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Citizen Participation in Growth Management

PROCEEDINGS OF
NOVEMBER 9, 1979
CONFERENCE ON
PLANNING FOR GROWTH MANAGEMENT

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FOREWARD

These proceedings of the Citizen Participation in Growth Management is a collection of statements and discussions generated at the second conference in a series of conferences on Growth Management, sponsored by the Honolulu City Council. It is intended to serve as a source of reference for the neighborhood boards, public officials, private organizations, students and the residents of Honolulu and the State of Hawaii who are interested in planning and management of growth of our environment. The previous and future conferences in this series are listed on the back cover of this report.

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Assisting the City Council in the selection of topics and speakers for, and in the programming and coordinating of these conferences have been the Council's Advisory Committee on Planning for Growth Management and a group of cooperating organizations without whose support and dedication to the cause of increasing public awareness of planning issues, the success and continuation of these conferences would have been difficult if not impossible.


GEORGE AKAHANE, Chairman
Advisory Committee on
Planning for Growth Management

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WELCOME ADDRESS

Daniel Clement, Jr., Vice Chairman
Honolulu City Council

Good morning, I'm Dan Clement, City Councilman. On behalf of the City Council's Advisory Committee on Planning for Growth Management, it gives me great pleasure to welcome all of you here this morning. We anticipate that we're going to have a very exciting conference on the subject matter that is dear to all of you as evidenced by your presence here this morning. I'm quite impressed with the number of people who have showed up; this shows your citizen participation in the process of planning.

Some of us on the Council had the privilege of hearing some of the gentlemen on the panel last year in San Francisco and we're quite impressed with the divergent viewpoints about citizen participation, some of which I share personally, and I would like to take this opportunity to express some of those to you.

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As you know, in the City and County of Honolulu, we probably are unique, and this is a trite statement because in many situations we consider ourselves unique. However, in this particular area, we are unique since we have codified a requirement for citizen participation in our City Charter by the establishment of a Neighborhood Commission and neighborhood board system. Unlike most jurisdictions in this country, where the system is not formalized, we have by this action formalized a system of citizen participation. However, if you look at our Charter, it is very weak in its provisions covering the operation and the process to carry out citizen participation. It is left to the Neighborhood Commission to determine the rules and regulations to govern the activities of the neighborhood boards. This may be good or bad, depending on the point of view you come from in this regard.

Citizen participation has always existed in the neighborhood in a community organization of some kind. It continues to exist irrespective of the formalized neighborhood board system and that is the essence, I think, of the concern which has been expressed by some of my colleagues and people in the community. Should we defer to the opinion of the formalized group and disregard the opinions of others? Does the opinion of the formalized group represent the opinions of all groups in the community? These are some considerations which ultimately must be weighed by the elected official, who, in the final analysis, must determine whether or not the viewpoint expressed is representative of his community.

This, in and of itself, leads to another dilemma. You heard recently an advocacy of island-wide representation at the City level. The reason for that advocacy has been, at least indicated by the advocate, that the Council becomes limited in its viewpoint by its responsiveness to the members or constituents of the respective district, thereby losing sight of island-wide needs.

Ladies and gentlemen, the neighborhood board system promotes district representation because the feelings, beliefs and thoughts of the neighborhood are restricted to their experiences within their district and their perspectives of island-wide concerns are somewhat lost, I propose to you, in that approach. On the other hand you have the requirement that a neighborhood plan be established which represents the feeling and thinking of the people of that neighborhood as distinguished from the feelings, beliefs and thinking of the people on an island-wide basis. I believe this can be demonstrated very clearly in my own district where I have conflicting points of view amongst adjoining neighborhoods. Now, whose opinion should I follow, if on the one hand, one neighborhood indicates support for a particular position and the adjoining neighborhood indicates a totally contrary position? The problem arises regarding whether or not that neighborhood is considering the island-wide perspective or is their viewpoint limited to not wanting that terrible thing to happen next door.

4 So, you see, we have a vehicle and my point of view is not offered in criticism of that vehicle, because I think a formal structure is necessary. It offers a forum, an opportunity to the elected official to test and participate in a manner which would not be offered him otherwise. Most organizations, come into being as a result of a particular concern in the community and then usually disappear into the twilight zone when the concern has been handled. Therefore, the experience prior to the establishment of the neighborhood board system has been a responsiveness to a series of individual neighborhood concerns stimulated by neighborhood organizations which rose and fell as each issue was handled.

I put this out to you because we have all experienced this in our own communities and it is offered merely as a consideration on my part. From my experience in talking with elected officials in other jurisdictions, there is a great respect for the fact we have placed in our City Charter a formalized approach to citizen participation. While it has been pinged or threatened, and I mean elected officials, because of the competition it stimulates for their office, nevertheless the community will benefit from the accountability which this system fosters.

I can assure you we will not lose sight of island-wide concerns on the City Council because we have the opportunity to exchange ideas amongst each other which may not be the same opportunity available to the respective neighborhood boards. That situation reflects my thinking that it is the direct responsibility of the elected official to make the final decision.

Thank you very much for coming here this morning; thank you for giving me this opportunity to present my point of view, and I fully expect that you will have a very exhilarating and great experience.

OVERVIEW: STATUS OF CITIZEN PARTICIPATION IN PLANNING ON O'AHU

James A. Kent

It is a distinct pleasure and privilege to be able to share some ideas and to participate with you today and in the future.

This should be a very exciting day. Several different viewpoints on citizen participation will be presented and talked about today. You will hear several points of view and different insights that you will want to hash out, filter and decide for yourself what is necessary to do here on O'ahu. The solutions or insights you come up with must be developed here. What has been done in another place will only be a reference point. Your own solutions to the challenges that face you must come from the understanding of your physical, social, cultural, and economic environments. What you want to do with these environments will have to guide your future course.

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One of the reasons I was invited here today relates to this question of citizen participation. We currently have a contract with Council to develop social impact guidelines to be used in predicting social consequences of development on O'ahu.

Citizen Participation

Citizen participation means more than simply being in attendance at a meeting or being included in a survey. Citizen participation needs to include the following elements:

- . Citizens must be able to understand what the social-cultural implication of the change proposed in their environment actually means;
- . Citizens need to share in deciding what will happen;
- . Citizens have to share responsibility for carrying out the actions;
- . Citizens must be able to track the resolutions of their own issues all the way through the process of planning.

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Reasons For The Lack Of Citizen Participation

Absence of an Effective Process. There is almost no human process to deal with the social consequences of rapid growth here on O'ahu. There is no process to deal with the mitigation of social disruption, to say nothing about the process of trying to predict how social disruption occurs.

Environmental Impact Statement. We reviewed more than 20 environmental impact statements. We are playing with 1/3 of a deck of cards when it comes to getting any help out of the environmental impact process in dealing with the social consequences of social changes. Most of the EIS's dealt with the mitigation of physical impacts associated with development. Almost nothing beyond demographics was included...usually not even a description of social impact.

To further block citizen involvement and participation, the EIS's are:

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- . Not readily available for citizen review. It is hard, if not impossible, to get copies. (Outside of a public library.)
- . Much of the language is presented in technical terms often meaningless and confusing to the layperson.
- . The formal reviewing process of EIS's does not provide the citizen a chance to discuss and exchange ideas which lead to constructive results. In fact, EIS's are usually not prepared until after the project has been basically determined, putting the citizen only in a reactive position. If productive dialogue does not occur before the EIS process, it actually acts as a deterrent to further communication and effective participation in decision-making, and often promotes distrust and anger.

Vertical and Horizontal Systems. In planning, there is a tendency to work only with the formal side of the political system. The formal side is what I refer to as the vertical decision-making arena. It has a top-to-bottom and bottom-to-top orientation.

The other type of system to be worked with is the horizontal or informal. In other words, citizens in their own environment operate most of the time on a horizontal plane. They are concerned with their culture, with survival, with recreation, and with taking care of each other. On the horizontal side, living takes place in a very intricate, well defined manner. Gathering places where issues are talked about, places where information changes hands in a manner that people can process it, characterizes maintenance of the system. In the vertical system, there is a structured, predetermined way of doing things. What usually is not done very well in citizen participation efforts by vertical decision-makers is accessing of the horizontal system.

For example: We find in much of our work that someone who wants to build will come into an area using the vertical procedures. There are certain things that have to be done and that have to be done in a certain period of time. Formal rules are laid out which one must follow. There is a sizable check list, and after three years into a project, the company is ready to construct because they have gotten all their permits and everything is approved by the vertical system. But, it often happens that at the site of construction, bulldozers show up, and a resistance movement pops up and stops the project.

Just last year, construction of a major utility corridor was blocked by a group of farmers in Minnesota: a few shotgun blasts...the state police, the national guard, national television, and the construction ground to a halt. When the farmers were asked why they didn't get involved earlier, they said, "Nobody asked us." This statement is made after three years of hearings and other formal procedures.

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The point is that the formal system or developer did not know how to access that horizontal network. Make no mistake about it... citizens will be involved now (prevention) or later (reaction)! We have got to know and understand much more about how horizontal systems can or must be involved in decision-making.

Results. Social disruption exists...and most probably will get worse...as a result of too limited citizen participation and the near absence of a process for mitigating negative social impacts. Some of the resultant social disruption themes recur over and over in people's everyday talk in their neighborhoods on O'ahu.

Let Our Future Be Ours. A frequent spoken philosophy is, "Let our future be ours"...the historical, cultural aspect of people being in tune and in harmony with their own land, their own environment. People know more about their territory, their geographic space, and how it works than anyone else. They are experts on what happens in their neighborhoods. This doesn't mean they know what to do all the time, but they know how that space works and they know what they value and cherish in their cultural routines. It is important that these aspects of life on O'ahu are understood and, more importantly, enhanced. This is what good development for all participants is about.

Traditional Mauka/Makai Orientation. The historical land-to-the-sea concept, when everyone had access to the total island's ecosystem, made it possible to have mauka/makai: A culture unique and harmonious with the island life. As transportation corridors grew, the highway corridors began to cut across these original cultural land management concepts; and as this took place, the lack of access caused the cutting off at the mauka/makai orientation with the highways and a lot of other things. We began to lose the perspective of the people desiring to have and retain certain amounts of their culture.

The traditional sense of direction has been distorted in many locations by highrises and corridorization. Many traditions and customs are changing: Indeed, in some instances they are threatened and in some instances becoming extinct. There is an uneasy awareness of the changes of family stability and of the island being a special place. It is expressed in words like "We thought development would be good, bring us jobs, keep our lifestyles... that did not happen. We are still struggling and our children need to leave to get jobs." There is a sense of loss: There was a time of great expectations, but physical changes brought a changed way of life. There has followed a disenchantment with the effects of growth...accompanied by a feeling of helplessness and sadness. There is often expressed a feeling that life is worse now than before...a feeling that the magnitude of changes was much greater than anyone had predicted. Attempts to slow or steer the development seem to have failed. The reason? People acknowledge they lacked experience, and a process by which they could have been more effective. As a result, there is a blocking response now...as opposed to a positive creative interaction...a shared responsibility for the future.

Themes

One of the ways of viewing, of understanding what's going on in a community is to find the recurring themes in people's lives.

Typical themes that have impressed us in our work are themes that have been, from the citizens' perspective, a reaction to what has been going on. They take the form of..."We didn't know what we were inviting in." In other words, people wanted some improvement in their geographic territory, they wanted something to happen, but when that something happened, they did not have the mechanism and the foresight to be able to see that that action would have other detrimental, quite often destructive effects on their lifestyle. For example, like getting 600 new apartment units in the neighborhood instead of the anticipated 150.

Another theme is, "We can only react." This is the same as the previously mentioned EIS process, O'ahu appears to have a reactive form of citizen participation.

Because many of the people function in horizontal networks, and because they have different ways of managing their lives and their culture, many do not participate nor know how, nor desire to step over and participate in the vertical decision-making process as we now have it. So, the result is...the people are isolated from the decision-making process. Statements often heard were, "Well, we had the hearing, why didn't the people come?" Well, quite often the hearings are in places the people would never go or worse than that is, that the timing is poor... when the citizens have other more important things going on in their environment. Outsiders seem to think that their issues should be the citizens' issues. That isn't true. Citizens have their own issues they need to process in order to be able to participate in longer range planning efforts.

Another theme, and I think it is a critical one to try to understand, is "He used to be a good guy, but now he's one of them." This is the predominance of politics by personality. It takes the form of attacking personalities when things go bad or go wrong, rather than sticking with issues. For citizen participation to be effective, a citizen must be able to track his issue into a planning process, see where it's at, see what happens to it, and participate in implementing that issue. If people cannot do that, if they can't face the issue directly, then the citizen must do what has essentially...I think become a way of life...politics by the personality. You have to have someone to blame when things don't work out. We learned in the 60's and 70's that when we went through the social action programs, we could improve the world by changing people and, therefore, personalities. Attacking personalities is crippling to citizen participation, because once they attack and get on the personality basis, they are no longer dealing with the issue, there can be no resolution to the issue.

Political personalities may change frequently, but until citizens and government and other actors in here can really feel and stick with an issue discussion process, then the politics by personality will continue to pull everything to a standstill.

"How can we survive?" People talk in terms of how can we survive. One citizen told us, as we talked with him that "getting used to the idea of economic extinction was extremely difficult."

Government by Ambush. Government by ambush essentially is government by surprises. No one likes to be surprised. Government officials don't like to be surprised. Builders who have certain plans to put up a structure don't like to be surprised. They don't like to find out there are certain limitations that they didn't know about. And, naturally, citizens don't like to be surprised. They don't like to wake up one morning and find several new buildings on their landscape.

Some of the statements we have had from citizens about surprises are:

- . "They demolished the old plantation building overnight."
- . "No one knew it was coming."
- . "We always get surprises."
- . "Things no one seems to know."

This inability to have access to knowledge and the ability to have a continuous set of rules, or guidelines, has been a problem that government and citizens have faced and will face here in the very near future. But government by ambush is very costly. It is costly in that it becomes extremely disruptive, both to the citizens' ability to participate, and to government agencies' ability to govern and to be able to have development that contributes to the people's culture, lifestyle, dreams, and wishes. Now, this theme of "surprise", or "government by ambush", which is the other side of the coin, leads to a feeling on all sides of a loss of control

and a lack of predictability...remembering that citizen participation is going to happen now or later.

Summary of Results. These things we have been talking about, unless something changes, unless we develop a process for citizen involvement based on shared responsibility and participating in action, we are going to see much of the things that have been happening in the past, but they will be amplified. The loss of control brings fear and anger, a blaming and demanding. If we don't understand and work with the citizens' issues, they will have no base other than political reaction from which to look at and participate in deciding impact of broader issues, such as development, transportation, housing, etc.

10 Of particular concern to many is the effect of the changes on their families and the loss of the Ohana system. Families are being dissipated, having to move to the urban areas to find employment, taking two jobs, leaving little time for family. In fact, people's reasons for living on the island to enjoy the type of physical and social culture environment are now overridden by people having to hold two, maybe, three jobs...having no time to enjoy or crowding their enjoyment into weekends. Many of their children are now having to move to the mainland to find work. Many of them would like to come back. Many of them would like to stay. Crime and violence are also important social by-products of lack of preventive work and good citizen participation. When ripping off the rich becomes a way of making it, crime becomes socially reinforced and people begin to feel no one is safe. And once people leave the streets, once the general population feels they are not safe, then the whole dismantling of the local culture sets in. Everyone becomes guarded and soon the neighborhoods have high fences, guard dogs, burglar alarms, and ugly signs. People can no longer participate in the social interactions of their neighborhoods...producing fear, distrust, anger, and isolation. They pull in and become less than the people that they could be. More blocking, more anger, more hostility.

Capitalizing On Social Change

The absolute necessity to predict social change is upon all of us...citizens, policy makers, developers, government agencies. In Business Week, October 29, 1979, an article appeared which would not have appeared as recently as four years ago. The article was titled "Capitalizing on Social Change." The article said that business has been fairly good at predicting financial plans and economic forecasts, nearly to the exclusion of any attempts to foresee any long term social and political changes that could affect their operations dramatically. Yet, many have found that such social shortsightedness particularly in an age of consumer activism, and social protest, can be just as costly as laxity in tracking economic trends. The Vice-President of Security Pacific National Bank put it another way: "If we don't manage social change, the change will manage us." Citizens have known for a long time that things had to be done differently...as they lost options in control of their environment.

Externalizing Social Costs

As I come to the end of my speech on citizen participation, I want to discuss externalization of social costs. In the allied field of economics there is a concept of externalizing costs. For instance, in years past, steel mills could and did...until environmental laws were passed...unleash large amounts of gasses and particulate matter into the air as a by-product of the steel making process passing costs of keeping air clean onto the people at large. However in days past, these costs were externalized, sent up into the air literally in smoke, where the whole society had to absorb them. For the most part these costs are now being internalized.

This is analogous to the externalization of social costs. Many social costs are now contained within the direct confines of the site-specific development area itself. They are sent up in smoke and become offsite impacts.

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Offsite impacts are one of the crucial, invisible types of impacts that cause social disruption. For instance, Waikiki has experienced massive development in recent years. Most of the impact, of course has been directly in Waikiki; however, the development phenomena has spilled over from Waikiki to all parts of the island, far beyond expectations of the planners 20 years ago.

Principles

I think that there are a few principles connected with any attempt to involve citizen participation.

- . Citizens need knowledge in a form they can use to participate in the planning process.
- . They can participate if they can track their own issues in the planning process, participate in solving their own issues, either acting on their issues themselves or the knowledge that someone else is acting on their issues, and understanding how they integrate with other issues.

And citizens are going to participate in deciding the future changes of their lives on this island...now, or they will participate later, in one form or another.

