

# COLAB SAN LUIS OBISPO COUNTY

WEEK OF APRIL 8-14, 2012

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## **Board of Supervisors Meeting of Tuesday April 3, 2012 (Complete)**

**Amended Shandon Community Plan Adopted.** The Board unanimously adopted the Amended Shandon community Plan and related implementing ordinances. At the end, Supervisor Gibson tried to inject some restrictions, such as limits on the commercial area. Since this did not attract support, he relented and the Plan was adopted as presented and refined by staff.

The updated Plan contains many “smart growth” and “sustainable” features, and even though it has an entitlement of 100 acre feet of State water, more water will have to be acquired in the future for the ultimate build-out and potential to be achieved.

At this point, one of the Planning and Building Department staffers assigned to work up new plans, regulations, and ordinances should be switched over to promoting Shandon and implementing the Plan. This professional should live in Shandon, be imaginative, and have entrepreneurial skills. Perhaps the key author of the Plan, who has good relations with the residents, could be assigned.

## **Board of Supervisors of Tuesday April 10, 2012 (Scheduled)**

**New Fire Alarm System.** Item 8 is a staff request to spend \$513,000 on a new fire alarm system for the County Administration Building. The item also contains a \$45,000 contract for a consultant to help the County select a vendor/installer for the new system. Apparently there are many defects in the building (of which the alarm system is only one). In 2009, the County filed a lawsuit against the contractor who built the building. The Board letter does

not indicate the status of the suit but does indicate that the funding for the new alarm system will have come out of a new general fund allotment from the capital fund. This means that the taxpayers are paying twice for an alarm system in a relatively new building.

According to the Board letter, the system is prone to false alarms. Since 2005, there have been 13 false alarms. County management is worried that the staff is becoming complacent and will not respond to a real alarm. This is an average of less than one false alarm per year. Why not just use them as fire drills and save the half-million dollars?

**Fluff and Stuff.** One of the rituals of government bodies is to pass resolutions and proclamations honoring various organizations such as non-profits, professional associations, service groups, and themselves. The adoption of a particular resolution is often accompanied by a presentation of a certificate to organizational officers, praiseful comments by the Supervisors, and the necessity for one or more members of the receiving organization to abase themselves at the speaker podium and slather praise on the munificent Board members. (Note: many of the non-profits are receiving grants or contracts from the Board). Often a photo of the Supervisors with the representatives of the receiving organization must be made. (The Supervisors are particularly anxious for pictures when the members of the receiving organization are in uniform.) On some days this can be quite time consuming. Often it means that County executives and staffers are waiting around in the meeting room in case the Board has questions on an actual business item. It also means that citizens who have matters pending before the public body have to wait longer for their item to actually be heard. From time to time these presentations can be quite relevant when, for example, an employee is being honored for a heroic and/or life-saving effort. On the other hand, some of this week's examples beg the question of relevance. Included on Tuesday are San Luis Obispo National Public Safety Communications Week, National Sexual Assault Awareness Month, National Library Week, and National County Government Month.

We agree sexual assault is bad and libraries are good. The County expends large sums and hires extensive staff to prevent, detect, and punish sexual assault. It also hires librarians and helps fund library buildings. The County is in the business of fighting and punishing sexual assault and building and staffing libraries. We pay a lot of taxes for these services. The employees are well-paid, unionized civil servants whose benefits, limited work hours, and job stability exceed that of most other people in society.

Why should there be a "National County Government Month"? Should April be National IRS Month so we can honor those hard working agents? How about "Government Watch Dogs Month"? Actually most of them would rather have cake and a dry martini.

**Redevelopment Agency Dissolution Oversight Boards.** In 2011 Governor Brown, the education lobby, and others were successful in obtaining legislation to abolish city and county redevelopment agencies. San Luis Obispo County did not have a redevelopment project, but the cities of Atascadero, Paso Robles, Pismo Beach, Arroyo Grande, and Grover Beach were all operating redevelopment projects.

**Background:** The basic theory of redevelopment is that a city or county with a blighted area could designate that area a redevelopment project. It could then issue debt (redevelopment bonds) to invest in better streets, utilities, parks and other features calculated to improve the area and attract investment. It could also reorganize streets, buy property to facilitate larger development, and in some cases condemn property. The city or county would freeze the base property tax at its pre-redevelopment level, and new taxes generated by the new development (called the tax increment) would be used to pay off the debt and make further improvements. At the end of the life of the redevelopment project, much more intensive development would have been stimulated, blight would be eliminated, and there would be more property taxes, (and in many cases) more sales taxes, and more transient occupancy taxes. All the taxing entities, including the city, county, schools, and any other overlapping taxing entities in the area, would benefit in the end.

One problem was that some projects were extended for decades and the taxing entities never received the benefit. Another problem was that some jurisdictions selected areas that were not truly blighted and/or that used the tax increment for projects which benefited favored developers to the disadvantage of smaller property owners and businesses in the area. In some cities and counties, very expensive amenities, such as concert halls, and very fancy landscaped street treatments were installed. In any case, this background and the Governor's desire to send more money to local education (the State is broke) resulted in the abolition of the program statewide.

