

Cathedral City Sees Good Bet With Casino

BY JOSH STEPHENS

Many of California’s great Native American casinos rise out of the landscape like mesas in the desert. Think of Morongo along Interstate 10 outside of Palm Springs or Cache Creek towering over the olive groves of the Capay Valley. While the California gambling industry, at an estimated \$17 billion per year, eclipses that of Las Vegas, the fantasy of easy winnings and the reality of urban life

seldom intersect.

With a recently announced proposal for a casino in downtown Cathedral City, midway between Palm Springs and Palm Desert in the Coachella Valley, the Agua Caliente Band of Cahuilla Indians is seeking to create a rare marriage of urbanism and escapism.

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insight
WILLIAM
FULTON

Don’t Treat Housing Separately From Transportation

The year 2017 was supposed to be **the year of housing** in Sacramento. Housing cost and supply have been widely documented has major issues. There’s little debate from either side of the aisle that it has to be tackled. More than a hundred bills were introduced promoting a wide range of

ideas old and new.

Except 2017 is going to turn out to be the year of transportation in Sacramento. Which is too bad, because the net result – a little money for housing, along with maybe some incremental regulatory relief,

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State Population Report

According to a new [State Population Report](#) from the Department of Finance, California grew by 0.85 percent or 335,000 people in 2016. While most counties and cities saw growth, the largest numerical [increases](#) occurred in Los Angeles, with more than 42,000 residents, San Diego added over 15,000 people, San Jose almost 10,000 more residents, and San Francisco over 9,000. The City of Sacramento had the largest percentage [gain](#) in population with 1.4 percent or 6,900 people. The fastest growing counties in the state are all in Sacramento area: Amador, Placer, and Yolo counties. The fastest growing county was Amador County with 1.9 percent due to prison expansion. Generally, smaller, suburban localities are growing more quickly than their large urban counterparts, with large cities growing around 1 percent and the most booming small cities around 5 percent. Even so, multi-family units represented 57 percent of unit growth last year. The report also found the state's housing supply increased by 88,562 units, meaning one new home for every 3.78 residents. Developers are adding homes at a higher pace than recent years, but still far below what experts believe would be enough to keep up with California's growing population.

Review of National Monuments Includes Eight in California

Eight national monuments' designations in California are among the 30 being [reviewed](#) by the Trump administration for possible de-listing. Under a new executive order almost a billion acres nationwide are being reevaluated for their status if they were designated by presidents after 1996 and are at least 100,000 acres. The California National Monuments covered by Trump's order include Cascade-Siskiyou at the Oregon border, Berryessa Snow Mountain, Carrizo Plain, Giant Sequoia, San Gabriel Mountains, Sand to Snow, Mojave Trails, and Santa Rosa and San Jacinto Mountains. Trump says this will end the "egregious abuse of federal power, and give that power back to the states and the people." While most of California's national monuments will pass the tests, the two most recently designated desert national monuments could be in jeopardy. Last February, Obama protected 1.8 million acres at the request of Sen. Dianne Feinstein and House Republicans opened an investigation in March 2016 claiming a "lack of transparency and consultation with local stakeholders." However, no president has rescinded a national monument designation, and there is no provision in the Antiquities Act for reversal which would likely

lead to lawsuits.

California Sites Win Four of Twelve National APA Awards

The American Planning Association [announced](#) its 12 National Planning Achievement Awards for 2017 in advance of its national conference in New York City. Four of the 12 winners are based in California winners. UCLA Luskin School of Public Affairs got the award for Best Practice-Silver for "Placemaking for an Aging Population: Guidelines for Senior-Friendly Parks." The guidelines describes 10 purposes that senior-friendly open spaces should address: control, choice, safety and security, accessibility, social support, physical activity, privacy, contact with nature, comfort, and aesthetic and sensory delight. Monterey Bay won a Best Practice-Silver as well for its "Historic Fort Ord Regional Urban Design Guidelines" that outline reuse plans for the 28,000-acre historic military installation. The City of Ontario won an award for a Grassroots Initiative-Gold for its "Huerta del Valle Community Garden" which provides fresh organic produce to the community. The garden opened in 2013 and features 68 family plots and 2.5 acres of agricultural land that produces 6,000 pounds of food annually. The final California winner was Marin County

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and its “Game of Floods” which won an award for Public Outreach-Gold. The Game of Floods combines games with community planning exercises to communicate about sea-level rise vulnerabilities and adaptation.

Revision of AGSC Draft Guidelines

The new draft Affordable Housing and Sustainable Communities (AHSC) Program Guidelines is being [revised](#) by the Strategic Growth Council with a few significant changes. They include organization and streamlining of guidelines, moving select scoring criteria to thresholds, revised application process and scoring criteria, including Indian tribes as eligible applicants, costs associated with parking are ineligible for AHSC funds, housing element compliance, environmental clearance requirements for transportation components, and joint and several liability. The drafts incorporate feedback obtained through public comments and workshops held in late 2016. SCG is considering two options for geographic allocation of grants. The drafts address concerns and recommendations from statewide AHSC stakeholders, as well as from an internal review of process and outcomes from the past two AHSC funding cycles. The Council is still discussing the question of regional funding distribution goals.