Conclusion

We here in this audience have some options. There are ways now of realizing and understanding that we can have mechanisms for social resource planning, as well as physical resource planning.

We discussed a rather special type of citizen participation today, one that involves a horizontal process of ongoing network course communication and citizen involvement. There is no magic

in assessing the difficult issues of citizen involvement. It is very hard. There are no quick solutions. There are no gimmicks. However, if one deals with the community in all its diversity and richness and all its beauty and if one deals with the unique contribution offered by this difference with trust, it becomes possible for the community to work together to achieve common goals at a neighborhood level and island-wide level. One of the contributions this beautiful, incredible island has to our nation and the nations of the world is best expressed, I think, in a poem that was written by my daughter, Mary Kent, age 10. She called it the "Hawaiian Seashore." Here's what she said:

The Hawaiian Seashore

The soft sand beneath my feet makes
The sound of running small and quiet.

The waves crashing against the sand
Cool my feet and clear my mind. The
Fresh ocean breeze strengthens my
Body and makes running easier than before.

Just being there gives me a glorious
Feeling. A feeling to make your life
Better and to help others do the same.

I've left there now but I'll never
Forget it.

Mary Kent, Age 10

In the final analysis, we must decide what kinds of communities we want and strive for them. This is our opportunity. Now is the time. It is a moving, thrilling, beautiful opportunity to create an improved kind of life, a new future based on harmony, based on diversity, and the exciting social integration that diversity can bring to this exciting "gathering place" called "O'ahu."

Thank you.

ROLE OF THE CITIZEN IN PLANNING PROCESS

Lawrence E. Susskind

First let me thank everybody who played any part in getting me here. I am delighted to be here. I'm having a wonderful time. I hope to meet more of you during the day today. I want to congratulate your elected officials and members of your neighborhood boards. I don't know whether you realize it, but those of us on the mainland are extraordinarily impressed with the tremendous level of neighborhood participation you have achieved. I don't know if you realize how far ahead you are of many other groups.

I will offer what I can in the way of suggestions, but I really feel somewhat inadequate to the task. I have not been able to move many of the communities with which I've been working to take such dramatic steps as you've already taken. What I'll try to do is to comment on four themes that I think are pertinent to the current status of your efforts and refer, as I go, to aspects of experiments and activities in other places that I think reinforce these themes.

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The first thing, and I do think it's particularly relevant as you think about the next phase of work for your neighborhood boards and your commission, is that citizen participation must be more than a talking process. It must, in fact, be a negotiations process. It's not enough for citizens to be heard or to come and say their piece. We have to move to a point where citizens share responsibility for the definition of the problems and the definition of solutions. I hope everyone realizes the difference between talking and negotiating. I can talk at you; I can go away and feel confident that I've made you hear my point of view, yet nothing will change. I have got to get some agreement from you. If we're going to achieve a negotiated agreement, it is very important for citizens to get past the glow they feel when they have finally said their piece.

Let me illustrate with two examples of negotiations in which I'm currently involved. One involves a town of about 50,000 people in Massachusetts where, for a long time, they've had citizen participation in various town programs. The participation has been advisory and the participation has, when it wasn't consistent

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with what the elected officials wanted to do, been ignored. Now they're in a slightly different situation. The demand for social services far exceeds the fiscal capacity of the town. This community has completely developed all its land. It has no further development potential. The tax base is not increasing and yet the demand for services is. The question, then, is how will they set priorities? Instead of having another hearing or another Blue Ribbon advisory committee or another conversation, they have moved to a real negotiation. They have invited consumers, a group of service providers and a group of public officials to hammer out a negotiated agreement. Their job is to determine which services will be cut, which will be maintained, which will be increased, which will be shifted from public to private sponsorship, which will be shifted to fee for service instead of public subsidy. The negotiations are difficult, but these negotiations will yield, to my way of thinking, real participation. Everyone involved has to take some responsibility for reaching a fair settlement. This goes well beyond the normal "me first" approach to participation.

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In the City of Columbus, Ohio, we're involved in an even more elaborate negotiation. The City of Columbus says the federal government's agencies each have a different agenda for what should happen in Columbus; when trying to please HUD, the City is in trouble with EPA, and in trying to please the Department of Transportation, they're in trouble with HUD. The City also says that the State of Ohio has all its different agencies pulling the City in different directions with, still again, different agendas from the federal agencies. The City of Columbus wants to bargain with the State and the federal government and come up with a negotiated investment strategy for the City of Columbus. The federal government agreed that they would very much like to have a negotiation with the State and the City so as to bring national urban policy objectives to the City's and State's attention. The State has agreed to as well. A federal team representing two dozen federal agencies and a local team representing municipal agencies, county agencies, neighborhood organizations, and private interest groups have been assembled. The three teams sit on three sides of the table with my mediating team up in the front. We are trying to negotiate an investment strategy, point by point, for the City of Columbus. That negotiation will yield a change in the way in which regulations are used to implement implicit policy because what we're going to do is make explicit the development objectives that should dominate. There are two other cities where similar experiments are under way -- Gary, Indiana and St. Paul, Minnesota. If these experiments in negotiation strategy work, I think we will have a very different sense of what participation should be about.

My second theme is that citizen participants must acknowledge the importance of what I call the Two-Table Model of Negotiation. It's not just that the consumer and provider groups in the Massachusetts town that I described before are negotiating with the City, and it's not just that the City of Columbus is negotiating with the State and the federal government. The first problem is putting together a position that is shared by the

social service groups when they talk to City officials. This first problem in Columbus is how to get agreement on a local position on issues to be negotiated with the State.

So, when we are talking about groups negotiating, it's extraordinarily important for each side in a negotiation to behave as a coherent unit. So, if I say to you, your neighborhood board should get itself together to have a position to present to the City Council or some City department, your first problem is setting up a negotiating process through which you can get the neighborhoods to agree on a position to present to the Council. Your task is to figure out how to develop a unified neighborhood position that can be presented as such and how to develop the capacity of the City to respond, not as a set of separate agencies, but as a unit to a request from the neighborhoods. Building that kind of position-taking capability is an arduous task and yet if we're going to make negotiations work, it is essential.

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So, my point is that if you think of participation merely as talking, you just accumulate conflicting views that can be easily dismissed. It's only when you develop the capacity to present a coherent position on each side around the bargaining table that you can really have negotiation. So, if you accept my notion of the need for negotiation, then you must accept responsibility for setting up the tables around which the sub-units get themselves together to present coherent positions. If they don't have coherent positions, they're going to be pulled apart in negotiations.

My third theme is that citizen participation, besides being a two-tabled negotiations process, must also be a capacity-building process. That's easy to say, but it's hard to do. What does it mean to enhance the capacity of your neighborhood boards to function effectively? You can have workshops. Individuals can sit and listen and bring themselves up to date on the issues. You can be briefed on decisions before they are made. Is that really capacity-building? I don't think so.

You can hold training sessions to enhance the amount of information that each member of your neighborhood board has in his or her head. Is that capacity-building? I don't think so. Capacity-building means building an organization's ability to plan what its strategy is going to be and why. The problem of organizational learning is the key problem in enhancing capacity. Most citizen-participation capacity-building efforts presume that if you bring each individual up to speed, you enhance the capacity of the group. That is not the case. You only get better as a group by paying specific attention to the problems of your group. If you want your neighborhood boards to be able to function more effectively, you need to make the group's ability to function the subject of training. You need to focus on how you work as a collective group of people. You need to build your capacity as an organization, to be effective. All the workshops in the world designed to help individual members learn more about this plan or that ordinance or that program are not going to help your group be more effective.

There are, I think, ways of focusing on group learning and organizational skill-building. They require substantial commitments of time, energy and money. If you think ahead about the future of your neighborhood boards you will need to try to use either these techniques or some that you invent on your own. Let me mention a couple.

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You know as well as I do that the way a group gets better as a group is by working together. Each individual sitting alone at home worried about the problem of the group getting better is not going to help the group get better. Your problem is how to put aside time when the neighborhood board can focus on getting better as a group. You must make that the subject of what you talk about. Most groups don't set aside time to discuss how they are functioning as a group; how they can get better as a board. Time is scarce. Efforts to get the group to meet an extra night or on a weekend are extraordinarily difficult. People already feel pressed. Yet, if you don't devote time explicitly to worrying about your functioning as a group, you won't get better. The notion of a retreat (taking the group off somewhere) and focusing on how to get better as a group, seems too costly in terms of time and money, but in fact without a specific commitment to that activity you won't enhance the capacity of the group. You can try some small things just to get a feeling for what this kind of explicit conversation would be like. Try leaving 15 minutes at the end of your next meeting and say, okay, how did we work as a group tonight? Don't talk about the substance of the issues you debated. Ask yourself, who has something to say about how we functioned as a group? Try this a couple of times and you will begin to get an inventory of the things you don't do well. Perhaps you won't listen to each other or don't share responsibility for being explicit about the facts that have shaped your opinions. After two or three meetings you will have the list of things to discuss at a special meeting about what it will take for you to get better as a group. Until group capacity becomes the subject of your training, you won't be pulling together. Until you pull together, your voice won't be effective as a negotiating unit.

My fourth theme has to do with the question of incentives. There must be continuing incentives for people to participate in citizen involvement processes. You can't expect to exploit altruistic motives forever. There are too many other things that each of us has to do. Unless we get very explicit rewards for our participation and see some tangible results, it's hard to sustain participation. I think every group and especially your Commission has to worry about whether the continuing incentives to citizens to participate in the neighborhood involvement process are adequate. I gather at the moment, one of the incentives you are counting on is a negative incentive. If you don't participate now, the area development plan will be put together without you. So here's your chance -- don't miss the boat. But you can't sustain involvement that way. As soon as those plans are done, people will feel that everything's over. What new incentives are going to encourage continuing involvement?

There are some incentives that I think the leadership in each board and the Commission can aim to provide. I mentioned yesterday in a conversation with City Council members that I thought it would be a good idea for neighborhood boards to negotiate contracts with various City departments. Immediately all the lawyers in the room jumped up and said, but you can't enforce such contracts! Who can make such contracts? And so on and so on. I'm not troubled by these concerns. I think it's absolutely crucial that you have a tangible product to take back to the members of your neighborhood and say, our board has negotiated the following things with X, Y, Z City departments. We now have this written agreement that says, for example, the following streets will not be closed even during the period that X, Y, Z development is happening. There is a commitment to make such and such improvements in the following order in our neighborhood. There's at least a commitment to this priority list, if not a commitment to actually have the funds to make these specific improvements. These are the constraints that the City has accepted on the ways in which development will happen in our neighborhood. These are the agreements with regard to specific changes in the development plans. Thus far, you have offered your proposed list of changes. The City has thanked you. Have they sent you letters acknowledging what you requested? Where's the letter that says these changes will in fact be made?

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Without a tangible product such as a letter of understanding or a contract, I think it's going to be very hard for your neighborhood boards to come back to the community and say, we did this on your behalf and we were successful. People could say, prove it. Where's the product? They'll say, do we have to wait 10 years?

So, the notion of using contracts seems to me at least one way of attending to the need for continuing incentives for people to participate. You need a tangible result that you can take home and say, look, we need 10 more of you to come to this hearing. We need people to go to that and they say, why should we? And you say, because we've been successful in the past and we are concerned about these issues and we want to negotiate a new contract or a letter of understanding around this set of issues; we will bring that agreement back to the neighborhood and show that in fact we've gotten commitments that are important to our neighborhood.

I think it's crucial for City officials and City department personnel to realize that without tangible results it will be impossible for neighborhood boards to maintain their credibility. Public officials committed to the neighborhood planning process must now go the next step and enhance the visible outcomes that neighborhood boards can take credit for; without those successes the neighborhood effort will die.

So, these are my four themes -- citizen participation must be a negotiations process. You must accept the need for two or multiple-table negotiations. Citizen participation must be an organizational capacity-building effort and there must be continued incentives to keep participation going.

I want to take the time remaining to me to review three or four ideas that came to mind yesterday in conversations with members of various neighborhood boards and with the leadership of the Commission. If I were in your shoes, I would shift my attention from the making of plans to the implementation of the policies contained within the plans you have helped to modify. Once your neighborhood boards have done their homework and made their recommendations, then the focus must be on watch-dogging the day-to-day decision-making. Without a substantial watch-dog role, neighborhood by neighborhood, the sentiments in the design plans will be washed away in the face of the specifics, day in and day out, that City departments must handle. Also, and I want to underscore this point, all you are doing is creating an envelope of policies within which you hope privately-initiated actions will take place. It's really quite startling to read your comprehensive plan and see almost no mention of the fact that it's as important to encourage the private investor to keep doing things as it is to have all of these controls, regulations and planning sentiments to shape what happens.

I think it's absolutely crucial that you worry about attracting the development that you do want. You've got to be advocates for the development that you do want, as well as implementors of the policies that you want to achieve.

Another thing that you might want to think about is the possibility that your neighborhood boards can play mediating roles within the neighborhoods. I know there's already been some conversation on this score. Let me just push the point a little farther. If you have general policies about development in your neighborhood, they will rarely decide concrete situations. General policies are stated in such a way as to leave a lot of maneuverability within them. If you have a map and it says, yes, we want X, Y, Z development there, but the particular project proposed next week somehow doesn't look exactly like what you had in mind, is it okay to develop? What kind of negotiation or bargaining could there be between the abutters and the developers? And could the neighborhood board provide the forum within which some negotiation could go on? Couldn't the neighborhood board itself become a mediator regarding particular development questions within a neighborhood?

So, in addition to being focused on implementation, you might want to think about taking on a mediating role around specific issues that arise within the context of the plans you have helped to shape.

I think the neighborhood boards have to become promoters of public awareness, that they have to take responsibility for building neighborhood awareness around impending issues, choices and decisions. You should use television to create neighborhood oriented programs. You should use your newsletters or inserts in the local newspaper to raise neighborhood consciousness. Put together a brief slide show that gets passed around to different organizations within your neighborhood. Neighborhood boards need to anticipate the issues coming down the pike and to take responsibility for enhancing neighborhood awareness about what's forthcoming. They should take on the role of promoters of public awareness.

Finally, I would suggest one other possibility. I'm sure that the City officials in the room will not be particularly pleased with this idea, but I think that it's eminently appropriate to view your neighborhood boards as expert consultants to the City. Jim said earlier that you are all experts on neighborhood priorities. When the City Council hires expert consultants, it pays them. I think it is eminently appropriate, in viewing the neighborhood boards as expert consultants to the City, to write a contract with each neighborhood board saying, we need your advice on the following things: neighborhood sentiments on community development block grants, neighborhood sentiments on particular environmental impact statements, etc. They should contract with you to pay for your services. You've been offering your consulting services for free. You're never going to make any money that way. This would provide you with a financial base to develop your own staff support. I think the City will want to stipulate what's in these contracts and what services they want. Once you work out these agreements, you can build a financial base. That way you won't be dependent on a line item appropriation each year or whatever the budget constraints might be.

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Now, I know the Commission's been doing an excellent job providing staff report, but I think you could go one step further and focus on different kinds of consultant services that different boards could agree to provide to the City.

I can tell you that there are other very interesting experiments and activities at the neighborhood level throughout the United States and Western Europe, but I can also tell you that people in those places are going to be looking to you rather than the other way around because you really have made tremendous progress. Even if some of you are not completely thrilled with the way things have worked so far, I think you should step back for a minute and consider the struggles in other cities to get the kind of neighborhood planning you have. You should be enormously proud of what you've accomplished.

ROLE OF PUBLIC OFFICIAL* IN PLANNING PROCESS

Henry R. Richmond

I just want to join in on the statement that Larry Susskind made about how pleasurable it is to be in this beautiful State and to meet so many wonderful people. Hawaii is truly an area not only of natural beauty but wonderful hospitality and I certainly appreciate the invitation of the City Council to be here and participate in this fine conference.

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In listening to the presentations earlier, I was reminded that what we're talking about when we're discussing citizen participation in the planning process in the area of land use, is a means to an end and that end is better results, better decisions of government in that area and that these decisions of government, and how they are made, are political decisions. We have certain ground rules in this City, in this State and in our country relating to political decisions, whether they're about taxes or density or whatever it might be. We have deep roots and concepts of majority rule and of representative government. So when I hear the point made that we need negotiations or shared responsibility as an important element in the citizen involvement process, my question is, can you have government by negotiation? Who do the negotiators represent? To what extent can a local official properly "share" the responsibility for making decisions in any area in which he has responsibility without giving away the responsibility for decision-making to a person or a group that the voters can hold accountable in any way. And how much can a local official share with a neighborhood board or an individual or an interest group of any kind without making it difficult, if not impossible, to carry out, and to adopt policies that are needed for the City as a whole? On the latter point, let me give you an example in my area, Portland, Oregon, metropolitan area of some 28 cities and three counties that has a regional plan and body as authority to adopt a land use plan that's binding on all the governmental bodies in that jurisdiction. The 12-person board consists of individuals who are elected from various districts within that metropolitan service district jurisdictional area. They're not local officials, city or county officials. They're elected to that regional planning body. If we didn't have a metropolitan service district, no locality would take its share

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of the duplexes, condominiums, apartments and other "multi-family" housing types that are needed by the people who live in the region. And, if the region depended upon neighborhood groups or special interest groups of one kind to make the decision about how much land would be zoned for multi-family residential uses, you'd probably end up with the situation that fell short of good policy for the region as a whole.

Right now, in Portland in our area because of the smaller number of large families, later marriages, people living alone, fewer children and higher cost of single-family residential housing, the projection is that half of the units that need to be constructed in that area in the next 15 years will be multi-family of some kind or another and only seven percent of the land is zoned that way now. So we need citizen involvement structures that don't impede local officials and don't prevent them or bodies that are working on a regional basis from adopting policies that work for the region as a whole or the City.

