify a water source. Critics of the project include the Madera County Farm Bureau, which has sued the county over development and water issues in the past.

This time, though, the county seems to be paying more attention to water, said Anja Radabaugh, executive director

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“It’s said that great minds think alike. Sometimes great firms do, too.”

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of the Madera County Farm Bureau. “We’re hopeful,” she said. “One of the more encouraging things we’re noting is the county supervisors are much more cognizant of the water situation that they were ten years ago.”

Attorney Hedgpeth-Harris agrees, saying Madera County is updating their water management plans. “The county of Madera has done a lot more in terms of gathering information,” she said.

Still unresolved in the latest talks is a separate suit between Fresno and Madera County over El Paseo, a project along Highway 99 in Fresno. Madera officials sued in June to stop the 75-acre commercial project, according to the Fresno Bee.

In Fresno County, officials are looking at more development near Millerton Lake and other northern sections. Plans for Millerton New Town date from 1984, Weaver said. The Fresno County Planning Director said that new development is compliant with SB 375, which seeks to reduce global warming.

“We go through the CEQA process,” he said. “If we fall short, we mitigate. It’s no different than development that would occur in the city of Fresno.”

Attorney Hedgpeth-Harris described Fresno itself as “the epitome of sprawl,” but said a new general plan being written there is attempting to change that direction. “The whole idea is to end sprawl,” she said.

Hedgpeth-Harris said the cities and the counties are both looking for new tax revenue from development, money that has been taken away by the state and by Proposition 13.

She summed up the problem the city faces: “it’s difficult

Amidst the litigation, the city and its two county adversaries recently met with a mediator from the state’s Strategic Growth Council to discuss some of the longstanding issues. The meeting was required in the settlement of Fresno’s lawsuit over Tesero Viejo, and Fresno County was also invited.

to do the infill development ..if the tax base is leaving to go into the county.”

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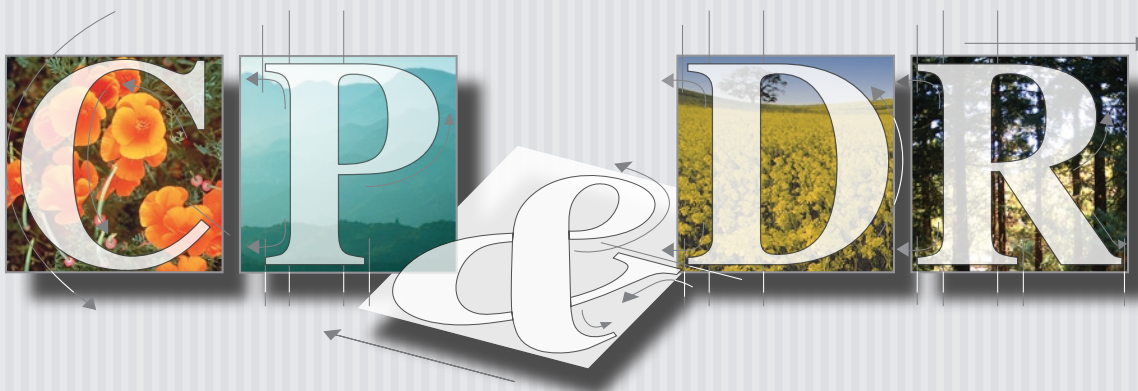
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not been the local oversight committee – the committee of local taxing entities that must approve or deny the continuation remaining redevelopment projects – but the state Department of Finance, which has the final word. And that has slowed down any local creativity about Redevelopment 2.0.

As the end of redevelopment was pending in 2011, it was thought that the oversight committees would be a tough hurdle to get past, as representatives from counties and school districts would rein in any city's ambitious effort to extend redevelopment in order to protect their own share of the tax increment. As it turns out, however, it's not the oversight committees that are tough – it's the state Department of Finance's bean counters, which are charged with protecting the state general fund in the redevelopment wind-down and are doing so ferociously.

So cities have had to devote most of their effort to dealing with DOF. Under the law, cities and DOF must agree on the Recognized Obligation Payment Schedule (or ROPS) every six months during the wind-down, meaning cities are almost in negotiations with DOF on ROPS-related items. And cities are now moving forward to DOF with their long-term property management plans, also required under the law, which will lay out the ultimate disposition (sale, development, transfer to the city) of each piece of property formerly owned by a redevelopment agency.

