

Urban Action 2010

Urban Action 2010 Staff

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A Note from the Academic Advisors

Being faculty advisors for the Urban Action Journal (UA)—the student-produced journal of the San Francisco State University's Department of Urban Studies and Planning (DUSP)—has been a gratifying experience for us. In the last couple of years, the department and the Journal have been fortunate to have benefited from an exceptionally talented and committed group of volunteers. During this time the editors, reviewers, contributors, and other students have not only sustained the high standards of this over thirty-year old student journal, but they seem to have raised the bar in several ways. The contents of this as well as other recent issues showcase superior student research and writing, and the graphics and layout compare to the best in the field. But for more than this final product, we feel that this team deserves special praise for facilitating a truly participatory process while adhering to high professional standards of academic publishing. Students from different departments participated in various stages of the production process over a period of eight months. This year saw submissions by students from various departments on campus, and for the first time a blind peer-review process was successfully attempted.

We are proud of our students' labor and creativity, and we believe that you too will appreciate the accomplishment of this young group. Several students of this UA team will graduate this year and we hope that, along with their stewardship, your support will encourage the next UA team to continue this commendable endeavor.

Professors Ashok Das & Jasper Rubin

Faculty Advisors

URBAN ACTION 2009-10

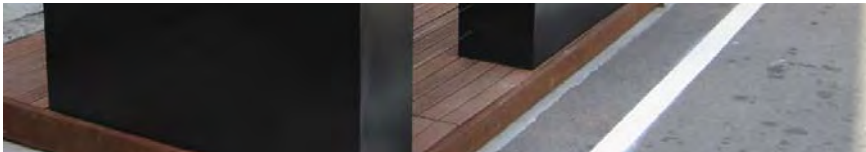
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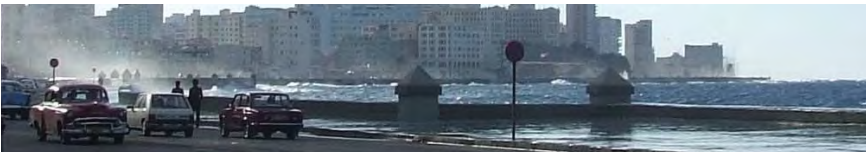
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A Past of Brewing and a Future of Urban Development **Craig Baerwald**

Editors' Introduction

Author Craig Baerwald taps into the dense and intriguing history of San Francisco with his comparison of the departed Falstaff and Hamm's breweries, which illustrates the complexities of the land use planning issues faced in the City. The fascinating journey behind the transformation of these breweries is described in vivid detail, as well as the story of the Vats: a temporary, affordable living situation for punks and musicians in the vats of the former Hamm's Brewery. While the Falstaff Brewery has been destroyed and a Costco built on the former site, Hamm's Brewery has since been renovated and currently houses offices, nonprofits, and the *San Francisco Bay Guardian*. This "hidden history" provides two examples of what we have done with our City in the past, and shows us the possibilities for what we can do with our City in the future.

Two Brewing Icons of San Francisco's Past

San Francisco has proven very adaptable to an ever changing economy: from a technology boom to a dot com bust, to the new promise of green jobs and a growing biotech field. Though it might be hard to image a San Francisco with anything but a service industry and white-collar jobs, the City was in fact built around industry. Yet it would not escape the woes of post-industrialization, and a service sector economy would eventually replace a manufacturing core. This resulted in abandoned buildings being completely demolished or renovated. A prime example of this is from one of San Francisco's oldest industries: brewing beer. Two breweries in specific anchored both the industry and their neighborhoods. The Falstaff Brewery was located south of Market at 432 10th Street. While the Hamm's Brewery, two blocks away, was located at 1550 Bryant in the Northeast Mission neighborhood. Both breweries represent two different perspectives of urban renewal within similar contexts of location, history, and industry, with varying degrees of consequences.