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Jim Kent talked about the feeling of powerlessness that people feel today, not just in the area of land use, of course, but because the problems that government is dealing with now are more complicated. Because oftentimes the responsibilities are moved to levels of government further away, people do feel powerless and this is one of the reasons why there has developed an interest, certainly in the recent times, in citizen participation. But again, let's get back to the question of who should share power to make a public decision. What we're talking about here is politics, the process of conferring authority on an individual to make a decision that binds everybody in the community. Now, I'm reminded of a joke -- three cannibals were sitting on a log talking about recent menus with great fondness. One of them said, I recently enjoyed eating a Texas rancher, he had a terrific flavor but was very tough, hard to eat; and the second one said, I recently consumed a minister and he was very tender but there wasn't much flavor; and the third individual said, Well, I recently had a politician for dinner and he was tender and he was tasty but he was very hard to clean. My point in telling this humorous story is the fact that people are finding a story like that amusing in our life and times. It's not a very happy thing. When I was in college, I read a book, "The Education of Henry Adams." In that book, he said, typical of some sort of high brow people of that era, you can't talk to a congressman; a congressman is a hog. You have to hit him on the snout with a stick to get his attention. This is an attitude that we have to scrap; this is simply a form of snobbery about politics. The educated people, unfortunately, tend to accept this kind of thing too easily. We've got to recognize the problems we face in our society whether they are of land use, and certainly problems that are at a local level where people, like people in this room, can do something about them. We've got to realize that these are political decisions. You've got to happily embrace politics as an important way of dealing with those problems. What I'm going to suggest to you today in my remarks is that we have structures in our society for citizens to be engaged in influencing the decisions that government makes that are far more effective than the forums of citizen involvement that exist in those places, but require a good deal of commitment to political action.

Now, the first point I want to make in response to my topic, "The Role of Public Official in Citizen Participation", is that local officials are citizens too and a person who has run for an elective office has made the ultimate citizen participation commitment by standing for election and asking a majority of the people in that jurisdiction to give him or her the authority to speak for the community. I admire somebody who puts himself on the line in that respect and seeks to have conferred upon him or her legitimate source of authority to make decisions to speak for the community.

Now, I think the second role of a citizen who is an elected official, who's trying to make the participation process work, is to exercise individual personal, political leadership. It's not as easy as it sounds but the reason that the State of Oregon has a land use program that contains sprawl or has possibility of doing it, is not off the track yet. That is rezoning of literally millions of acres in the strict, exclusive farm use zones with minimum lot sizes such as 200 acres. The reason we have that program is because the governor of our State made land use planning his highest priority, not just in his public statements, but Governor Tom McCall allocated his staff resources and his time and cashed in every Brownie point that he had at his disposal after being governor for six years and he said, I want this program and he bled and died for it in the legislature and with the editorial boards of the State of Oregon and all the interest groups and he got it and it's tough. But, that is a form of citizen participation when you think of citizen participation broadly in the political context and not just in the context of influencing a particular piece of legislative policy, in other words, the State legislative level or the local legislative level.

In terms of influencing governmental decisions which is the objective of citizen participation, I think it's pertinent to ask what kinds of decisions are we trying to influence, because I think that has some consequence for the form of citizen involvement that local officials should be supporting and I wish to tell, you are supporting in this State. Local governments basically make two kinds of decisions apart from general management decisions that are made in the administrative context. One is the establishment of new policy, general plans, development plans, functional plans, and budget elements that are a part of your planning process. Another is to apply these policies that are adopted, in specific situations. Let's go to the first one first.

I think one of the most important things that public officials need to do to enhance citizen involvement and to make the planning succeed is, and this is a hackneyed thing, to conduct and generate the facts in reliable studies that define the problem and show how the absence of planning is harming interest which the public has in protecting resource lands, or affordable housing, or reducing the public cost of infra-structure services, or protecting the coastal shorelands, or whatever. Good literature on most of these subjects is not very available. Even in the cost of sprawl study's monumental effort, the Real Estate Research

Corporation of Chicago in 1974 talked about the different dollar impacts on families and taxpayers and homebuyers for different kinds of growth patterns as a theoretical model. It doesn't measure actual cost in a given jurisdiction to show why sprawl is bad. Local governments need to recognize that one of the reasons we're not further down the road in the debate for better planning and land use, is that we don't have the ammunition to win the debate. More resources need to be devoted to generate the facts that are necessary to win that debate. In our State of Oregon, we have a problem of scattered residential home sites in the agricultural and forestry areas of our State. We don't have enough information that talks about the incidence of forest fires caused by the existence of these rural residential uses.

At what point do county health care programs start to break down as the volume of home sites in the countryside increases? When do you have to hire that new sheriff or that new fireman and put a burden on the taxpayer because of increasing rural residential development? We would win the fight of protecting rural resource plans a lot more easily if we had that kind of information, governmental bodies have to generate. The local officials need to explain why we have a problem, why should the public be concerned. When I was in Hawaii just a year ago, I clipped out of a newspaper an article titled, "Where Will Our Children Live?" It was a full-page spread in the Sunday Star-Bulletin and Advertiser, November 26, 1978. Not very many local governments around our country take out this kind of expensive advertising to reach the public about problems of agricultural land, housing, shoreland development and an explanation of the planning process. I have had mailed to me other examples of an attempt by government to use the actual means of communication that exists in our society to get to people and explain to them the problems of planning.

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Local officials need to ask for the concerns of the public to make citizen participation work and, we had a good example of this in Oregon. Multnomah county was concerned about the future of an island called Sauvie Island which is at the confluence of the Columbia and Willamette rivers which is near Portland. It's about 10 miles from the city where 42% of the State's population lives. It's entirely in agricultural use; rich Class II soil. The county sponsored a survey of the opinions of the residents of Sauvie Island and all the landowners who were residents, and said what are you concerned about? And they used the information they got in that survey in a follow-up mailer that projected three or four different growth scenarios saying, well, if we say exclusive farm use zoning with five acre minimum lot size, this is what the island will look like in the year 1995. If we do it with 40-acre minimums, this is what it will look like. If we allow urban level subdivisions, here's your picture of Sauvie Island. Please tell us what you want. In other words, they got their concerns and they spelled out actual alternative scenarios that could happen if certain decisions were made and they asked the public to choose. And because the consequences of the decisions were spelled out rather graphically, it was easier to get the kind of decisions that the county wanted and the public understood the consequences of the decisions.

We had a similar situation in the development of the State regulations for our State Land Use program. In 1974, the Land Conservation and Development Commission (LCDC) which was created by the legislature the year prior 1973, began its work to adopt regulations for land use with which all the local government comprehensive plans and zoning had to comply. There are 277 local governments in Oregon and the State agency was empowered by the legislature to set minimum standards for the local plans and areas relating to agriculture, coastal protection, housing and so forth. To do that work, the LCDC held 86 public hearings in all parts of the State and the first thing they asked the people was, what do you want to see this program accomplish? And they recorded the results in books that were distributed to everyone and there were thousands of people who attended those hearings. They used those recorded responses in the second and third round and so forth.

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The goals were finally approved after public work-sessions held by the commission-appointed advisory committees consisting of members of the commission as well as by representatives of interest groups to prepare drafts. In this manner, they plumbed the depths of public concern about various issues that needed to be covered. They also tested the limits politically, of what could be done by including the representatives of various groups. In addition, LCDC built a constituency. All of the people that attended these hearings over this 10-month period in 1974 became the informed support group for Land Conservation and Development Commission in the troubled years that have happened since then. So, citizen involvement was used by local officials to develop a constituency for their program, and that has been one of the key elements for the ability of that program to reject those laws. The margin of support for this program has gone up each time there's been a goal. The last one was 1978 and the vote was 61-39.

Now, the neighborhood boards, the remarkable program that has been approved here can do many of the things that Larry Susskind pointed out -- the mediating groups can publicize; they can increase awareness; they can represent the concerns of the people in the neighborhood to the City Council. But I think you want to question whether there is a need to go beyond neighborhood boards as a way for citizens to improve the quality of decisions that government makes, and whether the limitations that are now on boards in Honolulu really allow you to be effective. The boards operate under the rules of the City and spend the money that the City gives them. You have limitations on the kinds of activities in which you can engage. I think there's political work that needs to be done for planning to succeed. I think you need strong citizen organizations that can influence the factors that, in fact, determine those planning decision outcomes.

Think of the kinds of difficulties that face people who are trying to make a planning program work. One of them is litigation. In our State, a public official, Tom McCall, working with people around the State created an organization: 1000 Friends of Oregon, to make sure that people who don't have \$10,000 or \$20,000 to go

to the appellate courts in the State of Oregon to see that these land use laws are enforced, get decisions to iron out the question marks in the laws. Questions like, does a development plan in your State conform to the general plan; are the requirements for agricultural land set down by the Land Use Commission being obeyed? An organization was created with a staff or attorneys to give people free legal assistance in attempting to see the State's Land Use laws are carried out.

What I'm suggesting is that citizen involvement in terms of making planning effective has to be much broader than just influencing the establishment of certain kinds of policies. You have to see that those policies are actually carried out and obeyed and sometimes that means going to court. You need to build broader coalitions to support planning. One of the things that 1000 Friends of Oregon has done in our State is to show the builder groups, who were originally opposed to the Statewide planning program with its emphasis on urban growth boundaries containing sprawl, and the emphasis on agricultural land and coastal research preservation, that the involvement of the State in setting minimum standards to assure that housing would be made available on a least cost basis to all levels of society would be a positive aid to builders, because the planning process required the identification of areas for housing to take place, and required the changes in approval procedures so that decisions to allow that needed housing could happen on an expeditious basis.

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In Oregon, where the average cost of a new home is now only \$60,000 which is less than half of what it is here, 12 months of delay still adds \$9,000 or 15% to the cost of the house. So, there is a positive interest in speeding up the process but a positive interest first in recognizing that housing is a positive social good which is impacted severely by land use planning. When the builders started to get the message, they started to be more supportive of this program. It takes, frequently, a citizen organization and professional resources to build those kinds of bridges. We did it in our State by actually representing developers in cases where they had interests that coincided with ours.

Political work needs to be done to lobby for appointments, whether it's to the Planning Commissions, in our State they're appointed the State Land Conservation Development Commission or to other organizations, to keep on top when vacancies are open. You got to get people who will agree with your point of view, talk them into being willing to serve and lobby the appointing official to put people that support your point of view into positions of responsibility. Who's talking to the newspaper editors? Newspaper editors don't know everything; they're successful to the extent they have people that can give them accurate information and lobby them. A newspaper editor is as good as the number of people he can call on the telephone on a given day to get information he can put in his column.

We have been very successful in our State as we develop personal relationships with the editors and principal newspapers in Oregon; they believe what we tell them; they want to be supportive of the

State's Land Use program; they're dying for information and argument; we have briefing sessions with them once every four or five months that take up a couple of hours of the editorial board's time. You need editorial support to allow the politicians to take strong positions. Law reform. Public interest organizations do things that most lawyers haven't had the occasion to do, like speak out when you're an attorney of record and the Bar rules say that an attorney of record is not supposed to talk to the press.

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We felt that when a certain county was violating the State's laws regarding agricultural land protection, we had an obligation as an organization with its purposes to give material to the press; to say that there was a governmental body engaged in illegal conduct and when the lawyer for that county filed a Bar complaint against yours truly for doing that, we had to have the organizational resources to prosecute that complaint all the way to the Oregon Supreme Court and get the Court to say that the rules prohibiting comments by attorneys only relates to statements about questions of fact, not policy issues. Attorneys have to be free to argue about public issues or controversial issues that are involved in litigation. Attorneys for public interest groups have to be free to talk to the press to generate public support for the policy position they are taking; and because we have the resources to carry on that fight and fight the Oregon State Bar on that, we were able to eat a great big hole in that rule and get the "no comment" rule for attorneys trimmed back to only questions of fact. We have the first Supreme Court case in the United States to so hold. But if you're a neighborhood board and you've got a lawyer who's volunteered to handle your case and need to go to the press on something and the lawyer for the county or the developer comes in and says you can't do that, you've got to be able to respond. You've got to be able to lobby in the legislature. Ever since 1973 when our laws were first organized, there's been a tax on the body of law to turn them back; and one of the reasons those laws are still on the books, even though the initiatives repeatedly have failed, is because our staff of attorneys are increasingly recognized as experts; they're trusted by the legislature. They've been down there rebutting the arguments of the other side. Again, it's a question of developing a citizen organization that can participate in the full process that's deciding how our land use program is going to work and generating the resources so that you can do that. We brief political candidates. Who's running for the legislature? Who's running for City Council? Go to those people before the primaries. What do they think? Help them think what they think. Again, that takes time and that takes people to assure that the political candidate out there knows what he's talking about. And you've got to make it a point and you've got to do it on an organized basis; give them written materials that's come out of a typewriter. I'm saying you have to build strong citizen organizations and work through the existing structure that we have in our country to influence political decisions whether they're in the legislature or in courts or in the City Council and it's not enough to have neighborhood boards have important advisory functions. I'm not criticizing them. There's nothing like it anywhere else in the country but you have to go beyond that, I believe.

Our program would have died if there hadn't been 1000 Friends of Oregon. It would have been interpreted out of existence by the local government attorneys. And what this means in part is raising money from people, not a handout from government; and if you need to raise a quarter million dollars to have an organization with economists, urban economists and attorneys that will work for you and your board of directors and there's no limitation on what the kinds of activities you can have, figure out a way to raise \$250,000. Look at the money you can raise if everybody in this room wrote out a \$10 check.

If activists were concerned about land use controversies in the State of Oregon, which was the message made, spent the same time either running for office -- City Council or county commission -- or forming 1000 Friends of Oregon, the fruits of their effort would have been magnified tenfold; but you have to jump in the water. So, I would say, build from the traditional structures. Recognize the fact that these things are political decisions; that what you're struggling over is the authority to make those decisions, and that no one's going to hand you that authority. There are procedures that have been time honored, they're not perfect but they're the best around for deciding who will make those decisions and I would say use the regular procedures.

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We have a great deal of concern about how government is working in our country for some of the reasons that I mentioned earlier. I think you want to develop an approach to citizen participation which insures effective influence on government decisions and doesn't just make it more difficult for government to function; but again, it's a process of recognizing the true character of what the problem is; and I think it's primarily political; and jumping into that water.

A NEW PLANNING METHODOLOGY FOR BOTH THE CITIZEN AND THE PUBLIC OFFICIAL

Donald Wolbrink

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The subject that I have assigned myself as coordinator of this program, with the advice and consent of our committee, is "a new planning methodology for both citizen and public official." This may sound like a curious subject for an oldtime planner but it is an exciting subject and I'm very serious about it. My career in planning began 46 years ago--some of you won't remember that long ago, but it was at the absolute bottom of the Great Depression. My Masters degree, I received 60 days after President Roosevelt had closed all the banks. No one in this American continent was thinking about planning as we knew it. At that moment in history, planning was dead. That was a great time to launch a career. But planning did revive and I must say planning has been very good to me, perhaps better than I'm about to be to it, for after 46 years I do feel a bit critical about what we as planners have accomplished. Or rather I might say, what we have not accomplished.

It gives me pause to wonder what we have not done. Urban blight was an issue 40 years before I was born. Land speculation and helter-skelter development were apparent before the turn of the century. These and many other problems continue to be issues. Perhaps we haven't mastered the art or the science of planning. Have we planners really missed the boat? My wondering about these concerns has not been simple musing. We do have to improve the process; the planning process; and here begins my tale.

First, some people say that broad range, regional planning cannot be done; the world is too complicated. They say planning must be done by bits and pieces; I do not believe that. Such broad range regional planning must be done. Furthermore, I believe we are at the threshold of a whole new era in planning, really developing planning as a science and as an art. Furthermore, I have come to believe that physical planning and social planning and the delivery of public and private services must be undertaken simultaneously, including the costs of these facilities and services. This is not simple; this is complex. Perhaps that's why some people say it can't be done but I believe it must be done.

Lastly, citizen input must be maximized both initially throughout the planning process on a continuing basis to insure more effective citizen decisions, and more effective political leadership decisions.

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About nine years ago, Dr. Ellworth Harris, a social planner, and I teamed up and we began spending extensive time pursuing this bewitching genie called planning. It's been a great experience; we've learned a lot about the process, about implementation and I think we have a message on public participation.

I think there are three essential considerations (and we've heard comments on all of these during the morning) about having more effective planning. The first is the initial input, which must be drawn from a wide understanding of existing problems and needs on the regional basis. The second consideration is the continuing interfacing of all the issues in the development of solutions; how one thing relates to and affects another. The interfacing, these interrelationships, and this interdependence on physical and social aspects of a regional plan, must be grasped as a basis for developing viable solutions. And we believe that these can be developed through the use of concept models and land use models for an area. These models can provide a basis for a third consideration: Criteria can be extracted from these models and the assets and limitations of a particular plan can be evaluated as these relate to more ideal models and this can put the whole series of issues into focus. People would have a better view of planning issues; people will be able to evaluate alternative plans and make more sensible decisions. With the use of models as learning and stimulus tools, an opportunity can be provided for citizen involvement in both substance and depth in the planning process.

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I want to show you a brief audio-visual which reflects a small part of this process. I do want to emphasize that the application of the process involves citizen participation from the very beginning and that citizen participation must follow all the way through. In this presentation, we're showing two physical models and two social models out of many. They're not interrelated; they're simply examples. Also there's a section on "future trends" which has been included because we think that might be of specific interest to you. While this was not prepared specifically for this audience, I think it has great applicability to the subject at hand today at this meeting.