And all that back-and-forth DOF means that cities haven't had time to figure out Redevelopment 2.0. They're still dealing with the detritus of Redevelopment 1.0, and understandably, they can't see past that problem.

Meanwhile, urban redevelopment in California remains a major challenge – and, not surprisingly, the fundamental problem is finding the money required to make urban projects and urban neighborhoods work.

Developing individual projects and whole neighborhoods requires two basic things: First, money to cover the significant cost of infrastructure and community amenities required to support new development; and second, a market strong enough to make individual development projects pencil out. In post-Prop. 13 California – at this point, the entire working life of most planners and developers in California – the trend has been

All the back-and-forth DOF means that cities haven't had time to figure out Redevelopment 2.0. They're still dealing with the detritus of Redevelopment 1.0, and understandably they can't see past that problem.

toward loading the infrastructure onto private developers, because it was hard to get the infrastructure money out of the tax flow. That means a bias toward upscale projects, because only in upscale situations is the market strong enough to cover all infrastructure and amenity costs *and* still make projects pencil.

And that's one of the reasons redevelopment was so popular. In an era where regular tax flows didn't cover the infrastructure and amenity cost and tax increases weren't popular, it was a way to cut the Gordian knot and make projects work in places that couldn't support extremely high-end development. Over the past decade, some urban neighborhoods have become so hot that private development projects pencil on their own. But that's still not true in lower-income neighborhoods; and in an urban infill setting it's almost impossible for any private development project to cover the cost of infrastructure and amenities.

So that's the problem California cities are left with: How to write down the cost of development in lower-income neighborhoods; and how to cover the cost of infrastructure and amenities in every urban neighborhood experiencing incremental infill development. Whatever Redevelopment 2.0 winds up *being*, that's what it has to *do*.

There's a big toolbox out there that cities are gradually discovering; and there are lots of ideas out there other than tax increment that could be added to the toolbox if state

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law can be revised.

Generally speaking, there are four categories all these tools fall into:

1. *Value Capture*. This is essentially what tax-increment is – capturing the increase in property values by appropriating a portion of the increased property tax flows. But there are other ways to capture value, such as assessment and Mello-Roos districts and the potential for a revised infrastructure finance district law that doesn't require a two-thirds vote. Most of these, however, require increasing taxes on property owners and developers, rather than diverting the increased tax flow.

2. *Patient capital*. Urban development is a slow and complicated process. So the idea of patient capital becomes far more important than it used to be. Patient capital can come in the form of underutilized land owned by public agencies or institutions; or in the form of investment funds from philanthropies or specialized institutions such as Enterprise or LISC. The catch here is that even patient capital investors want something – an eventual return, affordable housing, and so on.

3. *Tax credits*. There are still some federal tax credits out there that pop, most importantly the Low Income Housing Tax Credit and the New Markets Tax Credit, which focuses on non-residential projects. But these are limited and must be allocated rigorously

4. *Increased density*. Whatever problems it creates for neighborhoods, increased density can solve a lot of the problems urban development faces. In a strong market, it can generate development projects that can be used for infrastructure and amenities. In a weak market, it can help attract more below-market money, principally for affordable housing. But, of course, it is often a huge political battle to obtain.

Yet even combining all these techniques, Redevelopment 2.0 is likely to be a lot harder than Redevelopment 1.0 was for two reasons. First, a lot of the techniques above are best suited for a project rather than major district-level redevelopment – and that makes it more difficult to put together the major infrastructure and amenity packages without big tax increases. And second, as the list above suggests, the transaction cost of even a project is likely to go up. Redevelopment deals were complicated, but big projects could often be done in one fell swoop with tax increment. Now, redevelopment deals will look like affordable housing deals, with the many layers of financing and complicated structure.

The bottom line is that there will be no magic bullet for Redevelopment 2.0. Yes, tax-increment may return in a limited form someday. Yes, all techniques above may be combined to do deals. But all of the above – and probably tax increases too – will have to be combined to turn around an ailing urban district ■

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This week, the *Huffington Post* ran a concerning [piece](#) about the recent shooting at Los Angeles International Airport. In it, an attorney representing the Transportation Security Administration described his fear that TSA personnel are “all sitting ducks.” He, like many others, seems to be wondering whether they should be equipped to fire back.