Study: Development in Los Angeles Comes at Expense of Trees

Researchers at USC have [found](#) that trees and other greenery in single-family neighborhoods in Los Angeles are declining significantly with the increase in housing construction. In some cases the trees are disappearing because of [mansions](#), where

smaller homes are replaced with disproportionately large properties. Using aerial imagery the study found the amount of trees and greenery fell between 14 and 55 percent in the period from 2000 to 2009 in LA County. For instance, for each home expansion about one-third of the existing green cover is lost. Trees produce many benefits such as carbon sequestration, shade, decrease chance of erosion and landslides, and other public health benefits such as filtering dust particles. In Baldwin Park, green cover dropped from 70 percent in 2000 to 31 percent in 2009. Compton lost 41 percent, Downey, San Pedro, Sylmar and Pomona experienced 20 percent losses. The City of Los Angeles has a tree-planting program now, and last year more than 18,000 trees were planted.

SPUR Chastises Tech Companies for Location Choices

San Francisco Planning & Urban Research released a [report](#) “Rethinking the Corporate Campus” that accuses the innovative Silicon Valley companies of being backward in their choice of office locations and typologies. According to the report, many are located in suburban one-story campuses with sprawling parking lots, far from public streets. These choices come at high environmental and social costs as commutes get longer and housing prices more expensive. The report tackles two questions: How do we encourage employers to choose efficient, sustainable, high-performance locations? How do we create new locations that are more efficient, sustainable, and high-performing? While there are a few

examples of companies moving next to mass transit: Twitter, LinkedIn, Samsung, Salesforce, the majority have stuck to their suburban sprawling offices.

Natural Resources Agency Seeks Public Comment on Climate Adaptation Plan

The California Natural Resources Agency released a [draft of the Safeguarding California Plan: 2017 Update](#) and seeks public comment on the state’s strategy for adapting to a changing climate. The update builds on the first California Climate Adaptation Strategy in 2009. This 2017 update provides recommendations and next steps to advance adaptation in 10 sectors that include water, agriculture, public health and biodiversity. As California continues to experience rising average temperatures, shrinking mountain snowpack, warmer storms, and higher sea levels, the State must consider climate change in its planning, investment, and public outreach. The Natural Resources Agency leads California’s climate change adaptation effort under several statutes and executive orders intended to foster change throughout state and local government. The draft represents a comprehensive effort by experts across 27 state agencies to describe ongoing efforts and needed actions to ensure public safety and environmental protection as average temperatures warm, precipitation patterns change and sea levels rise. The document provides a succinct “to do” list for state departments that will help the public measure progress. Some examples: Develop a map of climate change refuges

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for certain wildlife species, address environmental justice issues around supporting community solar projects for low-income customers, and advance programs for “living shorelines” that may include wetland plants, aquatic vegetation, oyster reefs or sand fill. A final version of the plan is scheduled for release in July.

Santa Clara VTA to Overhaul Bus Network

Santa Clara County’s Valley Transportation Authority (VTA) unanimously [approved](#), on a 12-0 vote, major changes to its bus and light rail routes because of a \$21.4 million operating shortfall. The VTA will increase fares by 50 cents over the next two years and the DASH line through downtown San Jose will be replaced by the Rapid 500 bus. The new bus schedules will coincide with the inauguration of BART service coming to the County with Milpitas and Berryessa stops. The redesign focuses on high-volume routes. In the current configuration, VTA considers 70 percent of routes to be “volume” routes, with the remainder as “coverage” routes that make the system accessible but do not attract many riders. That ratio will [shift](#) to 83 / 17 in the new configuration. While Uber and Lyft are luring people away from public transportation, stable gas prices and rising car purchases in Santa Clara County have also led to the decline in ridership.

Report Details Low-Income Housing Shortage in Bay Area

A report from nonprofit California Housing Partnership Corp. and

Non-Profit Housing Association of Northern California [found](#) that in the Bay Area it is becoming harder for lower-income residents to find affordable housing. Rents and incomes in Alameda, Contra Costa, San Mateo and Sonoma counties shows that each county is at least 10,000 rental units short of what it would take for everyone to find affordable housing. Residents who earn less than 50 percent AMI spend more than half of their monthly paychecks on rent. The report [found](#) that state and federal funding for affordable housing in the four counties analyzed have dropped 65 percent since 2008. California’s spending on affordable housing has gone down \$1.5 billion since 2012.

Update: Authors Clarify Controversial Study of Transit Oriented Development

A study noted in last month’s [CP&DR news briefs](#) has roused concern among planners in the Bay Area for reportedly conflating new transit oriented development with transit oriented neighborhoods. The original version of the study seemed to indicate that new TOD tended to hasten rates of gentrification in Los Angeles and the Bay Area. The study actually found the opposite. It turns out that there was significant displacement and gentrification in transit oriented neighborhoods, even where there was very little new development. According to an updated abstract, the study found “that transit proximity has a significant impact on the stability of the surrounding neighborhood, leading to increases

in housing costs that change the composition of the area, including the loss of low-income households. We found that gentrification and displacement in rail station areas would only be likely to cause an increase in auto usage and regional vehicle miles traveled (VMT) when accompanied by a significant loss of population near transit.”