INTRODUCTORY STATEMENT

Councilwoman Marilyn Bornhorst

I am honored to be able to introduce to you Mr. Babcock. I'm not going to go through the full range of his background. I think you can read that from the program. I would like to point out, though, that he has been involved in all aspects of planning. Not only is he an author, and an attorney; he's been involved in environmental planning, air quality, the whole thing.

Furthermore, when I was a citizen participant in the early '70s and was trying to learn the very complicated language of land research and planning and zoning that all of you know you have to go through to talk to these people, Richard Babcock's name was one of the most important. "The Zoning Game" was our textbook in my community when we were trying to teach ourselves what this was all about. Therefore, I feel that I am introducing something like a movie star. It is my honor to introduce Richard Babcock.

OUR EXPERIENCE WITH CITIZEN PARTICIPATION

Richard F. Babcock

This talk is excerpted from a book by Clifford L. Weaver and Richard F. Babcock entitled: "City Zoning, The Once and Future Frontier" published by the American Planning Association, Chicago, Illinois.

Neighborhood power, during the past 10 years, has been "in." A report prepared for the Boston Redevelopment Authority in 1972 made this observation:

"City-wide advisory committees appointed by the Mayor have been particularly short-lived and noticeably ineffective. The most recent city-wide effort, the Boston Urban Affairs Committee, had a life of little more than a year. Mayor Collins' 400-member Citizens Advisory Committee lasted longer but also had little influence...in contrast, many neighborhood organizations have shown more staying power and have a growing role in planning and development decisions. However, their sphere of influence is limited to small areas of the City and there are frequent complaints of one group being played off by another." 1/

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Throughout this book, the neighborhood and its citizen organization appear and reappear for, more than any other single factor, it is what is happening in urban zoning.

Milton Kotler, the executive director of the National Association of Neighborhoods and the country's foremost guru on neighborhood government, told a Chicago audience in early 1977: "Washington isn't going to save your neighborhood, nor is the State of Illinois, nor the City of Chicago -- neighborhoods have to save themselves." 2/ Other private interests see this phenomenon as a threat. Construction unions have opposed non-union labor in housing renovation programs; police unions are suspicious of citizen patrols and the retail clerks union looks askance at neighborhood food co-ops.

Richard F. Babcock is an attorney specializing in land use, planning, and housing law, and author of "The Zoning Game; Billboards, Glass Houses and the Law; and City Zoning; The Once & Future Frontier (being published by the American Planning Association this year). He is past president of the American Planning Association, former commissioner of the Northeastern Planning Commission, and chairman of the Advisory Committee, American Law Institute, Model Land Development Code Project. He is the author of numerous articles discussing land use, planning, and housing, including "Land as a Commodity Affected with a Public Interest." Mr. Babcock holds both an MBA and a J.D. from the University of Chicago. He is co-chairman of the American Bar Association/American Law Institute's Annual Conference on Land Litigation.

The neighborhood has been analyzed, publicized, lionized, viewed as the only way cities shall rise from their ashes ("people-sized government"), and damned the sure road to the balkanization of our cities. It is not my intention to compete with the many social and political dissertations on this subject. It is my purpose to describe the phenomenon of the emergence of the urban neighborhood in the zoning process and the consequences with respect to zoning and land development.

There is no doubt that zoning is the glue that holds most neighborhood organizations together. They seem frequently to have ancient roots in opposition to some expressway, as in Atlanta and Rochester, New York, but the eight-laned bogeyman frequently fades as a real threat and the neighborhood organization sprouts and grows in the more fertile soil provided by zoning controversies.

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Several factors account for zoning's tendency to serve as a rallying point for neighborhood organizations. Zoning deals with highly visible neighborhood concerns. The threat of a highrise, a fast-food franchise, or another halfway house is ever-present to nurture neighborhood organization and vigilance.

Zoning is an understandable function of government, in both how it works and what it does; it is not some mysterious technocrat decision made in the bowels of city hall. A zoning issue is that old-folks home proposed to come in next door. Zoning is also accessible to the common folk; it is the one aspect of municipal government where citizen participation has long been mandatory. Finally, zoning has been relatively effective in accomplishing neighborhood goals: in urban neighborhoods, change has most often been for the worse, and zoning's strong suit has always been the prevention of change. In short, zoning provides a forum where the frustrated and often fear-ridden citizen of the city can speak, not simply listen; where the citizen has at least a fighting chance to succeed; and where the results of citizen successes (and failures) are frequently both immediate and obvious. No wonder then that the urban citizen views zoning as a friend.

Whatever the reasons, there is no doubt that as large areas of our cities have slid downhill, neighborhood interest in, and influence over, zoning policy has steadily risen. As one zoning practitioner in Indianapolis said, perhaps with some license: "...neighborhood associations have taken over the whole damn zoning process." In St. Paul, neighborhood groups used zoning to try to close down an abortion clinic sponsored by Planned Parenthood, and the result was pretty ugly. Again, it is an example of zoning being used when all else had failed. The clinic was proposed to go into the Highland Park area, where it was a permitted use under the zoning ordinance. The reaction was violent, not just in the neighborhood but among anti-abortion groups throughout the city. The City Council declared a moratorium on building permits for all abortion clinics, presumably on advice of counsel that facially such technique would appear less as an attack on one project. So, in order "to study the problem," no permits for clinics for six months and, as a former planning staff member said, "the council will send it over to us and what

the hell are we supposed to do about it?" In the meantime, the building, which, by the way, has a car wash on one side and a Burger King on the other, has the words "death" and "Dachau" sprayed in white paint on the walls. Presumably, with the aid of the Civil Liberties Union, the case will end up in court. (A Massachusetts appellate court invalidated an attempt to zone out abortion clinics, saying in part: "The report of the Southborough planning board about public sentiment was thus an irrelevancy, and a dangerous one, for that way lies the extinction of many liberties which are, indeed, constitutionally guaranteed against invasion by a majority.") 3/

This growing neighborhood influence in zoning is, in part, a reaction to zoning practice as it had customarily been carried on for many years in the city. In many cities, land development policy had been a private game between city hall and the developers. One of the leading land development lawyers in Manhattan fairly described the old system:

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"You know how it very frequently happens. You go to a social function and three or four of them are there. You grab this one. You grab another one--at a retirement party or a political dinner, or a fund raising, whatever the hell it happens to be--you put them together and say, 'Hey, fellas, I got this problem; it would take me a month to talk to all of you, you know--what do you say?'"

Father Thomas Corrigan, a leader of Fair Share, a Boston-based statewide coalition of neighborhood organizations, described how the neighborhoods want to change the process:

"It is important that the Boston Zoning Board of Appeals when they meet every week, make a decision based on the merits and not on the phone call they got the week before from a councilman or a developer."

From Atlanta to San Diego and Seattle to Boston, back of the emergence of the neighborhood as a force in zoning there was a history of local government that, more frequently than not, was identified with, if not part of, the land development industry:

"You've got to understand something about Atlanta... Atlanta traditionally has always been a developers' town. There's been no interest in historic preservation; no interest in ecology; very little interest in saving the trees which are such an important part of the heritage of the city. Decisions were usually made behind closed doors by the business community in conjunction with the city administration where the mayor was either a member of that great elite community himself or was in fact controlled by that community and responsive only to the business community.... There was this sort of fraternity of men that made decisions, but they didn't include the entire population in any sense whatsoever...a tremendously long tradition of that."

Pete Wilson's election and re-election as mayor of San Diego was in large part due to a citizen reaction to years of coziness between city government and the building industry. Indeed, in Wilson's last campaign, his supporters treated the fact that his opponent was a very successful contractor as though it were a prima facie disqualification for public office.

The rise of the neighborhood may indicate that the old system is passing from the scene. However, it is also possible that the trauma of the cities has led us into an urban romantic age where we are tempted to grasp and glamorize any evidence, however fragile, that suggests a revival -- a sort of grass roots grows in Brooklyn. Some say, like Murray Friedman of Atlanta, that the alleged power of community groups in zoning really is not all that pervasive, that it only appears so because of the remarkable contrast with the previous scene:

34 "I don't think neighborhoods have as much power as they are given credit for. I think suddenly there's someone who can debate with the developer and make a lot of sense and can win a few times. In the old days all they had to do was say this is what I want and they didn't have to explain it. Now someone says to them: Tell me why you think so and why your argument is better than someone else's."

In Jacksonville, Florida, it was put this way: the neighborhood just helps to balance off "the right law firm."

Nor should the sophistication and know-how of community organizations be exaggerated. While some are extraordinarily savvy, many are not. As one Minneapolis neighborhood newsletter confessed:

"Our contracts and support have grown so that we now know where to send all the carbons--although we still don't know sometimes where to send the letter." 4/

Some expect more from the process than it can give. This exchange took place in a large East Coast city:

"I'll never forget one of the first things that happened is that a bunch of ladies came in to see me, and they wanted an R-6 area downzoned to R-5. I tried to explain to them that the problem was that there wasn't any investment, that it wouldn't make any difference what the hell the zoning was, nobody's going to invest and build anyway. But they had heard, you know, that this was a good thing, this R-5, so we gave them some....They had this idea that zoning had some role that it doesn't play. It's simply irrelevant. How it is perceived though is important; is enormously important, that's right. And you have accomplished something by changing the designation of the map no one ever reads. But the people who have done it won a victory, and you know, sometimes it's hard to win victories over real enemies...."

You've really got to try to meet these legitimate expectations, to come in and waive your magic wand and go away, but it is only going to work for a very brief time--it's a good thing to do during a campaign, but it's not too good for re-election."

Still, the neighbors cling to the zoning ordinance and zoning process because they frequently have no place else to turn. After a major round of hearings throughout the separate neighborhoods of his city, one plan commission member told us:

"There are times when I literally felt like crying because what those people were saying was true, that they were suffering, that the city had been terribly remiss and in fact there was nothing we could do because it was totally out of our area. But yet the Plan Commission was the only body that they could come and appeal to, and we came at a time when they could be there, in the evening.... I've never forgotten the pathos and anger and frustrations that the communities felt."

Another point should be made at the threshold. There is no necessary correlation between economic status or homeownership and effective use of neighborhood influence on the zoning process. You don't have to be rich to know how to apply pressure on city hall. Of course, many of the most articulate neighborhood spokesmen are members of the white middle class who have rediscovered the city; Capitol Hill, an aggressive neighborhood in Seattle, is in the words of one neighborhood leader, "a ghetto of lawyers." In contrast, however, one of the more aggressive neighborhoods in the country when it comes to land use policy is Ocean Beach in San Diego. It has a large transient population; 80 percent of the residents are renters; and it contains many young people who, as one city planner said, "are kind of counter-culture and they've beaten the system." The uptown area in San Diego, between Hillcrest and the central business district, has been vocal in zoning matters. The community consists of half-million dollar homes and units that rent for \$175 a month. The Clinton area on the west side of Midtown Manhattan, which compelled city hall to create the Special Clinton District, is made up of a mix of low- and moderate-income whites. The neighborhood in Minneapolis that drove out a porno theater is a racially mixed neighborhood of moderate means. The Little Italy Special Zoning District in New York was the child of an association of persons of Italian descent although Americans of Chinese descent outnumber those of Italian heritage. In Honolulu, however, the Chinese have thus far held back the Chamber of Commerce types who want to knock down the city's Chinatown area and build a nice "Oriental-American shopping center/cultural center." They used a favorite WASP tactic in the words of a disgruntled Honolulu businessman: "they quietly got the whole doggone area put on the National Register of Historic Places."

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The attitude of elected officials to all of this is, to put it gently ambiguous. The professed enthusiasm of these officials for local community groups, reflected in their public statements ("mandatory watering holes for politicians"), may be more than balanced by the opinions they expressed in private conversations such as: "The neighborhoods are run by the people who, instead

of bowling on Monday night, go out and harass their elected officials and they don't care right from wrong; they enjoy the conflict." Even the public attitudes of city administrations vary widely -- from Seattle where the current relationship between city hall and the neighborhoods is so intimate that it is hard to make out who has preempted whom -- as one neighborhood leader said: We make the angry phone call to city hall and then run down and answer it -- to Jacksonville, Florida, where the ties are not so evident, and Hartford, Connecticut, where the relationship is tense. One Council leader put it bluntly: "Neighborhood groups are a pain in the ass." In Detroit, the city administration has gone out to help set up neighborhood organizations, apparently on the theory that things can't get worse.

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In San Diego, Mayor Wilson's predecessor began to see the community planning committees as groups who were intervening in the political process and beginning to develop some clout. He was very close to killing them when Look magazine gave San Diego an All-American City Award and the Mayor concluded it would be awkward to kill what had gained San Diego national distinction. More recently, the San Diego City Council, under Wilson, appropriated \$5,000 to hold an election in Ocean Beach to determine who should speak for the community. The resolution calling the election was, however, careful to make explicit that this was an experiment and would not necessarily be replicated.

In New York, the plan commission, when John Zuccotti was chairman, instituted a zoning training program for communities, and, according to Norman Marcus, counsel to the commission, "the folks all became zoning freaks." Yet in New York some of the city council and the borough presidents have been nervous about the growing sophistication of the communities and the neighborhood review boards. A former member of the New York plan commission described the problem as follows:

"We fought at length with Percy Sutton, Manhattan Borough president and a very sophisticated political leader. For a long time, Sutton would not let us make any mailings directly to community boards because he knew that was the arena in which these decisions were going to be made.... He finally changed because we had a couple of instances where the sending of our stuff by his people just broke down. The boards would come screaming to us and we'd piously say, well, gee, three weeks ago we sent all that stuff to the borough president's office."

Another New York opinion was more blunt:

"The elected officials are deathly afraid of community boards. I don't think they really understand them.... I mean our really higher elected officials. They see them as an impediment to their ideas, what the city should be, and how it should develop, and something they have to work around, not with. And it's even more pronounced with the passing of the charter which almost all public officials opposed."

Indianapolis, which received national attention with UniGov, the consolidation (for some purposes) of the city and Marion County, also was directed by the State legislature to divide the city-county into districts that would elect their own councils and have some voice in their governance. The mandate for MiniGov remains the law, but the council has not implemented the State's command and it is not about to do so.

Much of the increased neighborhood participation in the zoning process in the urban core takes the form of informal political pressure, long accepted in suburbia or of unstated administrative practices. There may be no legal obligation for a developer to talk with the neighbors, but such a practice may be urged on them by elected officials. "When I was on the council," one Minneapolis lawyer told us, "I'd say to the developer: Listen, you're the ones going to make money on this -- you go out, you knock on the doors, you go calm down the neighborhood."

The techniques of informal pressure, so well honed in suburban communities, are practiced in the neighborhoods of the cities: "You go after the councilmembers -- one at a time," an Atlanta neighborhood leader said. The following description of the process in Atlanta is typical of what we found in most cities:

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Question: "When you oppose a rezoning or get a notice that somebody's filed an application, where are the pressure points in the system?"

Citizen's Response: "The Board of Directors in my neighborhood determines whether we should oppose it; if they determine that we should oppose, we immediately talk with the applicant and discuss with him what it is we're about to oppose, or why we oppose it. Most of them don't even know there's any middle-class people that live there. They just don't understand it, and they're absolutely flabbergasted that anybody would care about converting the house to a garage. After that discussion, they get shocked, then start rethinking their position and they'll offer some conditions on the rezoning which would tend to address our concerns. That's happened twice.

After that, we go down and find out, talk with the City and see what their feelings are on it. Now, this is generally informal with city planning staff. Then the other thing we try to determine is the possibility of the rezoning or special use permit being denied, and at that time, there's a letter prepared to the chairman of the Zoning Review Board with a copy or a separate letter going to the Chairman of the City Council Development Committee identifying our position and for what reasons. I think we try to do it fairly systematically and we try to delineate the reasons. That's the procedure, and then, of course, mustering a lot of people at the hearing itself."

The informal pressure is evident in urban planning departments. As you enter the Indianapolis Development and Planning offices, you encounter a four-by-five foot map of the city with neighborhood boundaries delineated. Minneapolis, Seattle, and San Diego, to

name only a few, have similar maps in the planning offices. Notice requirements to local groups beyond those required by statute ordinance are a common administrative policy in planning departments. Seattle has published a series of pamphlets directed at neighborhoods telling it like it is about zoning; a sort of "Look, Jane, look; see the spot zone; see the spot zone spread" series.

In Chicago, Alderman Dick Simpson, in the Lake View area, set up a Community Review Board on a purely voluntary, nonofficial basis. In *Neighborhood Zoning: Practices and Prospects*, a comprehensive review of the issue by Efraim Gil, 5/ is described as follows:

Although initially viewed with suspicion and recognized only as the alderman's advisers, the board slowly has gained respect and recognition in its own right....

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So far, in every case, the Zoning Board of Appeals has accepted the recommendations of the Lake View Community Zoning Board....

Other points worth noting in regard to the Lake View experiment are:

- . the board deals only with zoning matters;
- . board members are elected by the Ward Assembly [another creation of Alderman Simpson's];
- . the board has at its disposal the staff and office facilities of the alderman; no other finances are available to the board;
- . the board has been dealing with minor zoning changes, appeals, and variances; the experience of the past two years has shown that, in order to deal successfully with major zoning issues, the board would have to function from a legal base.

Another Chicago alderman, perhaps to quell any suspicions by his constituents who have seen a predecessor go to jail for zoning bribery, has appointed a seven-man zoning committee. Each applicant for a zoning change must make a presentation before this group and the alderman vows to follow its judgment.

