

Residents alarmed at 'conceptual illustrative plans' that will densify their neighborhoods; planning firm threatens legal action against dissenters

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Contra Costa, CA - Fregonese Calthorpe & Associates (FCA), a land-use planning firm that works for many local governments, has threatened legal action against local residents who are upset with FCA calls "conceptual illustrative plans" for their neighborhood. The company was hired by Contra Costa County (in the east San Francisco Bay area) to help write a land-use plan for the county.

In December 2002, FCA held a "consensus-building" public workshop in the city of Martinez. Participants were led to believe that their comments would help determine the shape of the plan. So when the proposed "conceptual" plan was published in a local newspaper, residents of several neighborhoods were shocked to find that it called for redeveloping their neighborhoods to much higher densities.

Even though it is just a proposal, the residents realized, the plan has effectively reduced the value of their homes. FCA had argued that the plan was "just a concept" and that any final decision would be made by local governments, not FCA itself. But under California law, anyone who tried to sell their homes would legally obligated to tell potential purchasers that a plan has been proposed that could greatly change the character of the neighborhood or even condemn the house under eminent domain.

Residents of one Martinez neighborhood asked an attorney to write FCA and Contra Costa County, which was sponsoring the planning process, protesting the proposal. "Deliberately choosing an established residential neighborhood as a recommended site for redevelopment is socially irresponsible," wrote the attorney, "and will not be tolerated by my clients." The attorney also questioned "the method by which this recommended plan was established," since there was only one public meeting and the consultant "obviously did not take the time to become familiar with the character of the neighborhoods."

In a reply, an attorney representing FCA agreed to remove the homes of the protesters from the redevelopment area (but not necessarily

any other homes or neighborhoods). However, the letter also responded to "allegations" in the first letter that FCA had acted "in an arbitrary manner," that it "obviously did not take time to become familiar with the character of the neighborhoods," and the proposed plan is not "based on any proper study of the neighborhoods."

FCA's attorney stated that FCA "is a well known urban and regional planning consulting firm with an excellent national and even international reputation. . . . Neither my client nor I will tolerate the publication of such unfounded criticisms as are contained in your April 4 letter. . . . You are admonished that we will brook no further defamatory accusations by either you or your clients against Fregonese Calthorpe."

Notice that the letter never actually claimed that FCA had taken any time to become familiar with or properly study the neighborhoods. Instead, it relied on FCA's "excellent reputation" as justification for the firm's proposals.

Just what is that reputation? The company's principals include John Fregonese and Peter Calthorpe. Prior to forming a partnership with Calthorpe, Fregonese worked for Metro, the regional planning agency for Portland, Oregon. Metro has two planning divisions, transportation planning and growth-management planning, and Fregonese was the director of the growth-management division. As such, he oversaw the preparation of Metro's 2040 plan, which required the redevelopment of dozens of Portland-area neighborhoods to much higher densities.

Peter Calthorpe is an architect and one of the leading proponents of New Urbanism and smart-growth planning. Calthorpe favors the development of higher density pedestrian- and transit-oriented neighborhoods. Early in the 2040 planning process, Metro hired Calthorpe's firm to show how redevelopment would affect selected Portland-area neighborhoods. The resulting document proposes both high-density developments of vacant areas and redevelopment of existing neighborhoods to higher densities. Subsequently, several Portland-area local governments hired Calthorpe's firm to help them implement Metro's plans.

An important factor in Metro's ability to impose higher densities on local neighborhoods was a system of deniability. Metro gave local governments population targets that they had to reach by rezoning neighborhoods to higher densities. The actual rezoning process led to such huge protests in almost every neighborhood that one local

planner commented that Portland was "on its way to becoming the new Beirut."

To deflect the protesters, local officials blamed Metro. "We don't have a choice," they said, "Metro is making us do this." But Metro, in turn, blamed the local governments. "We aren't forcing them to rezone any particular neighborhood," said Metro, "only to rezone some area within their jurisdiction." In one case, irate residents recalled their local mayor and city council from office because the council voted to implement Metro's plan. Usually, however, this deniability factor allowed Metro to get away with decisions that local governments would be unable to make by themselves.

Many of the local planners were almost completely unfamiliar with the neighborhoods they were rezoning. When residents of one area took a local planner on a tour of their neighborhood, the planner admitted it was a "lovely neighborhood" and said that the only other time she had visited, "it was raining, the edges of the streets were muddy, and I couldn't figure out why anyone would want to live here." Despite this, she had no hesitation in recommending that the density of the neighborhood be triple. Naturally, Metro planners were even less familiar with the individual neighborhoods they had targeted for densification than the local planners.

Metro gave out its population targets in 1995, but it did not formally approve the 2040 plan until the end of 1997. At that time, Fregonese quit his job for Metro and accepted a position as full partner to Calthorpe. FCA has since worked to promote Portland-style planning in numerous other regions.

So FCA's attorneys are correct: FCA has an excellent reputation for writing plans that propose to redevelop existing neighborhoods to higher densities over the protests of residents of those neighborhoods. So it is not surprising that FCA would do the same in Contra Costa County. Yet few of the people who attended planning meetings in Contra Costa County knew of FCA's reputation.

Unlike Oregon, California has no statewide planning system, and the San Francisco Bay Area has no regional government with Metro's authority to impose planning decisions on local governments. The process that FCA is working on in Contra Costa County is an attempt to create a system of deniability despite the lack of a regional government. Along with Contra Costa County, nineteen Contra Costa cities are co-sponsoring FCA's planning process.

As outlined in a memo from John Fregonese to a Contra Costa County policy committee, the goal of the process is to get all nineteen cities to agree to a "compact" that will require them all to follow the "vision" being developed by FCA. Part of this compact includes a series of "principles," including "the principle of speaking with a collective voice." Just what is a "collective voice"? Apparently, it consists of FCA holding public meetings and then reporting that people at the meetings share the "vision" of increased densities and "infill" -- regardless of what the people at those meetings actually said.

Knowing FCA's "excellent reputation," anyone involved in such a process would expect that the resulting plan would call for redeveloping many existing neighborhoods to higher densities. FCA may or may not be intimately familiar with those neighborhoods, but FCA's redevelopment plans would be based more on the company's faith in density than on the needs of specific neighborhoods.

The Martinez residents who protested FCA's plan considered the "intimidating letter" from FCA's attorney to be "a shocking disappointment." In a memo to their city council, they argued that the letter betrayed "a lack of consensus building ability." "Nobody," they concluded, "should be bullied for expressing concerns about the redevelopment of their home."