San Diego Reveals Plans for Vast Network of Urban Sensors

San Diego Mayor Kevin Faulconer [announced](#) the city would be working with General Electric to upgrade streetlights to reduce energy costs by 60 percent and create a connected digital network that can optimize parking and traffic, enhance public safety and track air quality through deployment of 3,200 smart sensors. It would, city officials contend, create the largest city-sponsored “Internet of things” network in the world. These smart nodes will use real-time anonymous sensor data to direct drivers to open parking spaces, help first responders during emergencies, track carbon emissions and identify intersections that can be improved for pedestrians and bicyclists. The anonymous information will be used for San Diego’s “Vision Zero” strategy to eliminate traffic fatalities and injuries, and it will be available to developers who want to create civic-minded apps and software. The new lights will be installed this summer and the project will be completed by fall 2018. ■

legal digest

College of San Mateo Loses CEQA Case On Remand

BY WILLIAM FULTON

Last fall, the California Supreme Court reversed the First District Court of Appeal in an environmental case from the College of San Mateo, saying that courts shouldn't second-guess lead agencies on what is a "new" versus a "modified" project under the California Environmental Quality Act. [<http://www.cp-dr.com/articles/20160920>]

It sure looked like a win for the lead agency – the College of San Mateo in this case – but Susan Brandt-Hawley, the plaintiffs' lawyer, kept arguing that it was really a win for her client and she thought she could win the case on remand.

And guess what? She was right. The First District has now affirmed its previous ruling, using the reasoning the Supreme Court laid down in *Friends of the College of San Mateo Gardens v. San Mateo County Community College District*.

The case revolves around so-called "Building 20," the college's horticulture building and an adjacent garden that students and nearby residents value for its peacefulness. In

2006, the college adopted a building program that called for retention of

The Supreme Court ruling sure looked like a win for the college. But the plaintiffs' lawyers kept arguing that they could win the case on remand. And they were right.

Building 20 and demolition of other buildings on campus. The college also certified an MND for the project.

Five years later, however, the college changed the building program, calling for renovation of

the other buildings and demolition of Building 20 and the garden, along with replanting some of the herbs and bushes in the garden elsewhere on campus. The college issued an addendum to the environmental impact report and the Friends sued. In an unpublished opinion, the First District ruled that as a matter of law, this change created a new project rather than a modified project. A later ruling from Los Angeles created a conflict among appellate districts, so the Supreme Court took the case and laid down the extreme deference rule.

On remand, however, the First District concluded that – even though the project was categorized by the lead agency as a modification and not a new project – the issuance of an addendum was not adequate.

[T]he College community expressed concerns about the aesthetic value of the gardens around Building 20, not just the gardens' social value," the First District wrote. "The gardens were described as 'beautiful' and as having a 'positive aesthetic effect on the campus, especially in view

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of all the concrete that has been laid as part of the new landscaping of the campus.’ There was widespread concern that replacing the gardens with a parking lot would remove one of the last green spaces on campus.”

The court also noted that the college district argued “that its plan to remove a portion of the gardens around Building 20 was insignificant because the planned removal would result in a loss of less than one-third of one percent of the total landscaped and open space on campus.”

But, the court concluded, “ We are

not persuaded. The significance of an environmental impact is not based on its size but is instead “ ‘measured in light of the context where it occurs.’ ”

The court concluded that substantial evidence exists that the project could have a significant impact on the environment, meaning an addendum was inadequate. The court, however, did not actually review the question of whether the environmental impact would be significant, saying it was up to the district to do a supplemental environmental impact report or a mitigated negative declaration. ■

The Case:

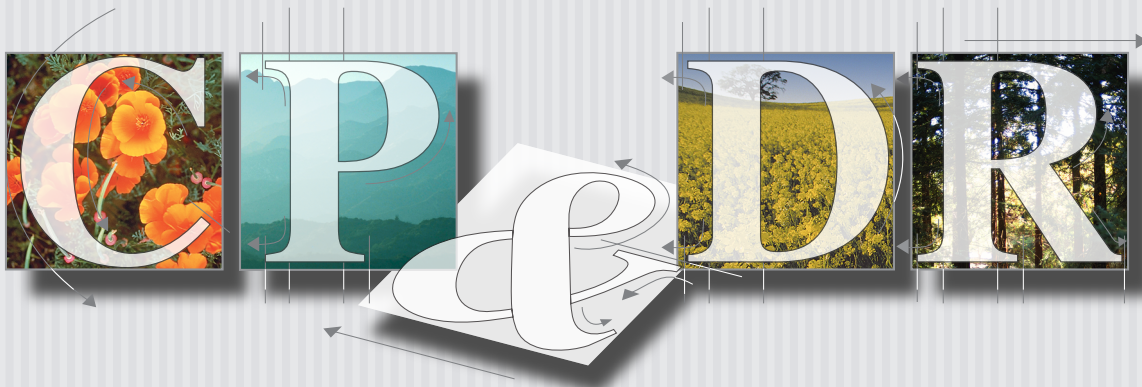
[Friends of the College of San Mateo Gardens v. San Mateo County Community College District](#), No. A135892 (May 5, 2017)

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Neighbors' Complaints May Provide Sufficient Evidence For Findings

BY WILLIAM FULTON

Neighbors' Complaints May Provide Sufficient Evidence For Findings

By William Fulton

Developers always say they want certainty, but one property owner in San Diego sure isn't getting it. In the latest twist on a see-saw battle, the Fourth District Court of Appeal overturned a trial judge and concluded that the City of San Diego acted properly in denying the property owner a parcel map in order to subdivide a piece of property in Point Loma.

In so doing, the appellate court appears to have opened the door for neighborhood opposition to serve as the basis for sufficient evidence to deny a project's permits – assuming the neighbors make fair points that the jurisdiction has weighed carefully.

The trial court had overturned the San Diego City Council, which denied the project. The City Council had overturned the San Diego City Planning Commission, which has approved the project. The Planning Commission had rejected the recommendation of the Peninsula Community Planning Commission, which suggested the project be denied.