Not all neighborhood zoning power is of the ad hoc, unofficial type; there are cases where community participation has been institutionalized. (Recall that from the earliest days of zoning, from the Model Standard Zoning Enabling Act of 1926, the law has required a super-majority vote of the city or town council to override a protest of neighboring owners.) In some instances, the creation of special zoning districts is no more than the laying on of hands by city hall of community control.

Nowhere is this institutional approach more dramatic than in the amendments to the Charter of New York City that became law on November 4, 1975; a step shoved down Mayor Lindsay's throat by the late Governor Rockefeller. New York City is, by the charter,

divided into communities, each with a local board. All requests for amendments to the zoning map and all requests for variances must be referred to the local board. If the community board holds a public hearing on a map amendment, no hearing is required to be held by the New York planning commission. If the New York Board of Standards and Appeals (the local term for the zoning board of appeals) approves a variance, a community board may take an appeal to the Board of Estimate, which has legislative jurisdiction over changes in land use regulations in New York City and may, after making quasi-judicial findings, reverse the decision of the Board of Standards and Appeals on variances. To Norman Marcus, this now is a "legitimization of many of the de facto powers enjoyed by these communities under the old charter."

In Minneapolis no proposal for any development of more than 10 multi-family units may be heard by the city council unless it has been approved by a neighborhood board. That provision was a result of a trade-off between developers and the neighborhood associations. Builders wanted the state legislature to enact a tax break for the construction of higher density units. The community groups told the builders they would oppose the legislation unless the builders agreed that neighborhoods would have a larger voice in the design and location of multiple family units. According to Norma Olson, a prominent neighborhood leader, "...we told them, we know you can't pass that legislation if we choose to oppose it." The bill passed the state legislature and the ordinance passed the city council. Seattle is experimenting, with less than total success, with local review boards.

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Not all such efforts are received with enthusiasm by city hall. In Chicago, an ordinance to make official Alderman Simpson's community boards of zoning appeal in each ward died in a council committee, unmourned by the late Mayor Daley's organization. Nor are the neighbors always sure they like the idea of institutionalizing their right to rise up; they suspect subversion. As the president of a grass roots community group saw it, it was all right to let the city-chartered "official" neighborhood group prepare plans, but when it got down to the real issue -- zoning -- the grass roots group would, thank you kindly, handle that on its own:

"We had an argument, a strong discussion, with one or two council people as to whether the Neighborhood Planning Unit (NPU) should have an opinion on zoning. It's my feeling they should have a plan that could be put up and say this is what the NPU says is the neighborhood plan. But a particular zoning case has to be much more contained to a neighborhood or street.... The guy who lives across the NPU, he doesn't really have the same interest in that zoning case."

If the relationship is wary and overlaid with suspicion on both sides, it is a fact that, both informally and on an institutional basis, the city neighborhood is becoming a force to be counted in zoning practice. As long as our city halls find it difficult to cope with neighborhood problems, as long as it remains economically difficult for persons of moderate means to migrate to housing in the suburbs, and as long as the rediscovery of the city by the

rising young middle class continues, the institutionalization of a neighborhood voice in zoning policy will continue to spread.

This is not to say that this tendency is all cakes and ale. There are serious problems. One is the issue of who speaks for the neighborhood. Often this is used as a cop-out or excuse by city hall to fob off the locals, and its articulation should be taken in small doses. But there is at least a grain of truth in it, particularly when a neighborhood is a mix of commercial and residential, as in Capitol Hill in Seattle, or where, as in the Little Italy section in Lower Manhattan, an old power group retains control despite its dwindling numbers in the neighborhood population. Zoning policy in such cases may reflect the best organized but not necessarily either the most residents or the most significant investments in the neighborhood. The following are representative of the usual complaints of officials and developers:

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"Fifteen people can stop a project in New York," and

"You don't get a real direction from the organizations because maybe 10 or 12 people will show up out of an area of 1,000 homes. As a result, you're not getting a true representation--its just this guy setting himself up as a leader. He's elected maybe by 15 people out of the whole area and he wants to become a political figure and tell you what to do in the area," and

"Decisions on how land should be used are placed in the hands of the whimsical: The neighborhood leader who enjoys a platform and who does not have to bear the responsibility for accuracy. They claim a constituency of one or two thousand homeowners, but when we examine it factually, we find they are speaking, generally, their own interest," and

"That particular movement [neighborhood power] presents a difficulty in that quite often those who have the leisure, the money and the freedom to attend meetings are people who have vested interests. The people out there in the community who should be attending are busy trying to survive." And so, very often, the views of the community become distorted.

Various neighborhood groups may assert jurisdiction over the same zoning dispute. The map of neighborhoods in Indianapolis reflects this overlapping, and one Indianapolis zoning attorney told us that representatives of as many as five different neighborhood organizations have shown up to protect a client's proposal.

The San Diego City Council became so frustrated with the cacophony of conflicting voices over land use policy in Ocean Beach that it paid for an election. As is customary where community elections are held, persons 18 years or older from three groups were permitted to vote: residents, landowners, and licensed operators of businesses. It was no surprise that when the ballots were counted on May 4, 1976, a majority of the local council were from the residents known as the Community Planning Group. In Capitol Hill, Seattle, the conflict on planning policy erupted in an election for a community council, and, as one activist described

the result, "...they tried one more time to stab us in the back by running an opposing slate of real estate men against us but we really bore down and beat them a thousand to a little over a hundred."

The conflict within the neighborhoods between commercial interests and residents may sometimes appear more as a xenophobia against "outsiders" than as anti-business. In its campaign pamphlet for the May 4, 1976, election, the Ocean Beach Community Planning Group in San Diego boasted that "...7-Eleven, a franchise of a giant corporation, has been stopped from coming into the neighborhood several times." In the Back Bay area of Boston, Dan Ahern was executive director of the Back Bay Federation as well as the executive director of the Back Bay Association. The former is an umbrella group that includes businessmen in the area; the Association is composed of the residents. Few could always balance such potentially conflicting interests, and there have been fights. One of the biggest was over highrises and the residents beat back the businessmen. According to Ahern, "most of the businessmen now realize that the restored townhouses represent a far better bet for housing and for the economy than knocking down for a highrise." Aston Graves, chairman of Community Board No. 4 on Mid-Mahattan's west side, constantly faces this conflict.

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"A very high percentage of the people who are in theater live in the Clinton area. A good percentage of the rest of the people walk to work to the commercial establishments around them. You are in very strong union country -- the blue collars. When you put all that together you begin to realize that jobs have real meaning to the residents and therefore there has to be a close, harmonious relationship with the business and commercial interests if both are to survive. And one of the things my board has been trying to sell to the commercial people is that they do not have to maintain an irrational fear of my board."

Few, if any, commentators have focused on this intramural land use conflict between business and residents in the neighborhoods, but an equitable resolution of the neighborhood role in central city development policy cannot ignore it. Indeed, if fights between community chambers of commerce and community clubs persist, the sure result is that elected officials will play them off against each other or will ignore both parties.

A more serious impediment to formal neighborhood participation in the zoning process is the lack of staying power that is frequently directly related to the absence of money. (In New York City each of the 62 boards will get \$15,000 a year from the city.) Few are lucky enough to be like Back Bay, where the association has more professional input from volunteers than most city governments will get from hired professionals, or Beacon Hill which, as one developer described it, "is alive with attorneys that may not be active in their practice but they're terribly active in the neighborhood, and if you try to push something through, you get an enormous outpouring of very good legal opinions and an ability to out-shout each other."

In New York, the planning commission rules for local boards require only 20 percent of the members to be present for a quorum, which speaks to the difficulty of maintaining a sustained interest when the neighborhood voice becomes institutionalized. A staff memo of the New York planning commission described the reaction of community leaders to the charter revisions that would vest greater power in each local board:

"In general, they endorsed the procedures, although their reservations were voiced on the difficulties some of its provisions will impose on the boards' hitherto informal operations. The boards are in various stages of readiness to implement the new procedures. Some boards are short of full membership. (All board members are volunteers.) Attendance at board and hearings in some areas is sparse. And, among other concerns, the boards are already considering a wide variety of local matters which presently weigh heavily on them. The procedures thrust an additional burden on the boards. One item of major concern to the speakers was the provision of sufficient funds to implement the new regulations...."

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In the end, the most serious problem surrounding this renaissance of the neighborhood in land use policy is the difficulty of balancing a consideration of the community's interests with an equitable and fair governance of the entire city. Even if we put aside the on-going agony of debate over centralized or dispersed administration of our urban schools and the quixotic efforts of some neighborhoods to turn a sow's ear into a silk purse by way of special district status, there remains the real question of whether land development policy for a city of several hundred thousand, or four million, can be coherent when any one, two, or three subcommunities can influence or make the final decisions. The neighborhoods of our cities may cherish the sentiment that they are just a conglomerate of villages, but a century of consolidation in politics and infrastructure stands in the way of their claim that they are identical to their suburban cousins. The ascendancy of the neighborhood may be romantic, but there is an easily perceived fear, even among those who were in the van of the effort to neighborize land use policy, that it may also be anti-city (which brings to mind the late Saul Alinsky's second thoughts about his success in mobilizing community action in Chicago's Back-of-the-Yards). The roots of this fear lie in a perception of an attitude that characterizes many neighborhood groups that have successfully organized around land use issues: they are against change; they are committed to the status quo ante even when the status is dismal and the ante is unlikely to persevere. These inner-city neighborhoods are opposed to change because they have observed change these last 20 years, and, to their mind, it has generally been bad. (Or for other reasons, such as: "If there's a vacant lot, they think there is a godgiven right to have that lot vacant and the owner should still pay taxes because it's his duty as an American to pay taxes. That's know-nothing opposition.") Zoning represents an apparent barricade against change. They are wedded to the side-yard principle and the front-yard principle just as are their cousins in the suburbs. 6/

Occasionally, even the neighborhood leaders admit the weakness of their approach:

"For the most part the thing that's strong cement for most of these community groups has been resistance to change of land use and I think that has on the whole worked out quite well, although I can't say that people look their best when they do that."

One neighborhood sympathizer also admitted to a certain narrow-mindedness among the good citizens: "They are like early Christians in that everything is judged in terms of absolute 100 percent purity."

That view was echoed by a Minneapolis resident: "Each neighborhood group tends to be the most conservative group imaginable. They want no changes; all they really want is to have what they like preserved without regard to its relationship to the balance of the city. Everyone of them came in with their own proposals to keep the in-place residents happy. It's almost like what I read about these California towns."

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Norman Marcus, with his sense of history and his remarkable balance, seemed to say it best:

"The rise of communities carries a problem. In a place which is as constricted and congested as New York, it is very difficult for anybody to do anything without impacting somebody else, and the more you raise the locals' expectations, the more difficult it is to do city-wide kinds of things. What's emerging is sort of a non-answer to Robert Moses--and also an odd defense of Moses. The critics of this decentralization process point to Moses and say, well, he achieved things--assuming you value those things--because there was no process of the kind we are busily creating today and the city is the loser for that. It really becomes a kind of ideological tug of war as to which set of values you put first: the more modest and process-oriented values, or the tangible, development-related activities. Certainly this shift may be creating the organisms that permit the city to survive and at the same time it denies the more tangible evidences of the city's success."

It is difficult to say what the future of this urban phenomenon of the past 10 years will be. Will city hall, caught between the neither regions of the communities and the upper regions of state mandates, become an anachronism in land use policy? The only fair response is that no one knows. As one neighborhood leader said, it probably "...can't go on. Everybody's too accommodating so far." Beyond that, it is difficult to see.

Perhaps the beginnings of the next phase of this development are to be seen in the fact that, at least in a few cities, neighborhood organizations are forming effective coalitions. In Hartford, Connecticut, the coalition of neighborhoods actively supported a bond issue for land for a small shopping center in a black community. The politicians gave the proposal little more than lip service. It passed in 30 of the 32 community districts, and

in a city often polarized along racial lines. The Council of Community Councils in Minneapolis represents about 24 neighborhood groups in Minneapolis, and its support is almost essential for a proposition to be approved. The establishment leaders -- business, labor, newspapers, elected officials -- supported a new stadium near downtown; everyone except "the people," and it was badly defeated. If such coalitions may crack up on divisive issues, then they try to avoid them. In Boston, one coalition fighting for better housing and consumer protection on a broad front does not touch the bussing issue because, one leader blandly says: "we have a membership who differ on that issue."

FOOTNOTES:

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1. Urban Renewal and Planning in Boston, pp. 45-46.
2. Chicago Tribune, Section 7, p. 1, February 24, 1977.
3. Framingham Clinic, Inc. v. Board of Selectment of Southborough, 367 N.E.2d 606, 611 (Mass. 1977). See also Fox Valley Reproductive Health Care Center, Inc. v. Arft, 446F.2d 1072 (1978) and West Side Women's Services, Inc. v. City of Cleveland, 454 F.2d796 (1978).
4. Metro Council, Perspectives, April-June, 1976.
5. Efraim, Gil, Neighborhood Zoning: Practices and Prospects (ASPO, Chicago, 1975).
6. Probably the most notorious and recent example is, in fact, suburban, not urban. It is the concept of a referendum on every zoning change and was sustained against attack on federal constitutional grounds. Village of Eastlake v. Forestview Enterprises, 426 U.S. 668 (1976). This is not the place to lament this unfortunate decision. It is worth noting however, that at least 23 suburbs of Cleveland have adopted similar amendments to their charters, and few zoning changes have been approved when submitted to referendum. Indeed, in one municipality two issues were put to a vote; one a bond issue to construct a public garage, the other an amendment to the zoning ordinance to permit the construction of the garage at a particular site. The former passed, the pther failed.

WORKSHOP 1

Lawrence E. Susskind

Tom Dinell, Workshop Moderator

Question: You speak about neighborhoods having control over what happens in that neighborhood. One issue that comes up continually in this community is - we used to talk about low cost - now we talk about middle cost housing, gap housing, and each of the neighborhoods will in their plans and in their goals say, yes, there is a real need for that kind of housing in the community, but of course, not here. How do you have meaningful neighborhood control and still manage to distribute a fair share of housing around the neighborhood?

LES: At the present time, neighborhoods have almost no incentive to take subsidized housing or housing for low income people. No incentive. So, the first thing that you have to do, is create an incentive. I think that it is quite possible to create incentives so that neighborhoods accept things that under the present circumstances they wouldn't want.

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First, there has to be compensation. If I take on that piece of responsibility for all the rest of you, and it costs me, I want to be compensated by the rest of you. I would like all of you to tax yourselves and give me the compensation for taking on the halfway house that the rest of you now don't want, or the subsidized housing that you think my neighborhood should take.

I think that it is eminently appropriate to compensate one neighborhood for the social costs that it bears so that other neighborhoods are freed from those costs. If you auctioned off these facilities, we might be better off. If you said to the community, "What's your bid?" The bid would represent the compensation that the neighborhood felt that it required in order to take on the social costs which frees everybody else from those costs.

In addition, you need to have some way of guaranteeing that if they did this once, they wouldn't become the patsy over and over again. So, you need to guarantee a neighborhood that if it takes on one project, it won't have to take on others or, if it takes its fair share, that will be it.

Let me take another minute to talk about this auction idea, because I believe in it. If we say that over the next five years, we need X units of subsidized housing on the island, and we have 32 neighborhoods, then we have to divide the number of units needed by 32. We must also make some assessment of what

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the current allocation is of subsidized units; we'd like to take the account of past efforts in determining what each neighborhood's fair share is. Then we say, we'd like to put these units in places where there are additional jobs. We'd like to put these units in places where there will be sufficient support services. We'd like to put these units on land with the capacity to absorb additional units at a higher rather than a lower density. So, we have various factors that come in to play. Then we make an estimate of the total number of these subsidized units we need and we divide by 32 and we modify the division by virtue of how much of the burden each neighborhood has taken in the past and the fiscal constraints and the service constraints and we come up with a number. We say okay, neighborhood board #20, your fair share allocation is X units a year over the next 5 years. Now you're not going to pay to construct the housing, but we would like a commitment from you that you will accept these units. (This is the City talking.) We would like a commitment from you to accept this many units. You say where you want them. And you decide whether new construction or rehab would be preferable and you decide whether it would be better to convert existing units or to purchase existing units and then subsidize people of low income. You tell us what strategy you prefer to meet your fair share. In exchange, when you meet your fair share, you get the following goodies from the City. You get an additional drawdown of unrestricted community development block grant money for other things you want to do in your neighborhood. You get a guarantee that the City will not proceed with developments that you don't want in your neighborhood without your commitment and permission, but only if you sign the commitment to accept fair share of housing.

You create an aggregate sense of total need, you ask the neighborhoods to take on part of the responsibility, you let them figure out how they want to accommodate that share. Then we make it worth their while by offering compensation. I think that we must create appropriate incentives to get neighborhoods to share city wide obligations.

Question: The Honolulu area, and Windward side, are fairly well developed. There are lots of housing projects already. The Leeward side of Oahu has been relatively rural for the past 30 or 40 years. Now take the plan for directed growth in that area. How do you deal with the general effect of resistance to growth? Is it equitable to subsidize the rural areas of Leeward Oahu, merely because the growth started in the Central area and is moving out in that direction? I mean we all have to experience growth, with regard to what level we are at. So, I am wondering about rural lifestyle. In this frame of mind, how do you work those tradeoffs?

LES: I may lose popular support at this point. But, I feel very strongly that the zoning power has been abused, and that the connection between public interest and downzoning has been abused. I feel very strongly that if an area wants to remain rural, and is downzoned to do that, then we ought to be compensating those landowners even if there is no "taking." Now, I am not talking about what is legally necessary at the present time, and I am

certainly not speaking for the majority of people in the planning profession. But I feel very strongly that when you zone away someone's development rights that they ought to be compensated. But, you should say to the less developed area people, "You want your area to stay less developed? Okay, your neighborhood can make that choice, but you have to buy that right. And to do that you have to tax yourselves, but not the whole rest of the island."