One of the complications that became apparent is that many of the agencies were still making payments on redevelopment bonds. Sudden termination of the tax increment payments could throw many jurisdictions into financial crisis and force them to curtail vital services. In some cases, there were contracts with developers, construction companies, landowners and others which involved complex projects with multiyear life spans. The Legislature could not simply require that the cities and counties abridge those contracts. For this reason, the Legislature provided for the creation of temporary "successor agencies" to oversee the dissolution process. The Legislature did not trust the cities and counties to conduct the dissolution process correctly so they provided for "successor agency oversight boards." Where a city redevelopment agency is being dissolved, the county and other entities, such as the county Superintendent of Schools, the Chancellor of the California Community Colleges, a labor representative from the city or county whose agency is being dissolved, and special districts, are represented.

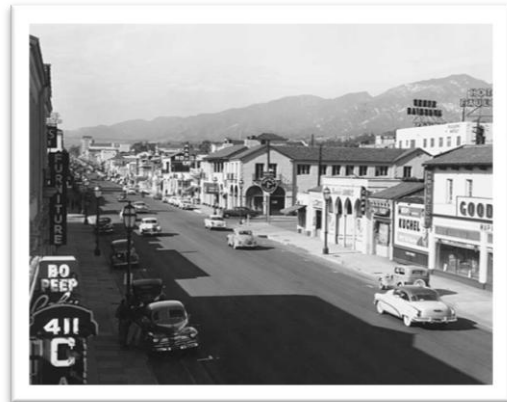
**Today's Issue:** The purpose of this Board item is for the Board of Supervisors to make its appointments to the oversight boards that will monitor the dissolution of the city agencies. The Board is appointing themselves, a citizen representative, and a county staffer to each of the five oversight boards.

**Public Policy Issue:** Notwithstanding the abuses in some jurisdictions around the State, the program was a major economic development tool that has now been abolished. In many cases, the redevelopment project plan provided an escape from some of the local regulators in the sense that the plans could be more creative than the basic compartmentalized zoning

used by most jurisdictions.<sup>1</sup> From a public policy standpoint, one could ask: Is the City of Santa Barbara better off with or without Paseo Nuevo? In the 1950's and 1960's lower State Street was an area of declining lemon warehouses and blight, and was inhabited by transients and homeless people (called winos in those days). Without redevelopment powers, it would have been impossible to assemble the land parcels in which to fit the Paseo Nuevo. In the same era, the City of San Diego's waterfront area and a dilapidated portion of downtown (now known as the gaslight district) was an area of decaying railroad yards, warehouses, and low rent bars which functioned on exploitation of Navy personnel. Today these areas are sophisticated neighborhoods of high-end apartments, condominiums, hotels, a convention center, a baseball stadium, yacht marinas, smaller townhouse developments, restaurants, and retail. The tax increment dollars that once helped jumpstart such projects and their smaller equivalents in hundreds of communities will now enrich the pensions of public employees. The Governor and the Legislature know how to take care of their friends. Buyer's remorse is coming.



Paseo Nuevo



Lower State St. In 1950  
You Could Have a Cocktail  
at the Bo Peep Club

**Menacing and Aggressive Animals.** The final version of the ordinance is ready for adoption. It had been sent back to staff for rework because it was vague. The new version has specific definitions:

*Aggressive Animal - Any animal whose behavior indicates it is prone to unprovoked attacks against a person or animal.*

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<sup>1</sup> Called Euclidian zoning after the US Supreme Court Case, Village of Euclid, Ohio vs. Ambler Realty, 1926, in which the Court upheld the power of Euclid to impose zoning.

*Menacing Animal - Any animal which, through its behavior, demonstrates an intention to inflict harm or otherwise places a person in reasonable fear for his or her safety, or the safety of animals kept by him or her.*

*Severe Bodily Injury - Any physical injury which results in deep lacerations with separation of subcutaneous tissues, muscle tears or lacerations, fractures or joint dislocations, or permanent impairment of locomotion or special senses.*

*Fines for violation of the ordinance have been increased above the standard normally assessed under the County Code for infractions. The maximum amount by which these fines can be increased is set by California Government Code and is capped at \$500 per occurrence. Accordingly, the fines for violation of this section have been set at \$100 for a first occurrence, \$200 for a second occurrence within one year, and \$500 for each subsequent occurrence within one year. Additionally, a provision has been included specifying that each 24 hour period during which a violation exists constitutes a new violation.*

*A subsection has been added which allows for the citation of landlords of tenants who allow an aggressive animal to continue its behavior unabated and inadequately confined, provided that they are given 14 days prior written notification of the existence of a violation.*

*A subsection has been added which requires the owner or keeper of an aggressive or menacing animal to immediately confine it to a secure enclosure or location upon notification of conditions which violate the proposed ordinance.*

Lock up your barn cat.