The critical issue in the appellate ruling was the adequacy of the findings for denying the parcel map – and, in particular, the evidence in

the record suggesting that the project was inconsistent with the Peninsula Community Plan. As is so often the case in appellate land-use rulings,

The trial court had overturned the San Diego City Council, which denied the project. The City Council had overturned the San Diego City Planning Commission, which has approved the project. The Planning Commission had rejected the recommendation of the Peninsula Community Planning Commission, which suggested the project be denied.

the Court of Appeal panel said that the weighing of evidence is a decision for the city to make – not the

courts. Although the owners assert the evidence submitted against the project is markedly less persuasive than the evidence submitted in favor of the project, weighing conflicting evidence is within the City's purview and the City disagreed," said Presiding Justice Judith McConnell, who writes most land-use decisions for the Fourth District panel based in San Diego. "Since the owners have not established no reasonable municipality could have reached the same decision as the City, we must uphold the City's decision."

The case involved the proposed subdivision of a 1½-acre parcel in Point Loma into four lots, ranging in size from 10,000 to 24,000 square feet, thus necessitating parcel map approval by the city. An existing Tudor Revival home would be retained on one of the lots, while new homes would be built on the each of the other three lots. The parcel map required "deviations" (local San Diego parlance for variances) – for street frontage, back-yard setback, and height of retaining wall.

The Peninsula Community Planning Board – an officially recognized advisory entity – recommended denial based on, among other things, the project's density and the deviations. But the Planning Commission approved the project and certified a mitigated negative declaration. But one of the neighborhood's residents

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appealed the project to the City Council, which reversed the Planning Commission. Among other things, the council adopted findings suggesting that the project was inconsistent with the Peninsula Community Plan (a sub-set of the city's general plan) and the deviations were not appropriate for the neighborhood.

The property owner then sued the city, and Judge Joel Wohlfiel ruled against the city and in favor of the property owners, saying the evidence did not support the city's findings and decision. The city then appealed to the Second District. In reversing the trial judge, the Second District highlighted the city's right to weigh evidence as it sees fit and discounted the court's right to second-guess that judgment.

Most significantly, the court found – relying on two cases from the 1990s that – “the City's finding need not be supported by expert evidence,” at least so far as consistency with the community plan is concerned.

“[T]he opinions and objections of neighbors can provide substantial evidence to support rejection of a

proposed development,” Presiding Justice McConnell wrote, quoting *Breneric Associates v. City of Del Mar*, (1998) 69 Cal.App.4th 166 and *Harris v. City of Costa Mesa* (1994) 25 Cal.App.4th 963, 973.

She added: “The record contains many such opinions and objections, primarily focused on the positioning of the residences and their significantly reduced setbacks in comparison to the surrounding community. The record also contains expertly prepared renderings of the project and photographs of the surrounding neighborhood. The renderings and photographs lend credence to the neighbors' opinions and objections because they illustrate the contrast between the project's closely spaced residences with minimal setbacks and the surrounding neighborhood's more generously spaced residences with large setbacks. Collectively, this evidence supports the City's findings the project is inconsistent with the Peninsula Community Plan, particularly the plan's goals of conserving the character of existing single-family neighborhoods and

encouraging the compatibility of infill housing design with existing residential development. This evidence likewise supports the City's findings the project was not appropriate for its location, the proposed deviations would not result in a more desirable project [a required finding to approval the project], and the mitigated negative declaration inadequately addressed the project's impacts on land use. ■

The Case:

[Kutzke v. City of San Diego](#), D070288

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The tribe is acquiring a 12.5-acre site in the heart of downtown Cathedral City, population 53,000. While the tribe will reap the direct proceeds of the project, its announcement reads more like that of a convention bureau than a Native American tribe.

“This is about making a large-scale investment in Cathedral City,” Chairman Jeff L. Grubbe said in the statement, which was released late last month. “The future development will create jobs, revitalize an undeveloped downtown property and support Cathedral City’s economic development efforts.”

At the heart of Grubbe’s optimism is a commitment to making the project not a detached, standalone gaming facility but rather a “mixed use entertainment district” that, tribal and city officials hope, will enhance downtown Cathedral City’s conventional entertainment and leisure offerings.

As even city officials admit, they are in dire need of enhancement. Mayor Stan Henry explained that the downtown is “half-baked.” The city adopted a general plan in 2002 that called for downtown Cathedral City, which does not share the glamorous image of neighbors like Palm Springs and Rancho Mirage, to develop into an “entertainment district.”

The city attracted an Imax movie theater and made some redevelopment plans only to suffer mightily in the 2008 recession and lose its redevelopment agency. Imax pulled out, and other elements of the downtown languished.

The tribe has not released any design details or specifications. But Cathedral City boosters hope that it will make good on its promise to the city by including family-friendly dining and retail offerings and by integrating the casino into the fabric of the existing downtown and jump-starting those old plans.

“The 2002 general plan was quite a few years ago and times have changed, but the concept of an entertainment district downtown with lively vibrant activities...with more rooftops available...is still a very viable concept for what we’re looking at in the downtown area,” said City Council Member Shelley Kaplan.

With that said, the city has no direct control over the design or programming of the site. Most native American casinos are located on reservations, where sponsoring tribes are sovereign and, therefore, unimpeded by local regulations. This is why urban casinos are rare (though there are some card rooms, such as the Hustler Casino in Commerce).