Then you suddenly create the necessity for people to really consider how much it is worth to them to keep their area less developed. There are also reasons why the State says that we'd like some balance between developed and undeveloped areas. And then they go around designating agricultural districts. I think that they would have to purchase development rights also. What I am basically saying is that I am not particularly pleased with zoning as a device for creating a balance because we never have to pay for what we say we want.

I realize that the system I am describing is not something required by law, you can zone away some of a landowner's rights, as long as you don't take away completely the right to use that land. 47

You know how we create betterment districts, well how about worsenment districts? If you want to make an improvement, you tax the people that are going to use the sewer system. You create a betterment district and you find a way to tax the users. Fine, let's apply the same principal. If you want to stay rural and you want to stay downzoned, tax those people who gain from that and use those funds to buy the development rights.

Question: I live in Waianae where approximately 30% of all housing is the low income housing. I don't think it is appropriate to charge them for agricultural buffers; we don't have the resources. It's an hour's drive to Honolulu.

LES: The first thing you said was, the decision to stay at the less developed level wasn't one that you made by choice; that in fact you were violently opposed to it.

All of my earlier comments implied that a person chooses, a neighborhood chooses to be less developed rather than more developed. Without that option, everything I said wouldn't make any sense.

When you have chosen something, and you weigh the advantages and the disadvantages, then okay. I would be willing to pay a little more in order for things to be a certain way that doesn't benefit all the other neighborhoods, but mostly benefits me.

There are two problems, one is how do you make private development go where you want it to go. I don't think you do that by beating the private development community over the head. I think you do it by worrying about what makes them do something new and something different or something better. And then you must show them that they can be successful doing something a little different from what they have done before. I think you do that by "making the market."

The second point is, all too often in the United States, we have believed that you have to use tax incentives to get industry to do what you want. I am very fearful of giving away the store. In the end of course, if communities get themselves together and operate as a collective body, they don't get into the trap of out bidding each other.

I think if you get communities together, and they don't get trapped into a bidding war, that you can get a lot more value from private investment than communities in the past have gotten. But that means that they have to get together to make some sort of bargains. They have to get together and say we're not going to outbid each other to get this new plant. We're going to agree that if you get this plant, we get the next one or we'll split the tax revenue.

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The notion of unique resources troubles me. Everything is unique. Everything is just a little bit different. I get very nervous about arguing, that because something is special, that it has to be preserved the way it is; or it has to be used in a certain way.

Now, I realize that there are certain things that we attach great value to, for example an historic building which is a piece of our heritage. There is only one like it and in only one place. If you knock it down you will never have it again. Well, I think that we ought to make decisions on a case by case basis. And we better be prepared to tax ourselves to keep them.

In general, I am not convinced that we ought to go around labeling things "Unique" -- protecting them from the normal political process. I just as soon take each thing as it comes along, and say what are the real advantages and what are the disadvantages to different segments of the community in treating things a certain way. I am not nervous about having neighborhood boards, for example, play a substantial role in the designation of historic buildings, even though they are not experts. I'd like to see neighborhood groups have a role in determining whether something is a unique historical building or a unique piece of coast.

Now, I don't have any magic way of getting better at what we now do. I merely want to acknowledge the weaknesses in how we do it. At the present, we presume the issue of whether you should save a piece of coast, is a technical issue. And we say, let's get highly skilled technicians to judge for us whether this piece is special and whether it should be preserved in a certain way.

The presumption is that technical analysis will lead us to the right answer. But, in fact, technical analysis goes so far and then it stops. The political process takes over. What I want to do is acknowledge that decisions of the sort you are asking about are indeed political decisions. I would like them to be more informed political decisions. So, I would like to involve all the groups with a stake in whether that piece of coast should remain as is.

Question: I wonder if you could take a few minutes to address the constituency and how we might implement some of those ideas, and, specifically how do we get strong citizen organization to help make our planning more efficient. In effect, how do we get a strong negotiation orientation in the citizen participation.

LES: For one thing, the longevity and the clout of these neighborhood organizations depend on the availability of ongoing professional staff support. If I were to isolate one thing it would be that a neighborhood organization has a full time person working on their behalf.

I tried in my fourth point this morning (about contracting) to talk about how you might build a financial base, even given the political difficulty of convincing any City Council, not just one, to give unencumbered grants on an annual basis to neighborhood boards.

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I'd like to do it on a little different basis, from just putting each neighborhood in for \$15,000 or whatever. I like the contracting idea because it makes everybody accountable.

To your first point, to me the single best thing you could do, is build staff support on an ongoing basis into the work of each neighborhood board. I don't think the commission at this point could go to the City Council and say instead of four planning assistants, they want 32.

So, the neighborhood boards would have to get together to establish this kind of a priority and work with the Commission to do that.

I really think it would be terrific if the Commission offered the neighborhood boards the option of substituting some of their members (changing the rules of the membership). Some number, at the discretion of the neighborhood board should be organizational representatives-guaranteed slots. The others should be elected people. The options should be offered.

One way to build a strong neighborhood board is to build on the pre-existing strengths of indigenous organizations.

Question: Does it make any difference whether you got 32 State employees or you have eight or 10 capable people?

LES: I think if I had a choice, I'd want the most professional people I could get. If I were running a neighborhood board, I would want all the staff support I could get. If I didn't have the money I would like, I would go to the University and ask for interns. I would go to the CETA program and get CETA people. I would get volunteers. I would do everything I could. But if I had my choice, and what I am suggesting is you really go after the first best option, I'd like trained professionals. If two boards are happy sharing a person, great, if four boards are happy sharing a person and they want to use their resources that way, terrific.

My key point is that it should be the choice of the board, how it wants to use resources with regard to building its capacity.

Question: That answers the question, but you can only get so much money. New York may have gotten all that money but they also went bankrupt. We're going to look at the Neighborhood Commission's budget next week.

LES: I don't think you should put the burden on the Commission. I think the Commission's done remarkably well, getting as much money as it has in a period of budget tightening. I think the boards have to close ranks behind the Commission to allow the whole group to be effective in expressing to the City Council just how high on the list of priorities the people think this whole process is.

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Question: One of the problems here with citizen participation is that we have the most centralized municipal government in the country. And that we have a City Council and a strong Mayor. And we have towns and villages, and we have no separate jurisdictions; we have that neighborhood group as advisory; advisory means not being heard many times. So lots of us would like to change this by giving boards financial powers. One suggestion would be to allow the boards to pre-review the land use, with veto power -- and have majority requirements the same as the City Council's to overrule. So there is some kind of check and balance.

LES: I think neighborhood boards have earned the kind of authority that you are suggesting that they be given. I don't disagree with you. If you ask me to state in principle, whether I like decentralized versus centralized systems, I would say for the most part decentralized systems end up being not only more equitable because they allow for variations among places, but more efficient in the long run. That's my belief in general.

But in the political world that you are dealing with, if I were on the City Council, a request of this sort that you are suggesting would not be particularly compelling to me. You'd have to prove that you really represent a broad base in the neighborhood, and that you have the capacity to carry out what you say you want to do.

So, I am suggesting a phased strategy that might go in that direction. First saying, here's some things that we are prepared to do on a contractual basis with the City Council.

We will get your citizen participation in the CDBG program; we will take responsibility for helping to manage some disputes between developers and abutters; we will take some responsibility for getting public input into some siting decisions within the neighborhood; we will take the following responsibility on a contractual basis.

And having done that for a year or two, come back and say, look at our successes; we have been effective. We would like to be able to move a step further. We'd like to be able to bring home "more bacon" to convince the people in the neighborhood to support the neighborhood board. We'd now like this additional responsibility.

If I were on the City Council, I would begin to get more and more anxious. In the first instance, if you have proven that you could do all these things, I would begin to get nervous and say what is it that the Council does, if you are doing all these things?

You have to do it more incrementally. As Babcock suggested, some sort of pre-review of requests for variances before they go on to the City-wide committee for review, might be possible. That might be a step. You will not, in my opinion, assert by sheer force of logic, the value of decentralized systems and get those in power to relinquish the responsibility they now have.

Question: Well, most of the neighborhood board members have been around for three or four years and they have some accomplishments. What I am suggesting, the City Council will never approve, of course. Well, it could be done through initiative amendment of the City Charter.

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LES: But, if I were to vote on that initiative, I'd have a problem. If there were five boards that had accomplished some effective ways of mobilizing citizens. I am not sure that I would be ready to go the step that you are saying and support a city-wide system.

I think you need to have a more substantial track record in a greater number of boards in a number of different realms. Just getting the development plans together is not enough to back a request for substantially more authority.

WORKSHOP 2

Henry R. Richmond

Tyrone Kusao, Workshop Moderator

Question: Can our neighborhood boards, as created by the City Charter, engage in political action?

52 HRR: I haven't read the City Charter on that point. My understanding is that the City Charter is fairly silent on that question; it doesn't deal with it one way or the other. I don't think the real issue though is whether there is a legal ability to engage in political action. I suppose there is a debate right on whether a neighborhood board can sue; be a party in a lawsuit in which the City is the defendant. But apart from that, the kinds of political activities that I referred to in my talk, the kind of political activities that I think are necessary to describe the consequences of poor planning and bad land use controls and to change that, are things like lobbying the City Council or the legislative assembly, publicizing, lobbying for appointments, influencing decisions of the Attorney General. These are all things that, unless there's some prohibition in the City Charter, the neighborhood boards can do. But again, my point in my remarks didn't go so much on the issue of legal ability of groups to do this, but of their organizational capacity. Do they have the resources to do these kinds of things? Do they have people that know what needs to be done? Are they available right now to carry out those kinds of activities in a timely and effective way? I think that's the real question, not whether there's some legal constraint on the ability of a neighborhood board to do it.

Question: Are you familiar with Houston, Texas' land use without zoning?

HRR: I'm not familiar with it but my impression is that they've transformed the District Attorney into the Planning Director. There are agreements between private parties as to restrictions on uses of land and those are rights that are created privately and have private benefits and if somebody doesn't like them they have a lawsuit. I think there's some objection to this kind of a process. One thing, if you haven't got the funds or the inclination to have your attorney draft some sort of an easement or a restriction on property that would be affected, you don't have any benefits from planning, but I don't know too terribly much about the Houston situation.

Tyrone Kusao is Director of the Honolulu Department of Land Utilization.

Question: Not much has been said today about the city-wide citizen group which does have a broad city-wide view but is in opposition to a city proposal or policy. For example, we had widespread support last year for a general downzoning of apartment areas. Both newspapers supported it; at a public hearing 40 people spoke in favor of it; even the Mayor supported it but the Council refused to go along. What then?

HRR: I got a couple of responses on that question. I don't know what needs to be done in Honolulu and I would not presume to suggest what needs to be done in Honolulu in terms of density policies. I don't know what the facts are here. But one of the resources is to recall the City Council if somebody is unhappy with what they've done, or to run for office or support somebody who opposes the action of the City Council, if you're in opposition to it.

Another approach is a legislative approach. Something that we have in our State is to establish some State level policies that help determine what kinds of densities localities must have, so that you can insure that the type of housing is built that is affordable. I'll give you an example. I mentioned in my remarks today that about half of the projected type of housing in the Portland area is for multi-family of one kind or another and the average monthly rent of an apartment unit is around \$275 in Portland now, compared to the average monthly payment for a new single-family home, which is about half of what a single-family residence costs here-it's about \$65,000.

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Monthly payment on that is about \$700 at today's interest rates. A year ago it was \$575. Many people can't afford \$700 a month for housing, particularly people that are coming to the housing market for the first time. Now, one of the problems with people being able to get housing that they can afford, in our area, is the zoning; the densities. Right now in the metropolitan area, the Portland metropolitan area, the cities are going through an upzoning process, the opposite of what was apparently at issue before the City Council and additional land is being rezoned so that multi-family structures can be built.

The point I was going to make in answer to the question, is that this rezoning process is an attempt to make housing available and to make the zoning for residential structures sensitive to the income realities in the market place. This is a response to a law established by the State of Oregon. Portland is ringed by 28 municipal governments. Frequently, local governments say, well, let's have the town next door take the apartments and let's have the town next door take the mobile homes. Let's not trouble with that. The Land Conservation and Development Commission in the State of Oregon is enforcing (in addition to laws that predict agricultural lands outside the urban growth boundaries) a law that has a fair share housing requirement which is designed to produce housing that is sensitive to the income levels of people that work in those communities, and which does not needlessly add extra cost to units that need to be produced. I mentioned that for every six months of delay there is a \$9,000 cost added to the house. There are plenty of other chunks of \$5,000 to \$10,000 that are added to the housing prices as a result of local zoning.

In our area, the average size of a built-up lot in Portland is about 5,500 square feet. That's what I grew up on; that's what most people grew up on. The average size of an undeveloped, vacant lot that's zoned for single-family use is about 13,000 square feet. It's twice as big, and the cost of a house just for the factor of the lot alone is increased \$12,000 to \$25,000. There are fees that local governments who are caught in a revenue pinch are increasingly adding to construction, which are objectionable not because the homebuyer is paying for the cost of services to that new house--we don't have any problem with that--but because there should be ways of financing the cost of services to new development that aren't reflected in the purchase price of the house.

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If you have a \$2,000 building permit fee to pay for services, the developer has to pay up front, that's going to be added to the price of that house and the person who's going to be paying interest over the life of the mortgage on that fee. That comes to about \$9,000 total cost for a \$2,000 fee including paying a real estate broker's 7% interest on that \$2,000. Your property taxes are going to reflect this increase because the assessment reflects that sale price. So you keep adding more and more things on to the price of the home that are caused by local zoning ordinances, and pretty soon housing is being pushed out of the grasp of more and more people. It's not just low-income people; this is affecting the whole middle class of our country. According to a report by HUD, in 1978, it is the local government land use standards for housing and the failure to put services in the ground for residential development, that is creating a shortage of serviced lots.

These kinds of local practices cumulatively are a major factor in the rise in the cost of housing. We can't do much about the interest rates, but we can do something about land use practices which are hostile to the income realities in the market place and which needlessly through delays or fees or lot size or floor area requirements or shortages of sites for multi-family, are causing shortages of different kinds of housing types that are needed, or are raising the prices for the rents of the units that are available. What's the answer when the City Council refuses to downzone? Part of the response can be political and it is a political question; properly a matter that should be decided by the electorate and that can be decided in election campaigns. People make promises, they're going to do X, Y and Z, or you can get the Hawaii Legislature to set standards for local government comprehensive plans that protect the interest of people in housing. I would say that's the major difference between the State land use planning programs in Oregon and Hawaii. We have very similar standards for agricultural lands; there is more involvement by the Hawaii Land Use Commission in certain kinds of lands than there is in Oregon.

Basically, the rural areas for our two states are regulated in a similar fashion. But we don't have in our laws an exemption of any kind of state supervision in the urban area where the development is supposed to take place, to be preserving the rest of the areas. We started out as an environmental organization; we are

still regarded as an environmental organization. We filed more lawsuits to protect agricultural lands than all the lawsuits in the history of the State of Oregon in the past, but we are very strongly supportive of the laws that are trying to reform a decade-old, inadequate system of providing housing, permits, zoning ordinances and subdivision standards. It just isn't doing the job and I'm very reluctant to try to give advice about what kinds of policy should be adopted. Whatever those policies that need to be adopted, should get on the books, and there probably shouldn't be an exemption under your State planning program for what's happening in the urban areas.

Question: Governor McCall, your governor, openly discouraged newcomers settling in Oregon and appears that the majority of Oregonians approved of it. If your development plan had decreed otherwise how would he have skirted around that issue legally?

HRR: Well, Tom McCall is the chairman of my advisory board and I have a very close association with him and it's remarkable how much public currency has been given to that statement that he made, "please come to Oregon to visit, but for goodness sakes, don't stay." I don't know how many thousands of similar kinds of right-out-of-the-holster remarks that he has made, but that one has certainly got the most currency.

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Our program does not and constitutionally cannot (at least the way the rather infantile level of court cases are; there are very few cases that have interpreted this question) prevent people from coming to the State of Oregon. This is a problem that's much more pressing here than it is in Oregon, particularly with this 917,000-person limit for Oahu.

Nobody wants growth to come to the State of Oregon. I'm sure that 95% of the people there would just as soon see nobody else come. But the land use laws certainly accept growth as an unpleasant reality that is going to happen in some quantum and the purpose and the structure of the land use laws are to try to minimize the damage that growth does, and to locate it, so that our natural resources which are so important to our State's economy and environment are not unduly impacted. So that you don't have a sprawling land development form that drives up the cost of services and you don't have this residential development taking place on what I call mirage densities that are increasingly unaffordable.

Right after World War II, we were the most powerful country in the world. There was no other economy or nation that competed with us; we had a booming economy; we thought there were endless supplies of gasoline and flatland easy to build on, and enough revenues coming from local governments to provide the services. We just sprawled all over the place. The whole country did.

We still are. But our system is trying to change those habits of the 50's and 60's by encouraging compact forms of development and having tough controls outside the urban growth boundaries that are required by our State's program; those boundaries that are required to provide enough land for the growth to occur at reasonable

densities, which is requiring upzoning of land in the urban areas. So, McCall made a statement at some speech or something. But the fact is, the laws don't work that way and he understands that it's really a statement, that's been blown out of proportion. I don't think it's the sentiment that is restricted to the State of Oregon. There are people all over, in California, and in Colorado. These are growing States in the Sun Belt, in the west, in the northwest and Hawaii, long before the continental U.S. was concerned about this. We'd just as soon see no more people coming and one of the great dilemmas is, how do you respond to it. We're doing something that's just started, to put things on a more rational footing. Hawaii is bumping up against the problems that are much more difficult. How much water have you got for 917,000 people? Are you talking about shutting down the sugar cane operations to free more water? Does that mean that you're going to have unemployment if you cut down the amount of land that's in sugar cane? What other kinds of social problems does it cause?