San Francisco Welcomes the Falstaff Brewery

In 1973 San Francisco saw its oldest brewery reopen after sitting idle for two years. Since 1898 a brewery had existed at the corner of 10th and Harrison. Falstaff's history and success excited a city that was once home to dozens of breweries, but by then had only a few remaining. The mayor at the time, Joseph Alioto, attended the reopening of the historic brewery, which had a capacity to produce 1.25 million barrels a year (Hatfield, 1973, p. 58).

This excitement was short-lived, as Falstaff, like many of San Francisco's breweries before it, fell victim to consolidation due to declining sales. By 1973, sales in California had plummeted 25 percent. Eventually Falstaff was forced to close the 10th Street brewery (White, 1974, p. 1).

By 1975, the chairman of General Brewing, a San Francisco business man often referred to as the Beer Baron, Paul Kalmanovitz, purchased Falstaff, gaining control of the 10th Street brewery. While Kalmanovitz would continue to make headlines by firing executives, defying investors, engaging in legal battles with the U.S. Securities and Exchange Commission, and eventually moving the Falstaff headquarters from its origins in St. Louis to San Francisco, the 10th Street brewery sat vacant (White, 1976, p.55).

Over the next twenty-five years the land at 10th and Harrison would grow in value. With Kalmanovitz having no heirs, a great mystery arose due to the fact that he refused to talk to the media about what would become of his land. By 1985 Mini Rabinovich had been attempting to contact Kalmanovitz for a year with the idea of turning the abandoned brewery into live-work studios for artists struggling to afford the rising rents in the SOMA. Even then, San Francisco struggled to provide affordable housing. According to Susana Montana, the Planning Department's South of Market expert at the time, an estimated \$5 million in public funds could have been provided to help with remodeling, which was estimated to

cost \$10 million (Magagnin, 1985, p. 3). The Beer Baron simply did not reply to Rabinovich's or anyone else's idea of what should be done with his land.

Three years after the death of Paul Kalmanovitz in 1987, a development proposal surfaced that the City and his estate could agree upon. The Falstaff Brewery would be torn down, and in its place would be built an equally expansive structure, a Costco. This would be the City's first large wholesale retailer, and would greatly alter the South of Market neighborhood. According to the Environmental Impact Report (EIR) issued in 1991, it would take 10-12 months to construct the building at a cost of \$7.5 million dollars (1989 dollars). As Costco is a cash-and-carry wholesaler, it was estimated that all patrons of the store would travel by car, resulting in a large increase in traffic volume throughout the area. The EIR (1991) estimated that Costco could expect as many as 16,600 trips per week. Of course this also meant construction of at least 720 parking spaces. As part of the agreement, a 40 foot tall building would be constructed on the site for residential purposes, with 60 to 80 affordable units. It was also estimated that if the land were to be dedicated to housing, without the construction of Costco, more than a thousand residential units could be built. The San Francisco Master Plan was referenced, describing the location as a "high need area" for public open space (1991). Costco projected \$100 million in sales, generating \$7.5 million in tax revenue per year (Evenson, 1990). It was also agreed that all of the 250 full-time workers as well as 100 seasonal workers would be recruited, screened, and trained through various community-based nonprofit agencies in San Francisco. This demonstrated Costco's public-private cooperation, and was a promising selling point in a city that had lost 30,000 jobs from 1991-1993 (Marshall, 1993). It was also clear that Costco would have a growth inducing effect on an area that was occupied by numerous vacant or underused buildings (EIR, 1991). It was all too promising for the City Planning Commission to pass up, and they unanimously approved the plan in April of 1992. But the final plan lacked a key ingredient: affordable housing. The original proposal to construct 60 to 80 affordable units was dropped due to opposition by nearby nightclub owners. They feared the new residents would be opposed to the local nightlife. Instead, Costco agreed to contribute \$80,000 a year for the remainder of its 69 year lease to nonprofit development of low-income housing in the South of Market area ("Costco Plans to Open First S.F. Store in '93", 1992, B2).