The Agua Caliente have an unusual reservation, however. It spans roughly 30,000 acres of the Coachella Valley in a checkerboard pattern, meaning that tribal territory is adjacent to and surrounded by cities. A provision in state gaming law enables tribes to establish casinos on territory adjacent to tribal land.

The tribe has already taken advantage of this provision with spa casinos developed several years ago in Rancho Mirage and Palm Springs. An updated gaming compact between the tribe and the state, which took effect in October, affirms the tribe’s ability to put the Cathedral City parcel in trust and essentially treat it as sovereign territory.

For that reason, “trust” is not just a legal term but also a crucial element of the city’s ability to realize the vision for the casino. Presumably, the casino’s integration with the existing downtown relies on design and programming, with outward-facing restaurants and retail spaces.

“We’ve had discussions about the vision, and I think we’re all in agreement,” said Henry. “The details are up to the tribe.”

The city attracted an Imax movie theater and made some redevelopment plans only to suffer mightily in the 2008 recession and lose its redevelopment agency. Imax pulled out, and other elements of the downtown languished.

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The Tribe did not agree to requests for an interview for this article.

Even so, whereas traditional projects would involve extensive review and permitting processes, the city has essentially no regulatory leverage in this case.

“Once the land is in trust they have complete authority over it,” said Cheryl Schmi, director of gambling watchdog group Stand Up for California. “State laws and local laws no longer applies. CEQA no longer applies, and local zoning no longer applies.”

Though the city cannot directly influence the form the casino will take, Schmit suggests that it still can, and should, exert some leverage. Insofar as the casino will rely on, and possibly strain, municipal infrastructure she advised that the tribe and city negotiate a reasonable compact whereby the tribe compensates the city for its troubles.

“Local government and the tribe will have the ability to identify and mitigate the impacts,” said Schmit. She suggested that the city and tribe can agree to payments such transient occupancy taxes. As it is, the tribe is paying for a new fire station.

Likewise, the casino’s success may rely in part on the condition of the rest of downtown and even on the city’s own promotional efforts. It behooves the tribe to cooperate with the city to pursue its other downtown improvement plans.

“Local government has a strong hand here,” said Schmit.

Schmidt added that the tribe should pay fairly to offset its impacts, but the city should not get addicted to its payments.

“What the citizens and local government in Cathedral City should want is that that casino does not subsidize the city’s taxes in anyway,” said Schmit. “It should be a standalone project that pays for itself.”

Henry said that the tribe has a strong relationship with the city and can be expected to cut a fair deal. He added that he expects the city’s compact with the tribe to resemble other such compacts that it has made with nearby cities.

Even assuming that the tribe pulls its weight, broader economic development prospects promised by the project remain uncertain, of course.

The tribe and city both hope that the casino will draw visitors who might otherwise overlook Cathedral City and that those visitors will not only visit the casino (which will not collect city sales tax) but will also spill over into nearby restaurants and stores. They also hope that the casino will give the city an appealing landmark.

“I would certainly like to see the corner, which is part of a main entrance to the city...be dynamic-looking, something that is very inviting for people coming to the city,” said Kaplan.

Then again, they cannot guarantee that the casino will attract a family-friendly crowd. Unsavory characters could do the downtown more harm than good — or the casino could simply divert attention away from the very businesses that the city hopes to support.

“Casinos do attract a lot of consumers; sometimes they are not the desirable type of clientele that they wish to attract,” said Schmit. “It could take a bite out of local business because people might go to the casino for their restaurants rather than for local facilities.”

Moreover, the casino will be entering into the most saturated gambling market this side of, well, Las Vegas. The Coachella Valley and surrounding areas are home to TK casinos, which make it “Probably one of the most saturated markets in the state, especially when you adjust for population,” said Jacobson.

Whether there’s room for one more remains to be seen. Then again, the promise of gambling in a real, live city — rather than a remote outpost or ersatz fantasyland — may hold some appeal.

“I think it’s going to enhance existing businesses,” said Henry. ■

Contacts & Resources

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Cheryl Schmit, Director, Stand Up for California

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and a lot of money for transportation – has a familiar and predictable result: Highways chasing commuters across California from West to East.

Last winter, Senate leader Kevin de Leon announced a major four-bill infrastructure package. Two of the bills – SB 2 and SB 3 – tried to address the well-documented housing problem in California. In the big picture, both are pretty minor. SB 2 would create put a \$75 fee on real estate transfer documents for affordable housing. SB 3 would place the first housing bond on the ballot in a decade, allocating \$3 billion for housing.

At first glance all this sounds like a lot of money. But think about it: By most estimates, the state is [down 2 million housing units](#). The state's policy solution is to create a new source of revenue that will produce a few hundred million dollars a year and issue a \$3 billion bond that won't generate any new revenue at all but, rather, simply pre-allocate a certain percentage of the general fund for housing. (State bond measures don't raise taxes to pay off the bonds; they just allocate existing general fund revenues to do so.) It'll take several years to spend the bond money, so it's fair to say that the two bills together will generate something like \$500-800 million per year for housing over the next several years.

Now let's compare these housing measures with another bill that was part of de Leon's infrastructure package: SB 1, the transportation measure. Through a variety of revenue measures, SB 1 will generate \$5 billion *per year* for transportation. More or less forever. And, in contrast to SB 2 (which hasn't passed yet) and SB 3 (which will require a statewide vote even if it does pass), SB 1 has *already been enacted*.