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I mean, Hawaii is really on the cutting edge of the planning, not Oregon, but with that one exception about the housing and the need to reform the outmoded structures that relate to housing, that may be something you would find to be of use.

Question: Is it your belief that a citizen organization participating fully in the political process is more successful if it employs a professional as a lobbyist rather than depending on volunteers to present its case?

HRR: I think you need to have both; I would say, from my experience in the legislature, known qualities are people who have been around, people who are trusted by legislators as providing accurate, truthful information and people who know something about the subject matter that they're dealing with. These are individuals who can be effective in dealing with legislative bodies or any other governmental body you're concerned about, whether it's a court or administrative agency or a city council or a newspaper editor, people that are influencing in one way or another the decisions you're concerned about. I can't over-estimate the problems that public interest or do-good groups have because every year somebody else new shows up to carry the ball for that group in some form or another and they're brand new and hear the organized economic interests, who may be taking a different position than your groups does, and who's got somebody that's been there for 10 years. He knows everybody, he knows what he's talking about; he's got personal relations with the legislators and so forth. You're going to get chopped to pieces. It isn't a fair ballgame. That's one of the reasons we created our 1,000 Friends of Oregon and stuck only to land use, so that we would have some credibility with those people, and I think that the citizen movement has got to professionalize. You don't want to professionalize to the extent that volunteers aren't involved and that ordinary citizens haven't got things to do. That's not true; it's incorrect; it's a mistake; but there's got to be a professional capability at the situation, at the point where it's needed and that means raising money.

Question: How can we get the city to give us; the Waianae Neighborhood Board, that's one of the neighborhood boards in the Leeward side of the Island, sufficient notice about issues concerning our area?

TK: As far as the things that our department is involved in, we are, by ordinance, required to send notices out to the neighborhood boards and neighboring people within the project area and this is in the area of land utilization, zoning, cluster developments, shoreline management permits, and so on. Now, if there are other departments who are not notifying the neighborhoods, I'd certainly like to know about them but by law, most of the stuff that we handle, we are required to give the notices to the neighborhood boards and we have to await their input before we take our action.

Usually the hearing notices are published in the newspapers. We have to advertise 10 days before the hearing. That's our main source of notifying all the neighbors that there will be a hearing in that area.

HRR: The agenda of the City Council on land use is published in the Oregonian in a display ad. We don't find that very many people will read the legal notices, who's going out of business, and who's got a brass bed to sell and whatever. There's got to be a better means of communication. It's supplemented by first class mail that goes to the chairperson of the neighborhood group; there's about 32 in the city and I don't think it's too much to ask that kind of treatment from the city government. It's a choice that the city has made; not all cities in the State do it by any means, but the larger cities do.

Question: How can we get government officials to give us accurate answers rather than "BS" or no response at all?

HRR: What a hot potato! I don't know if there's any way of eliminating it. I think you've got to be prepared yourself and when somebody gives you a line of baloney, you've got to stand up and rebuke the person who did it, publicly punish him a little bit. And again, I can't over-emphasize, wherever I go in the State of Oregon, and we've got cities and counties and we travel a lot, I tell people, listen, how much time have you spent trying to accomplish "X"? If you put that time into organizing 10 individuals to help you run for county commissioner or city council, you could be running this town and you'd replace that jerk who's giving you phony answers; that person should be out of government. Run for office! That is, in so many cases, the right answer but it's kind of gutsy. It's cold water and you're putting yourself on the line but you should be able to expect government to give you straight answers. It's objectionable when it doesn't happen. You shouldn't have to run for office but occasionally that's a good way to clean up a situation. If that challenge is made in response to that kind of situation, that will be remembered for the next five or 10 years, even if you lose. It's beneficial to the quality of the process in that community.

Question: What do you feel is a fair handling of a situation where a developer has already installed considerable infrastructure

in reliance on a land use plan which will probably be replaced by a development plan calling for considerable downzoning?

HRR: This is the issue of vested rights, it was the subject of your conference here in June; it's a matter of great controversy all over the western part of the United States. I don't know what the case law is in the State of Hawaii; I do know in Oregon, the law's fairly tough. If you have land that is zoned, for example, for residential and it's rezoned for agriculture, you don't have a vested right to proceed with a residential use unless you have, (1) gotten a permit for the structure and (2) have actually made a substantial change of position on the site, moved earth, put in pipes, done something. Under the fact situation described, the person would have the vested right under the law of our State and certainly would have a vested right under the State of California and the State of Washington.

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In most of the situations, the landowner is relying on a naked zoning ordinance without any permit or change of position on the site or he just has an old plat or got an old tax lot that's 30 years old, and that isn't a vested right in our State. Again, this is a political question. The courts are, in our State, reading statutes passed by the legislature and that's why the law is the way it is; it's not something they pull out of the sky but it's a tough question.

Question: But this is a case where the developer has put in the pipes and the electricity.

HRR: Well, he's got a vested right under the law of our State. There's some qualification to that. They apply in very few cases; the developer must be proceeding on the basis of a permit and he must have made a substantial change of position; put in pipes and so forth and the amount of dollars involved is more than five or 10% of the total cost of the project, provided this wasn't done in bad faith. In other words, if the developer has knowledge that there's a controversy about the proposed use of that site or there's some sort of initiative that's going to rezone that area; or he knows that the city is thinking of rezoning it and he knows of that situation prior to the time he makes an investment, that's not a good faith investment. That doesn't happen very often but that's the principal qualification to the test that I just stated.

Question: How can a neighborhood board claim to speak for neighborhood when many board members themselves admit that (1) they are elected by very few people, (2) residents do not pass on their views, (3) board members do not go to see residents, (4) the responsibilities are too time-consuming for those with full-time jobs?

HRR: My own attitude is that the reason you have low turnouts at the election for a neighborhood board is an assessment on the part of some people that the neighborhood board doesn't have much power and why should I go and bother myself and vote for somebody for a neighborhood board when its authority is advisory in nature. That's just a hunch. But that's why I think there's a low turnout.

And the question would then be, how much does the neighborhood board matter in it's claims to represent or not represent somebody? If you have a low turnout, particularly when you have a mixed character of a neighborhood, it's probably a pretty tough proposition to say that you represent them. I think that's one of the weaknesses of putting all your citizen participation eggs in that advisory basket. You can say that you represent 2,000 or 3,000 if they're paying dues and if you're free to operate anyway you want to, and you're not subject to the rules of the entity whose conduct you're trying to influence.

Question: I'm referring to the same thing about neighborhood boards. In our area we had an election last week Saturday and since I worked at the booth during election time, I know that we have close to 1,900 people in our area, and that is within three blocks (area bounded by Isenberg, Coolidge and Hausten Streets and University Avenue). We have that many voters in our area, and then I think the vote was about 268. So the turnout was low because everybody didn't know who were the people who were running.

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HRR: So, let's take back a little bit of what I said a minute ago. I think that's not out of line with how a lot of school board elections are or bond levies in our State of Oregon. The turnouts for recall elections, where the results are binding, are often 20% in the State of Oregon. So, getting up to 15% or 16% is not completely out of line. It's a sad commentary of our times but that's not a horribly disrespectable turnout.

Question: How do you control the price of housing? On our island, most multi-family dwellings are resort-condos that cater to the fast money market rather than residences that local people can afford.

HRR: The question is, how do you build non-single-family housing so that the people who live here can have it instead of the people who are coming as tourists? I don't know.

Question: What do you feel the role of a city planner should be in the urban growth management process, merely a mediator or an initiator or what?

HRR: Well, the planner I suppose (and there are plenty of planners here who can correct me--I'm not a planner, I'm an attorney) is to make recommendations to their employers about what are the relevant data as to what the character of the problem is and have some knowledge of solutions that have been tried or could be tried that might alleviate the problem; try to put those things in physical form so that the public and the governmental body can consider them in an easy, understandable fashion. And I suppose they're supposed to carry out decisions of the governmental body as to the policy choices that are made.

Now, that's a fairly conventional definition. I'm sure there are better ones. I guess the only thing I would add is that we've had a lot of situations in our State, one currently that I could describe where a planner resigned over decisions that are made by their employers. I respect that kind of decision. We've also

had planners who've taken the step of informing our organization in an open way that they disagree with the decisions made by their employers and they give us the reasons why. They send copies to their bosses. We called the last one of those we got a self-destruct letter. But some planners will do that and I have a lot of respect for somebody that will call a low blow, a low blow. There are a lot of political decisions made and some planners will blow the whistle. I don't know what the job market is for planners in Hawaii but I think there are plenty of people here who are more qualified than I am to say what the role of the planner is in designing a growth management system.

Question: What is a planner's role on policy decisions?

HRR: Similar role as an attorney. An attorney for governmental body is not supposed to be a policymaker; he's supposed to be a source of advice as give judgment about a certain subject area that the council or county has to be concerned about.

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Question: In light of the Petaluma decision, if Hawaii county and Honolulu city decided to pass county building limits, what problems might result? Could this work here?

HRR: Well, in the Petaluma case, the city of Petaluma established an ordinance that limited the number of residential units that could be created in one year to 500. They defined a unit as four units or more and single-family residences really weren't restricted by it. This is not generally understood, but the Sonoma County Construction Industry or whatever it was called, went to federal court claiming that the ordinance was unconstitutional. The trial courts said "no," it isn't unconstitutional, upheld it, and the industry went to the Ninth Circuit Court of Appeals and they threw out the case on the ground of standing which is a technical disposition of the case. They weren't a proper party, but they went on to say that this ordinance did not violate the United States Constitution. They said that there were other cases that the courts have ruled that cities that desired to preserve the rural atmosphere of the town did not violate the Constitution; and the court relied on those cases to uphold that limitation, even though the Court found that the restriction prevented a level of housing to be constructed in that city that was shown to be needed for its regional share.

The Court criticized the California Legislative Assembly for not passing laws to insure that the localities did allow housing needed in that jurisdiction but the Court said, in the absence of laws to that effect, it had no authority to strike down this ordinance; it doesn't violate the Constitution; the ordinance is upheld.

Such a program in the State of Oregon would violate the Land Conservation and Development Commission's housing goal and has been so held in the case of 1000 Friends of Oregon versus the City of Beaverton, because there is a state level standard protecting the public's interest in housing that limits the discretion of local officials. We're not going to court in our State on housing questions and making constitutional arguments. Now, my impression is, there is no such equivalent standard in the State of Hawaii that would invalidate that kind of an ordinance.

But you're bumping up against something that was not part of the fact situation in the City of Petaluma. Look at the limited physical space of the State of Hawaii. I mean, how many people can come here. You're getting to the point where you're saying, there's no way of satisfying the demand in the long run without developing every square foot of the State of Hawaii. And at some point, you're bumping into limitations of water, even if you chop down all of the canefields, you're bumping it where the great percentage of the State's water is consumed. You're saying, well, if we have a million population limit on the island of Oahu or 917,000 population limit, that this is only going to be a place for rich people because in 20 years, the demand of human beings to live here will be terrific.

I can't give you much advice on this but this is going to be a very difficult problem for this State to address. Obviously, I'm not telling you anything new but it's not a Petaluma problem. The concerns that the Court was dealing with in that State and the concerns of the City of Petaluma within that State, are tiny and few compared to what you're dealing with here. At some point, you're going to have to say, no, we're not going to take any more; yes, it is going to mean that a large chunk of human beings who are residents and citizens of the United States of America can't come here because the price is going to go up when you limit the quantum of development that can occur. I don't know how you are going to make that decision, but that's got to be on the political agenda of the State pretty soon.

WORKSHOP 3

Richard F. Babcock

David Callies, Workshop Moderator

Question: Is there any likelihood that you can hope to get a better response out of neighborhood boards than you have gotten in the past, and is there a danger that the system may be co-opted by one group or another?

62 RFB: I'm not so concerned about whether you get better decisions on neighborhood boards, but the fact is that in the last thirty years there has been relatively little evidence that they have been heard at all in terms of land use decisions except in the most informal way. I think it's important that you participate and I expressed to all of you some of my reservations about it, but I think the problems can be solved. Now on taking over; I was asked that by newspaper reporters yesterday. I don't get terribly excited about that. I live in a small town of 12,000 population although I practice in Chicago. It's a rural town where, I think, the cows outnumber the humans. And you know, in that town 10% of the people do 90% of the work. I mean, all the civic work and all the activities. There may be people that gripe about that, but why don't you come on out if you don't like the way decisions are being made. There is just as much room for you. And so long as the process is reasonably democratic, we only get 10% of the people out. That might be a sad commentary to a political commentator but it's a fact. So I don't get necessarily upset about that.

Question: Is citizen participation required by the federal government for federally funded programs?

RFB: Well, I think you do have in many of the HUD programs -- certainly you have in the Model Cities Program. You had systems for electing local neighborhood boards in the 60's. I think generally you had an experience which was disastrous as I recall. There is nothing in the land use area which the federal government mandates local neighborhood participation be involved. And the reason for that is you are not going to get a national land use bill through Congress. But you remember the phrase about model cities, the maximum feasible citizen participation. Senator Moynihan responded to that in a book entitled, "Maximum Feasible Hysteria", or something like that.

David Callies, Professor, School of Law, University of Hawaii at Manoa.

Question: Yes a comment on the model cities concern in Honolulu: I think it is done better than in most areas in search for the basis of setting up the procedures for the neighborhood boards. So in that process they were going around trying to get the input from the community and to get the community involved, and quite often they were not aware of exactly what authority or powers they would have and what their role is. In your presentation you made a comment about the expectation. I think some people expect more from the process than it can deliver; either being involved in the process or receiving the results in the process. Could you elaborate on that a little bit more and say, give some suggestions as to what they can do to get people to understand the process better and what is a realistic expectation?

RFB: Now that's a big order. Well, let me step back a minute. I'm firmly convinced that planning has to start with the neighborhood, and by planning I mean a set of goals and objectives that are articulated and worked out; and, incidentally, in Memphis I think we said you had to be allowed to vote--residents, landowners, and business interests. So it just wasn't residents who select; it was the landowner, absentee or otherwise, and businessmen. And if you get that plan established, if you get it approved by the City Council, then it seems to me that you should be able to go to the City Council any time there is a proposal for its development. But if it's contrary to your plan, the City Council can say, "Wait a minute, we have adopted this plan through this process; we have it approved by you and now a proposal is coming in contrary to the plan." Therefore I think that in that way by going back to the plan, you can have a more effective role. Denver is doing it now. I think they have plans for about 25 different neighborhoods, and they have been developed at the neighborhood level. Neighborhoods have been assisted by staff; some of them even hire their own staff. Plans have been approved by the City Council and I'm told those plans are more effective in two areas: capital improvement programs (they can test the plan against their budget) and in zoning changes. And it is very effective to be able to say to the City Council: "What is now being proposed is contrary to the plans." 63

I don't know what your experiences have been here in Honolulu with just 150-200 people showing up at local hearings on rezoning. I know the experience in other communities. It can be very exasperating, very trying--you have a hearing; it gets adjourned; you have to come back again. The technique in Northern Illinois, where it starts to snow by December 1, is for developers to try and get their hearings scheduled for February 5. Generally you can count on 25 inches of snow on the ground. But unless the City Council has a plan for your neighborhood which indicates what the development policies are, what is the City Councilman going to do? You know, going by gut reaction, they're going by how many people are in the hall; he's going by a phone call he got a week before. There are all kinds of strange ways to influence a decision. And what's so terrible about having some sort of a planning process that would guide the development so that on that hysterical night, the decision doesn't have to be made by a roll of the dice. That's the way I'd go about it.

Question: In your scenario that you just described for the neighborhood development plan, do you assume the City Council approves the neighborhood plan? How then would you program the other major concerns?

RFB: Very good question. I think I observed it yesterday in visiting with the members of the City Council because I had looked over, I think it was your June 2 session you had here on growth management or one of the others. And I was surprised that nobody had warned the neighborhood organization that neighborhood organizations must take into account those city-wide or region-wide policies. Let's say, for example, the City Council had just approved a line for a fixed-rail transit, or at least they've approved the designation of it. And I don't know what went into it; but I take it that that is a policy that cuts across a dozen neighborhoods. I would say that if that's been thrashed out then that's the policy that the neighborhood is going to have to accept. I can see a lot of things that are city-wide in their impact that the neighborhood is simply not going to be able to ignore.

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I don't believe a neighborhood plan is going to be very effective unless those goals of the city that the neighborhood is going to live with have been established. Now, I assume the neighborhood is going to fight out a battle on those city-wide goals. Let's now get ourselves into this City and County of Honolulu. You also may think of yourselves as a neighborhood, that you're part of a much larger section. Hyde Park in Chicago used to be an independent suburb in 1893--some time ago. Now Hyde Park is a part of Chicago and Hyde Park can't simply say, "We'll ignore that," even though there are 300 suburbs around Chicago to carry on as though they're in fact independent.

Question: Should there be a neighborhood plan as distinguished from the larger area plan adopted by the Council?

RFB: I don't know if there has been a case that has dealt directly with the "neighborhood plan" as distinguished from council action. I can't recall any, can you? You must remember it is only in the last few years the courts have even begun to talk about planning. I mean, we've had 10,000 zoning cases, 12,000 zoning cases come down, most of them since World War II. And the courts didn't pay much attention to planning. I can see that if you followed by system -- David Callies worked on this with me -- and I could see the day where the neighborhood might well take a city into court and say what you did is contrary to the plan. And the court would have to make that decision. But we're only now beginning to get courts talking more about reports on planning. It's a very good sign.