You have to sympathize with anyone who works at an airport in light of what happened last week. I do not wish to minimize the horror of last Friday’s attacks. I am particularly horrified, and self-interested, because I fly out of LAX several times per month. But I don’t think anyone should exaggerate the significance of Paul Ciancia’s rampage for either public safety or the task of airport screening. If merely being in an airport makes one a sitting duck, then so is every other American, in every other public place.

TSA screeners are not police. They are supposed to identify suspicious behavior and activities so that the real police can take action. In this effort, they protect the planes and their passengers. They are not trained or charged with protecting anyone or anything beyond that security wall.

And what is beyond that security wall? The entire world -- at least the entire world up to the Mexican and Canadian borders.

Airports are special, not because they are targets, but rather because they are gateways. Every Angeleno should cherish the economic contributions of LAX, and we should be proud that LAX cements our status as one of the world’s truly great cities. At the same time, you have to wonder what an American city really is if we cannot get comfortable with, and in, public space.

The hysteria surrounding the LAX shooting has included calls to arm TSA agents and otherwise militarize airports; the shooting itself resulted in the closure of half the airport and the disruption of hundreds of flights long after it became apparent that Ciancia was not a terrorist as such. This response says as much about many Americans’ attitudes towards public space as it does about their attitudes towards air travel. Too often, we fail to acknowledge that public life is messy, sometimes tragically so, but that the freedom and comity can, and should, more than compensate for messiness.

The roadways, curbs, and ticketing areas of the world’s eighth-busiest airport are no less public than are a mall, a sports stadium, a college campus, or the sidewalk in front of your house. Those are all places where people of

good faith can congregate and enjoy each other’s company -- so long as they trust each other. And yet, so many Americans go about their business silently, walking with heads down, driving with their windows up. We do not gain by encouraging more, “tighter,” or “heavier” security.

As recent history has proven time after tragic time, the savage combination of mental instability and readily available firearms can unleash itself anywhere. It can happen in offices, malls, and movie theaters, not to mention military bases, university campuses, and elementary schools. The fact that one of these incidents -- perpetrated not by a terrorist or hijacker but by one of America’s garden-variety assassins -- can also happen at airports is almost beside the point.

It’s no exaggeration to say that the average TSA agent faces more danger on the drive to work each day than he faces in his entire career at the airport. Naturally, some of that danger, however faint it may be, comes from enemies. They are real and

It’s no exaggeration to say that the average TSA agent faces more danger on the drive to work each day than he faces in his entire career at the airport.

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they are nefarious. To them, we have responded with both sensible measures and stentorian bombast. Meanwhile, we greet with relative silence some of the true tragedies of our age: the drug war, the education crisis, suburban discontent, and the 39,000 traffic fatalities annually, all of which dwarf anything that happened last week at LAX.

In American streets, we cannot shake our fists at anyone in a turban or a robe, whether they deserve it or not (most likely not). Instead, all too often, in almost every corner of America, the enemy is us. We sell each other junk food, we crash our cars into each other, and, on occasion, we shoot our own neighbors. Even under normal circumstances, we rush past each other, unblinking, en route from the Walmart door to our car across the tarmac.

What saddens me is that the LAX shooting has led to calls for “security.” But what about comity, and what about trust? What about recognizing that all Americans should be equally safe -- and equally confident -- in all public spaces. We should not have to insist that the airport be safe while, otherwise, we hole up in suburban houses trembling, out of fear or blood thirst, at the prospect that a bad guy might one day come knocking.

Of course, some parts of America are doing well. Certain parts of certain cities are becoming more walkable, pleasant, and, hopefully, more safe. They are becoming more like the types of places that inspire Americans to get on a plane in the first place (for a dream vacation to Europe, for example).

In considering the nature of American public spaces, it’s impossible to avoid Jane Jacobs, who said it best, long before the advent of X-ray machines, porno scanners, and Al-Qaeda. Security does not lie in the police, the military, or the TSA. And it certainly does not lie in guns. While we need law enforcement and the military -- when they are well trained and when they execute their jobs -- true safety, of the sort that prevails in the best of our cities and neighborhoods, lies in something else.

It lies in trust, good faith, and “eyes on the street.” Or, in some cases, eyes in the terminal.

– JOSH STEPHENS | AUG 21, 2013 ■