Let's not discount the importance of SB 1. At its core, it contains a long-overdue increase in the gas tax to keep up with inflation, which is where most of the money will come from. (The gas tax has not been increased since 1993, meaning it has lost 40% of its buying power since it was enacted.) It will index future gas taxes to keep up with inflation without new legislation. It unwinds a lot of complicated swaps and borrowings that have occurred

between the transportation fund and the general fund over the last decade. And it increases the vehicle registration fee – the “car tax” – to pay for a variety of transportation items. (This is a great example of how things have changed. Remember in 2003 when the governor was recalled because he increased the gas tax? This one went through without a peep from anybody.)

According to [Chris Hoene of the California Budget & Policy Center](#), the transportation money will be spent as follows:

At the state level:

- \$15 billion for highway repairs.
- \$4 billion in bridge repairs.
- \$3 billion to improve trade corridors.
- \$2.5 billion to reduce congestion on major commute corridors.

At the local level:

- \$15 billion for local road repairs.
- \$8 billion for public transit and intercity rail.
- \$2 billion for local “self-help” communities that are making their own investments in transportation improvements.
- \$1 billion for active transportation projects to better link travelers to transit facilities.

Given all the borrowing and moving around of transportation money that's occurred in the last decade, all this is welcome news. Yes, [some critics have claimed](#) that up to 30% of the funds are being diverted away from transportation – but most of that “diversion” consists of using gas tax money for public transit, intercity rail, and bike and other active transportation projects. But that's all part of the transportation mosaic.

The highway and bridge repair money is sorely needed. And dangling \$2 billion in matching funds for counties with transportation sales taxes may encourage some counties to pass such sales taxes even though they have been reluctant to do so in the past. (One example would be my home

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county, Ventura, which is the largest county in the state without a transportation sales tax and failed to pass such a tax yet again last fall.)

But the bottom line is that we are talking about spending eight to 10 times as much state money every year on transportation as compared to housing. Even though the problems of housing affordability and supply are part of the reason we have a transportation problem in the first place.

When housing is expensive and in short supply – as is the case almost everywhere in California – residents face three grim choices: pay too much for your residence, crowd too many people into your house, or commute much too far to your job. The truth of the matter is that most Californians do one of these three things. And all three are related to the transportation problem.

Paying too much for your house means you don't have enough money for cars, which makes you more dependent on a mostly lousy transportation system. Overcrowding may help solve your commuting proximity problem, but it means there's

an underlying problem with the balance between your income and your ability to manage both job and home. And commuting too far ... well, we all know what that means.

So imagine what would happen if the state spent not \$500 million a year on housing but \$5 billion. And broke the regulatory reform logjam with equally dramatic results.

The point here is not to suggest that the state should spend money in housing *instead* of transportation. The point here is that the state should spend money – and enact non-fiscal policies – that focus on *both* transportation and housing and especially the fact that the two are related.

By his own admission, Gov. Jerry Brown hasn't done this. He has focused more on transportation and climate than on housing, and he even dismantled the old Business, Transportation, and Housing Agency, which at least put transportation and housing together in the same policy shop.

Maybe now it's time to reverse the trend and begin thinking about housing and transportation a one problem rather than two. ■

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guide to
CALIFORNIA PLANNING

4th
edition

**William Fulton
Paul Shigley**

Twenty-Five Years After The Riots

It was a warm day with very little breeze. Visible to the south, east, and west, motionless smoke columns served as precise geographic markers of the buildings that had been torched so far.

The cops were nowhere. As white gentrifiers in West Adams, we were at the mercy of any neighbor who might want to settle a score, such as the guys who lived in the gang house down the block. My street of early-1900s Craftsman houses was as eerily tranquil as an Edward Hopper painting. The party was elsewhere: three short blocks to the east, buildings were ablaze on all four corners of the intersection of Western and Washington boulevards. A mile to the north, in Koreatown and the Wilshire District, storeowners perched on rooftops with rifles to ward off arsonists and looters.

(As it turned out, the gang viewed us part of their turf to protect, as the gang leader told me a few days later in a friendly conversation. In spite of myself, I felt grateful.)

Before they ended, the Los Angeles riots extended from South Central all the way to the Hollywood Hills to the north. How did the unrest become so widespread? L.A. is an automobile city, and the unrest was literally a riot on wheels. Much of South Los Angeles is organized around endless north-south streets, like Western, Vermont, and La Brea, that span the 20-mile distance between downtown and the beach cities. Who started the fires? It's unclear whether they were lit by locals inspired by news reports, or perhaps a small number of people, sitting in the back seats of cars and tossing incendiaries out the rear window, block by block, as their drivers headed north to Hollywood.

In the first hours, I was determined not to leave my house. Some of my reporter friends were actually cruising the streets in search of interviews and photo ops, despite a police curfew. When a cloud of acrid smoke settled on our house, it was time to go. The family of four, a large white dog, and a Selmer saxophone piled into the car to join the exodus to Sherman Oaks, behind the protective barrier of

the Santa Monica Mountains.

In the end, the five-day riot left 50 people dead. It destroyed or damaged more than 1,000 buildings, at an estimated cost of a \$1 billion. About a year later, some new commercial buildings, in candy colors and fashionable zig-zag angles, came to my neighborhood to replace the nondescript strip malls burned. In my opinion, they were not an improvement, even though the bar was pretty low.