## **Planning Commission Meeting of Thursday April 12, 2012 (Scheduled)**

**Growth Management Ordinance Restrictions for FY 2012-13 in the Nipomo Mesa Area and Cambria.** (As of this writing the online agenda did not contain the actual staff letter). We will monitor.

## **State Legislature (2012 Session)**

**AB 1627 -- Healthy Neighborhoods Act of 2012.** This bill would amend Sections 25402 and 25402.1 of the State Public Resources Code. The statute currently requires the State Energy Commission to adopt standards for building construction for energy and water conservation. Once adopted, cities and counties must enforce the standards on builders and developers. Generally, the building and housing industries, on their own, meet or in many cases exceed the standards.

The new section adds “smart growth requirements” and commands cities and counties to enforce them. Its basic purpose is to “reduce vehicle miles traveled.” It also enables cities and counties to impose mitigation payments (forced tax exactions on developers, builders,

and property owners). The bill requires the *Energy Commission to prescribe, by regulation, standards for reducing vehicle miles traveled by occupants of buildings that would be applicable to new residential and nonresidential buildings and modification of existing residential and nonresidential buildings. Cities and counties would be forbidden from issuing a building permit for projects which do not comply. They will be authorized to adopt new fees to cover the costs of their review, monitoring, and enforcement.*

Note that these requirements are very similar to the recently adopted APCD greenhouse gas thresholds.

The proposed amendments command the Energy Commission to develop standards which would have to be enforced by every city and county. Some representative examples include:

*(Favor) Project location relative to existing destinations and walkability, bikeability, and transit access in the immediate area of the building.*

*(Require) Programs that accommodate reduction in the building occupants' vehicle miles traveled, such as carpooling or transit pass subsidies.*

*(Require) Offsite offset measures that reduce the vehicle miles traveled within the jurisdiction of the local government in which the building is located when location and onsite design measures would not accomplish the vehicle mile traveled reduction required by the standards.*

*Offsite Measures may include but are not limited to:*

*Endowing a new bus line or an upgrade in service for an existing bus line in the immediate neighborhood of the building or in an area in the jurisdiction where efficacy for reducing vehicle miles is high.*

*Funding or undertaking improvements to walkability, bikeability, or transit access.*

*Endowing trip reduction programs in other areas in the jurisdiction.*

The proposed statute goes on:

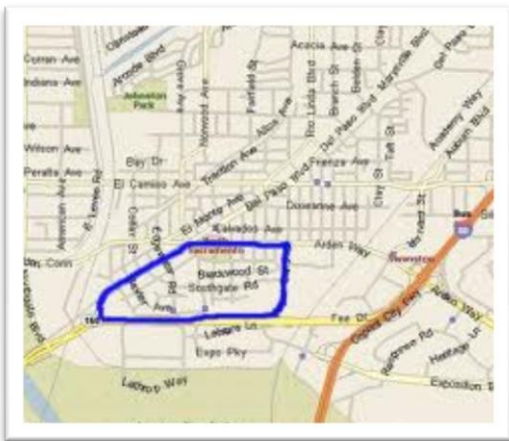
*Means of demonstrating compliance with the standards adopted pursuant to this subdivision shall not include means that do not reduce automobile miles traveled, such as energy efficiency of structures, use of alternative fuel, or fuel efficient vehicles, and on site features such as reduced pavement.*

**The Bill Sponsor:** Roger Dickinson, of the 9<sup>th</sup> Assembly District (Sacramento), is the sponsor. Dickenson is a former four-term Sacramento County Supervisor and was elected to the Assembly in 2010. Sacramento County is one of the most financially distressed counties in the State. Downtown Sacramento (despite hosting the State Capitol, tens of thousands of State employees, scores of State subsidized rental office buildings, and a taxpayer subsidized light rail system) is a dying retail and residential center. It is “walkable,” but don’t stray too far at night from the main hotels. Most people, including (obviously) most State officials and employees, choose to live in the Sacramento suburbs (in non-walkable,

non-bikeable, and non-transit oriented subdivisions of freestanding single family homes) and commute in their cars.

Dickinson lives in Sacramento's Woodlake Neighborhood, off the 160 Freeway and well North of the downtown urban center. Woodlake appears to be a community of primarily single family, freestanding homes with yards. Dickinson does not seem to have personally embraced dense downtown living next to the State Capitol Building or in a "smart growth" dense condo village within an urban node on a light rail stop. Obviously, and like so much of the environmental elite, Dickinson does not consider himself to be a candidate for "smart growth living," but would relegate that lifestyle to the rest of us chumps.

It will be interesting to see what San Luis Obispo County's position is on AB 1627. See the illustration of Woodlake living below.



Woodlake (Sacramento)



A Typical Woodlake Home

Dickinson is a graduate of UC Berkeley (where he lettered in Basketball) and the UCLA Law School.