Question: Should neighborhood boards have staff planners?

RFB: I think it's essential. In Denver they actually said they needed some members of the planning department to help the neighborhood planners and they'd go out and work with a community. I think the role of the planner, you know, is one of trying to find

out what it is the community wants, try to advise them where he thinks this idea is doubtful in terms of city-wide programs. He's the one that should try to articulate what the community desires, and with which he can agree. I think in the long run, professional planners have got to be like the professional lawyers. He's got a client and they may not agree. He's advising against it. The client's judgment is going to be one to govern. We've had occasion where we've had to call professional planners into court because we had a suspicion they didn't agree. And we were able to get them to admit under oath that they didn't agree. But I think you must give the neighborhood plan a professional planner in some fashion working with you. The neighborhood organization is the client.

Question: Doesn't the government usually hire the planner?

RFB: Yes, there may be people in the same planning organization that are working on the comprehensive city-wide plan. His salary may be paid by the government and it may raise a problem but I think you've got to get a clear understanding that his authority is from the City Council. Get the resolution adopted by them. Of course some neighborhoods have gone and hired their own planners. And the money appropriated by the community boards in New York, I believe was \$13,000. In a neighborhood that doesn't do very much, there is a potential conflict, I agree with you; either one is paid for by the city. I don't know how to view this thing.

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Question: I have an issue that crops up a great deal. As far as some of the comments that you made now, there is a lot of discrepancy on the amount of representation that an elected neighborhood board has, because of the number of people who participated in the voting process. In some neighborhoods there may be thousands of people; in others there may be 50 or 60. Now from what you have seen over the last several years and the past several months in preparing the book for APA, are there any instances of jurisdictions which are seeking to place minimum qualifications on a neighborhood board election in terms of persons who have turned up for elections before that board can have a meeting to influence, get the input which has a meaning on some things. If so, what are they? If not, what would you suggest?

RFB: Well, you recall I don't know of any place where they say, "You've got to have at least 50% of the persons qualified to vote or not." I don't know of any place that does that twenty-five percent, sure. You recall in Memphis we set three standards from which the City Council should judge the legitimacy of the plan. They were satisfied that the plan did have some consensus of the neighborhood support behind it. Oddly enough, the areas I know where they turned up the most votes were, as I said, these counter-culture areas like Ocean Beach, California, where they were well-organized; they were growing pot up in the mountains, but they knew how to organize the community, and they got 90% of the people out. And because they were mostly renters, they were afraid of what was going to happen to their properties where they were renting so they wanted to be damned sure that they had a board that represented their interests.

And in Seattle they had a vote. In one neighborhood there were 1,200 voters, and they ran a whole bunch of real estate people against the local people, and the local people beat them 1,000 to 200. Because you and I know, all of us know, that sometimes it's better to have a devil to vote against than to have some good guys before. I somehow like the "7-Eleven store" case in San Diego, that would get more people to vote for proposals that you have. There are all kinds of techniques in that.

Question: In the event that the neighborhood wishes to downzone, what kinds of things are necessary in order to have it happen?

66 RFB: There is a considerable amount of downzoning going on around the country now. As you know, partly because 20 or 30 years ago when we rezoned, everybody had this great expectation that their lot was going to be picked for a highrise. And it hasn't happened. I don't believe anybody has a right to a particular zoning classification. I mean, the fact that you have a zoning classification I'm sure you agree, it doesn't give you a vested right; the zoning ordinance, the zoning statutes, as you have amendments to the ordinance, they don't say you can only amend where it benefits the landowner--it raises or lowers. So you start off with a given that legally can change. Now on the question of the taking, what's the nature of the neighborhood. If you were going to zone in Waikiki, you may zone one lot for a single story building because development wouldn't allow already. So you have to look at it in terms of what the area is like. We have areas on the north side of Chicago where it is zoned R-7 since 1957. And going back from the lakefront they do have R-7 development. They're asking for highrises along Lake Michigan. We're gradually downzoning those to R-5 in keeping with what the actual development is. And I don't have any doubt that we're going to attack that. It shows some very substantial areas have the characteristics of what rezoning should do. So I don't get terribly excited about the downzoning.

Now on the exclusionary zoning--that's a whole other bag. I'm sure you know it depends on what you're talking about. You can hardly call a big city like Chicago or New York exclusionary. It would be interesting where every time there is a proposal for development in a neighborhood, whether a neighborhood of Chicago or New York, to say the neighborhood is practicing exclusion by proposing downzoning to keep out everybody else. I don't think the way the zoning statutes are written that you'd be permitted to focus on the neighborhood and not look to the rest of the city. You don't have suburbs here in that sense. You're all part of the city. We have clearly drawn out metropolitan areas on the mainland; we have exclusionary suburbs. Suburbs that have minimum houses. We have suburbs that have minimum lot sizes, we have suburbs that have no apartments, and those are gradually being attacked as exclusionary. And in some places the courts are holding it to be exclusionary--New York, obviously New Jersey--but they're having problems now with their decisions. And I can see the exclusionary issue. It hasn't reached from California to Ohio, it hasn't really gotten in there; that's when I begin to see a little exciting development take place.

I'll tell you a story. I am already acquainted with New Jersey. You will recall the Mt. Laurel case. Mt. Laurel was charged with practicing exclusion and that the zoning ordinance was invalid--keeping people out. The court went through this, but it had a very pregnant phrase in it. It says this decision applies not only to Mt. Laurel but to all developing communities. Now the reason the phrase "developing community" is in there was in order for the court to get an opinion; that is, if you hadn't put the "developing community" in, two of the judges would have dissented. They live in rural areas, and they didn't want this opinion to apply to all of New Jersey's communities. So since then there have been half a dozen cases of whether or not my community was developing; and I think at least four of them felt that the community was not developing. Therefore, in the Mt. Laurel case--it couldn't exclude.

Question: As an elected official, or elected member of the neighborhood board, how do you sense the opinion or the feelings of the people of the neighborhood?

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RFB: I ran for public office one time. The way I sense them is to go out and knock on doors. I don't know any better way to sense them. That's the key to the most efficient neighborhood organization in the history of this country, the democratic political machine, and I'm never embarrassed about the shattered democratic machine because the precinct captains knew who their people were. And they went out and they talked to them. I don't know how big a neighborhood you have. But the precinct captain in Chicago would spend one night a week; they would ask: What are your complaints? What are your gripes? What do you think ought to be done? He would finally get around to finding out how they were going to vote. And make a mental note whether to show up on election day or to fight. You don't get anywhere filling out questionnaires. I'm convinced of that. You may get 2% response. You can hold a meeting and offer door prizes; you can get some savings and loan to offer 8% mortgages, you know--as a door prize. I think there is no better way than to go out and knock on doors.

Question: On the observation, there are areas where that is impractical, like in a highrise condominium area, you can't go in, you can't go around knocking on doors, how do you go about that?

RFB: I don't know how they do that in the Lakeshore area in Chicago. I'm not sure how they get in there except by a phone list. Get them on the phone. Have you ever seen these publications that I think they put out? They're by street address and you may be able to get access through them that way. You can find out where they shop if you can; get them in there. Sometimes you may find, depending on the economic status, they may respond more readily to a little questionnaire mailed to them. I know the democratic organizations in Chicago stayed away from the highrises anyway. They didn't trust them. They might vote for their guy on the top of the ticket and split it all over the place and they didn't want to split votes.

Question: How do you determine whether the businesses and residents agree on certain issues?

68 RFB: I don't know. I'll ask you: What thoughts do you have? We have exactly that problem in Lafayette, Louisiana where we're starting to organize two neighborhoods and one of them has a strip business. One day we drove along that strip business and all you could see were Taco Bells and McDonalds. Now there are all these national concerns. And I said, "By god, how are we going to get any businesses in there that are really interested in the community; that's by and large national?" And I still don't know, although I'm told there are a few locals. They did it in Boston Back Bay, by simply getting representatives of business and the neighborhood together, as Larry Susskind said, to negotiate. Sitting down and finding out what the business wanted and what the residents wanted, and they managed to persuade the business community of the residents' rights; and ten years proved they were right because there was more business needed to maintain a three-story walk-up, than there was to go highrise. But I don't know how you get the two of them together except by bringing them together to negotiate. I like Larry's idea of negotiation. It makes a lot of sense.

Question: In terms of the negotiating idea, what do you see in the neighborhood as a leverage in the negotiating process?

RFB: Well, you've got to find out what the other guy wants, don't you? And what his objectives are, and the way in which you can influence them. What's the big book store in Ala Moana? There's a big bookstore there. If you want to read a very interesting account of the way it has been done get a couple of books by Saul Alinsky. He's dead now, but he was one of the most effective organizers of neighborhoods in the country. He did it in Chicago. He organized a neighborhood in Chicago which was pure white; he found the sore spots in the organization belonging to the Catholic Church, and the treatment they were getting by others and used that as a leverage. What could the other guy want badly? To what extent he is influenced whether he gets it or not. You know, I don't get terribly upset about confrontation. I think a lot of the best aims of this country comes out of confrontation; I really feel that. I think sometimes a good tough squabble is the only effective way to settle that, but you've got to make a list of your advantages--what that guy wants and how you're going to make it.

Question: I'm not sure if you could clarify the question when a larger community decision supersedes the neighborhood's plan.

RFB: You know what happens in the northwest suburbs of Chicago? These suburbs are looking out after themselves. The suburbs were, at least in the 50's, out to grab all the territory they could and were delighted to have all the home builders in. And it wasn't until after those people came in that they said they wanted them to be the last person to come in. There are a lot of things. Take the question of the sanitary landfill. That's got to be a regional issue, doesn't it? You have a major sanitary landfill and nobody wants to build next to it, but you've got to

have it. There are scores of other services that are regional in effect. It seems to me Larry had said the other day that those decisions have probably got to be made at a higher level than the local neighborhood of the local city. Now he has an idea for compensating the local cities. He said they're going to suffer damage. There is no question about it. You put a landfill in, whether they like it or not. People next door are going to ask how much should they be paid for it? And this is a system they're trying to set up now in Massachusetts. But I don't think a neighborhood could absolutely veto decisions that a landfill is going to come in. What do you do, for example, about halfway houses? How about the halfway house? Alcoholic persons who are being incarcerated? We have this problem in Rochester, New York. We were dealing with the zoning ordinance and we found that some of the more "liberal" neighborhoods had been very sympathetic. Halfway houses had to be in a residential area. They voluntarily accepted one, didn't object to it, and then they found the second and the third. They tend to congregate just like airline offices congregate. The only thing we could do in the zoning ordinance was to say that--I forget what euphemism we used for halfway houses--they were a special use and we were making a decision whether to allow that special use. One consideration was, how many others of that type were already located in the neighborhood. If your neighborhood had one, it was likely the others were going to get one. We said this in an article years ago. We called it: "Citizen Participation: A Suburban Suggestion For The Central City." We've had the toughest job of refining those matters that are really local in neighborhood, and those matters that are really city-wide or regional; and then figuring out the relationship between the two. I refuse to accept the notion that the neighborhood can always dictate every wish. I just don't believe that. I know sometimes neighborhoods can get hurt and perhaps Susskind's suggestion as to compensation, payment of cash--that is one way to deal with it.

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Question: What does one in a neighborhood community do about preventing future changes in the neighborhood plans?

RFB: I don't know. Change is the same in most neighborhoods. I hope that in the next decade we can persuade neighborhoods to decide what part the plan is to play, in which they can be involved and not just wait until the night when they read the proposal to rezone for highrises. Get them excited about the planning process. You've been to zoning hearings. I've been to hundreds of them. And the only way I can describe it is government by screaming. It's a mad house. Why? Because some have been agitated about a particular development. This is the only way to influence the City Council and the planning commissions.

Now we've got to eliminate that. We've got to go back to developing a planned community which is consistent with a city-wide goal and forcing the city to adopt it. But I haven't answered your question. A great professor of mine used to say: "I know I haven't answered the question but I've tried to disclose that."

CLOSING STATEMENTS

Henry R. Richmond
Lawrence E. Susskind
Richard F. Babcock

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Richmond: Well, I guess a point that I want to make is that the way the growth is happening in Hawaii now, and how it happens, is a political decision. It's a decision that you're living with and it's a political decision as a result of lot of forces; too many to go into here; and I don't know most of them and I don't understand them. It's the same in our State. What you're living with, the de facto situation of how things happen here, is a result of political decisions made or not made. All I want to say is that how that is happening, what is happening, what will happen in the future is public business that should be on the political agenda of the State. If you're going to limit the number of people on the island of Oahu to 917,000 people, that is going to be a very tough, hotly debated issue. I can't give you the pros and cons on it; it's going to be an entirely different kind of issue because of the limited space here. There's some questions of water availability, and relatively simple questions that have been addressed in growth cases like Honolulu and Petaluma, California.

If people concerned about their neighborhoods or concerned about the future of Hawaii want to influence how these decisions about growth are going to come out in the State of Hawaii, all I'm saying is that you've got to recognize that growth management is a massively political issue. You've got to get organized and influence the outcome. Use traditional means by which political questions are raised and settled and followed.

On a bright note, I can say that tomorrow on the Island of Kauai, I am going to talk at a kickoff dinner for a group called 1,000 Friends of Kauai. This is something that has been in the press on that island for sometime and it's the fruit of efforts of local officials there; of people that are concerned about the future of that island. I'm told that the number of motel, condominium and hotel units built in the last 18 months doubles the amount of all the units on the island previously, and the number of units that are awaiting approval will add another equivalent amount so that in about a two or two and a half year period, the number of units constructed on that island will triple the amount of all previous units that are on the ground now. And I don't expect that, Poipu Beach where I was in November of last year, to look the same when I get there tomorrow afternoon.

Those people are taking on something very difficult; they've done it with some care. I certainly wish them success, maybe some of you ought to come to the party.

Susskind: My observations may be a bit repetitive but, again, sometimes the advantages of having someone from the outside is that it can help you hold the mirror up to what you're doing and

perhaps see it in a clearer or a slightly different way. You've really only been working and making the neighborhood board effort work for a relatively short time; it may seem like eons to some of you, but it's really a relatively new thing and you really worked on it I know, very hard, but still only for a short time.

In light of that, I think it's crucial that you don't push too hard too fast. I would really try to bring as many of those neighborhood boards up to speed with the record of accomplishment, before you went in and began to push still harder on elected officials, or at the electorate as a whole, for even more of a confirmation of the commitment to neighborhood power. You're on the right track as far as I can see; you're moving in the right direction. You've got tremendous support and commitment. Work with it, build on it, but don't be too impatient to move too quickly to make it an even more formidable neighborhood base system.

The second point is, a lot of people responded or resonated in ways that I would judge to be positive to some of the things that I've been saying. If the neighborhood boards don't collaborate and work with the Commission, I don't really think you're going to get all the things you can get, and from what I've heard, there's not the kind of collaboration between boards and the commission, that looks to me to be crucial to making this whole process work effectively. There may be good reasons in some of your minds about why boards have to be independent of each other or of the Commission, but I think in the short run you need each other and need the Commission; and to not focus on that seems to me to be a drastic error.

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And finally, the worst mistake you could make would be to be satisfied with the current level of involvement. Where's the next generation of people in your neighborhood going to come from when your terms run out? There's nothing more time consuming and energy sapping than the kind of intensive dissipatory effort that you're involved in. You have got to be prepared to hand the torch to the next runner, and you have got to continue to work to develop the next set of people who are going to keep working and if you become isolated from the anxieties and the concerns you had the first day you got there, you're going to create barriers to the involvement of new people. You've got to remember what it was like, the very first day you even thought about getting involved and the hurdles and obstacles and anxieties that many people felt at that point, and you've got to help the next set of people over those. You've got to put yourself back into the situation you were in when you started and wanted for them to talk to you because you've already, by virtue of your participation, become more expert; you've learned more than you knew and you've, therefore, put some distance between you and the person who hasn't been involved. You have to work to make that distance small so that you can bring the next set of people in with you, and you've got to work hard on that and not be satisfied with the level of involvement and the kind of satisfaction that you, yourselves, have gotten because of your participation today. But, again, it's been very heartening and I will go take the story all over the country about how hard you're working and what you're doing.

Babcock: First, let me say that I'm really overwhelmed by the number of people here. I probably make 20 or 30 speeches a year around the mainland; I don't recall I've ever seen as many people hang on as long as you have. That's the message I'm going to take back to places like Lafayette, Louisiana and Park Forest, South Illinois; Tuxedo, New York. You're turning out now, I wish I could be here with you during the next few years to see how you would show up at a similar meeting in four years; whether you're still as enthusiastic, as hopeful as you have been.

72 I think one of the things that you've got to be cautious about is the fact that your Charter makes you (the neighborhood board) the advisory board. I'm a firm believer in making the neighborhood have more than just an advisory voice, always subject to the approval of the City Council. I think this can be done. I think there are ways of doing it. I don't expect that you're always going to find warm-hearted sympathy from the members of the City Council. I wouldn't be warm-hearted if I was the City Council and I had a bunch of people yelling at me all the time. On the other hand, you consider it politically, which is what Larry pointed out, very interesting development that's forming here and it'll be fun to see what happens in terms of the political organization of these boards.

Finally, let me say, and I'm a practicing lawyer so you'll understand this, yesterday, Henry mentioned twice the cost of litigation to the intermediate appellate court in Oregon to be \$10,000. I'm grateful today that he raised that to \$20,000.

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