In the days immediately after the riots, some people felt that Los Angeles needed fresh leadership and ideas. Their impulse was to privatize the project of community redevelopment. This belief may be particularly strong in Los Angeles, where government is perceived to be weak and business to be resolute and wise.

To head this ad hoc committee of civic repair, organizers chose Peter Ueberroth, a Republican resident of Orange County. Ueberroth, who had organized the successful 1984 Olympic Games in Los Angeles, was "a guy who knows how to get things done."

No sooner had Rebuild LA formed than it ran into a problem: How would this city-building be done, exactly? What projects should they undertake? Based on what policy? No one ever figured it out.

Despite good intentions and some nice gestures, Rebuild LA quickly turned into one more poverty agency in search of projects, "partners" and funding, and companies that had pledged either money or initiatives seemed to shrivel up.

More action, arguably, came from the city's official civic-improvement arm, the Los Angeles Community Redevelopment Agency (LA/CRA.). The agency gained great power in the Bradley years. It built some projects and attracted developers with free land and expedited financing, among other benefits.

CRA created new project areas, including one centered

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on the riot-damaged corner of Vermont and Manchester. The agency supported commercial ventures like Magic Johnson's 12-screen multiplex at the Crenshaw Mall, the agency's attempt to give South Central a real mall a few years prior to the riots. Another attempt at a shopping center, this time a grandiose effort called Vermont Gardens, which promised a cultural performance space in its center, started construction in 1995 but stalled out a year later. The agency helped build a number of low-income housing complexes, although projects that are instantly identifiable as affordable housing tend to stigmatize their neighborhoods.

Momentum to repair the city faded when the sense of crisis diminished.

When the Northridge earthquake hit two years later, followed by the immensely entertaining O.J. Simpson murder trial, Angelenos found something else to focus on. While there were some individual success stories from the CRA and Rebuild LA, it's hard to assess what lasting good was done. A recent released [report](#) from UCLA, timed to coincide with the anniversary of the unrest, reports that economic conditions in South Central, if anything, have worsened slightly.

The emergence of downtown as a popular residential neighborhood, along with the redevelopment of Hollywood, were perhaps the two most remarkable planning events in the past quarter century – and it was quite a quarter-century.

Other great planning events include the completion of the Century (105) Freeway, creating a link between southern suburbs and aerospace jobs in the LAX area, which was no longer needed because those jobs had largely disappeared. Several new transit lines reached completion to Pasadena, East L.A., the San Gabriel Valley and Santa Monica, but these expensive projects were not enough to offset freeway congestion. More importantly, football returned, in the form of the Rams. And the Chargers. Boba drinks, designer cupcakes, Korean-Mexican fusion tacos, all left their marks. South Central L.A. was renamed South L.A.

The web arrived, swallowed the music, travel, and newspaper industries, among others, while failing to end civilization on New Years 2000. Forest fires grew more frequent and more intense. Multiple droughts occurred. The Chinese became the biggest foreign investors in L.A. real estate. Jerry Brown killed the redevelopment agencies. Housing prices grew to absurd levels, and city officials acknowledged that the city was in a perpetual housing crisis. L.A. had three boring mayors who seemed to accomplish nothing; the current mayor is a bright young man with some good ideas about walkable streets and other urban amenities that world-class cities should enjoy.

Again, the question is where is the constituency for planning? Los Angeles still doesn't know what it is. Civic awareness is non-existent in this unfriendliest of cities.

On a personal note, I remarried, sold my West Adams house at a \$50,000 loss after I heard gunfire one afternoon while the children were playing outside. I remarried and bought a house in the Valley. I read about violence in South Central in the L.A. Times with a mixture of revulsion, guilt and relief. Young people were still dying needlessly from gun violence, but now they were far away; there was nothing to do but shake your head and turn the page.

As for South Central, the experiences of both Rebuild LA and the CRA suggest that the social and economic problems are too deep to respond to real estate solutions by themselves. Physical planning can provide improvements in mobility and housing. The fundamental problem remains economic.

In my view, the federal government should revive the Depression-era Works Progress Administration, and create millions of jobs. In other words, the government should invest directly in individual people by giving them paychecks -- as opposed to tax credits or other financial incentives to developers and contractors. The much-discussed need to repair perhaps \$1 trillion in freeways, roads, dams and bridges would seem like a good fit here.

In addition to a new WPA, government should form joint

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ventures with tech companies, and create manufacturing or just-in-time delivery warehouses in inner city locations. Perhaps the government could subsidize the physical plant, the cost of training and other non-business-related costs. I believe Freud when he says that people need “love and work.” High unemployment is a cause of substance abuse, fatherless households, spousal abuse and incarceration; an unemployed person is a frustrated person and sometimes a dangerous one, too.

Glitzy shopping centers and expensive upgrades of cultural monuments like Watts Tower are nice, but they don’t really touch the fundamental issue, which is economic. Neighborhoods improve when people are working. People can buy homes, or refinance and repair existing ones.

Unemployment is a persistent problem in South Central, because African-American unemployment is higher than white unemployment, especially for teenagers and young adults. High-paying jobs, followed by improve education and better health care, are the right medicines for South Central.

Compared with those five days, the breeze has been relatively gentle in Los Angeles over the past 25 years. We need to do more to keep it that way.

– MORRIS NEWMAN | MAY 2, 2017 ■



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Why Cities Should Back Off of Setbacks

I can think of at least a few buildings in the world that exquisite enough that they warrant a little elbow room. The Taj Mahal comes to mind. The Farnsworth House. Certain monasteries and castles. Most quotidian pieces of architecture, though, gain their value not from splendid isolation but rather from their relationships -- with surrounding buildings and streetscapes.

Setbacks, which are perhaps the most ubiquitous way that planning imposes on architecture, are to these relationship what adultery is to romantic relationships.

For those residents of, say, Paris, Vienna, and New York City who are unfamiliar with setbacks: they are spaces that “set” buildings “back” a certain distance from the property line and, usually, the sidewalk. A distant but useless cousin of the front yard, they appear in, I reckon, the majority properties developed nationwide since 1950 and nearly all properties developed in California.

For all their popularity, setbacks have little basis in engineering or architecture. They are simply regulatory

whims.

Setback requirements come in all shapes and sizes. Some are minimal (a foot or two) while others are dramatic (ten feet, fifteen feet). Some make way for pleasant things like outdoor dining spaces; others turn into unwelcoming bollards. In each case, setbacks are mandated voids, either to be ignored or landscaped, unusually in decidedly half-assed ways. Ferns for everyone!

(I refer mainly to setbacks that separate buildings from sidewalks, not to those that separate buildings from each other. I have slightly more sympathy for the latter type.)

Received wisdom holds that setbacks make urban spaces feel less crowded. They supposedly ensure that buildings do not overshadow streets and sidewalks. They create the illusion of less density and protect buildings’ personal space. They create room for “green space,” “light,” and “park-like settings,” which sound great in real estate listings. They assume that buildings are impositions on their cityscapes, to be contained so as not to offend delicate sensibilities.



A street in Paris (l.) and a street in Los Angeles (r.).

This rationale is mostly nonsense, of course. Like so many other concoctions that come courtesy of regulators rather than designers, setbacks are a scourge on our cities. At best, setbacks persist because of habit. But, like elevator music and parsley, they are not actually as pleasant as we pretend

they are. They confer psychological satisfaction even if they have nothing to do with aesthetics or economics.

To the proponents of setbacks, a few patches of grass might as well be Luxembourg Gardens. But think about the classic street in any of the cities I cited above. If you enjoy Paris

Why Cities Should Back Off of Setbacks

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or New York, you already know why you shouldn't like setbacks. Density in a city is good. And not just population density. The actual appearance of density (which may or may not have anything to do with population density, depending on the type of structure in question) is good, too.

With scant exceptions, the most pleasant streets and neighborhoods – from the Île de Saint Louis to Greenwich Village, to Old Town Tucson – are those not where buildings recede from their streets but indeed where they are closest together, working in harmony with streets to create a public realm. A sense of enclosure is one of the hallmarks of great streets, whereby space is created and defined by the intersection of vertical and horizontal planes. Pedestrians also benefit from the shade created by snug buildings and vertical facades (and awnings, if they're lucky). The no-man's-lands created by setbacks detract from streets and buildings alike, only scarcely less aggressively than do walls and cyclone fences.

From a developer's perspective, setbacks waste space and, therefore, money. Who would want to give precious square footage to ferns, ficuses, and snails rather than to people? Even worse, setbacks create lousy buildings. When a pedestrian's feet and eyes might travel mere inches from a façade, that façade ought to be at least somewhat attractive or inviting. Setbacks invite architects to pay that much less attention to detail. I enjoy dragging my fingers on a Parisian façade because, well, Parisian facades are attractive.

To fans of setbacks, a building nestled right up against a sidewalk is scary. A ten-foot "landscaped" setback? Just fine. Never mind those shrubs look like mighty attractive hiding places to aspiring muggers. There's a reason it's "eyes on the street," not "eyes on the setback."

What about privacy? I'm sorry, but if your living room faces the street, you're going to need curtains no matter how far back you are. Setbacks don't create privacy. They create the illusion of privacy.

In short, there is no economic, aesthetic, or security reason for setbacks to exist. Cities have gotten along fine for centuries without them. So, what gives?

Let's think about who might lobby for setbacks, either in an individual project or in a zoning code. They're certainly not

the tenants of buildings. Unbuilt buildings have no tenants. The people most likely to demand that a development be worse are those who don't like development in the first place and who object to density on principle.

Setbacks are the currency of anti-development activism. Homeowners who like their cities and their property values just fine don't care how far away a building is from a street. They're likely only to see those buildings at 35 miles per hour anyway, and probably from a lane or two away (plus a few feet if there's a [devil strip](#)). But they know how to push planners around.

For them, setbacks are just a bargaining chip – a palpable way to stick it to developers. Setbacks persist because they are quantifiable and negotiable. Once opponents have whittled down the number of units or the amount of floor space in a project, they can bring on the setbacks. The developer wants a setback of zero feet. Neighbors want a setback of ten feet. When it gets settled at five feet, the neighbors chalk up a win.

Why is that a win? Because they don't care in the first place. They gain nothing, except for a five-foot pain-in-the-ass for the developer and a lousy place to take a stroll. This isn't advocacy, and it's certainly not planning. This is urban trolling.

I bemoan setbacks not to redesign every condo building from Riverside to Santa Monica. Setback regulations and their proponents have already done their damage to the buildings that exist and the streets that they face. Fortunately, with a few deletions from zoning codes, and more tenacity from the planners who care about density, walkability, aesthetics, and fairness, cities can play with a full deck once again.

And when the next Shah Jahan comes along with a great idea for a mausoleum, then we can talk.

– JOSH STEPHENS | MAY 16, 2017 ■

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