Costco, located on the entire block once occupied by the Falstaff Brewery, is hard to miss. The large parking garage is situated on the north side of the block, while the store itself occupies the south side. For those that shop at Costco there is a direct benefit of cost savings attributed to buying in bulk; but for many of the San Franciscans who do not own cars, let alone Costco memberships, the corner of 10th and Harrison remains as distant as before. While Costco currently employs 314 people, its sales last year of \$51 million were quite a bit lower than what was projected (ReferenceUSA, 2009). In the planning stages, Costco was characterized as economically essential, but clearly limited in its ability to provide affordable housing. Yet there was still desperate need for development. Two blocks away

another brewery would be the vision of a different approach.

Hamm's Brewery: An Alternative Perspective

In 1915, The Rainier Brewery was built at 1550 Bryant. By 1956 the brewery had changed hands and underwent a significant remodeling, and for the next sixteen years it would be the home of Hamm's Brewery (Smith, 1983, p. 2). Like Falstaff, Hamm's occupied a whole city block, but would only do so for a limited time as post-industrialization took its toll. Like so many breweries before it, Hamm's would be bought out, and the brewing operations moved outside of San Francisco. The brewery officially closed on May 30th, 1975, two years after Falstaff shutdown production ("Old Hamm's Brewery to Close May 30," 1975, p. 3).

(Hamm's Brewery looking down Bryant St. – San Francisco Historical Photograph Collection)

While the Falstaff Brewery would slide into obscurity until the Costco proposal came along, Hamm's Brewery would remain an adaptable, useful structure. For a brief period of time it filled a vacuum by providing affordable shelter for artists and musicians, only later to be altered and remodeled to serve a neighborhood's changing demographics.

John Lieb, one of the first musicians to live there, described the brewery and the neighborhood in February of 1981 in an essay he wrote. Lieb (2008) called Northeast Mission a "genuinely scary no-man's land" (p. 1), filled with abandoned factories and train tracks. The Southern Pacific still ran trains through the area right behind the brewery. The brewery itself consisted of four buildings. One was a large concrete building with sixty vats spread out on seven floors used for cooling and fermentation. The vats would prove to be an ideal setting for those looking for an affordable place to live and play music. By the fall of 1983 the brewery had become a well established squat referred to as the Vats, and was home to numerous musicians.

A graduate student at San Francisco State University, Jeff Goldthorpe, described the brewery and one of the most notorious bands to live there in his Master's thesis. According to Goldthorpe, the owner's son wanted to establish an affordable space for artists and musicians. He would keep rent cheap, set at \$100-\$200 per month. Probably the most famous band to take advantage of this living situation was a recent arrival from Austin, Texas, called Millions of Dead Cops or M.D.C. M.D.C. would make it their own, drilling doors in the large vats and setting up a practice space and living quarters within them (Goldthorpe, 2009, p. 1). Soon other musicians would follow. Survival was based on soup kitchens, food stamps, and cooking stoves. The space became a crash pad for out-of-town punks and the scene of numerous parties, with little formal organization, and the increasing presence of drugs. The squatters that lived there would become known as the Vat Rats (Boulware, 2009).

I had the opportunity to talk to a gentleman who for three months called the Vats home. Jim Schein, a North Beach merchant, avid map collector, and local

historian, got word of the Vats at the age of 17. Schein described the Vats like so many others by the various smells of hops, barley, yeast, and rotting wood. Most squatters were described as “suburban punks” as they were younger than him, from outside the City, and residing in the Vats as a last resort. He described a sense of community, referring to the Vats as a comfortable place among his skater friends. He also observed some level of authority given to the older musicians, and acknowledged a sense of organization and expertise when it came to constructing a livable vat. Schein never viewed the Vats as a permanent place of residence. While living there he obtained a job and moved out before those that stayed behind got evicted (C. Baerwald, personal communication, October 15, 2009).

By December of 1983, the owners of the Hamm’s Brewery had been approved for a federal low-interest loan worth \$3 million. The Urban Development Action Grant, approved by the U.S. Department of Housing, was the largest action grant award ever received by a city, and would supplement the \$14 million needed to renovate the largest building into offices and showrooms. San Francisco’s Office of Housing and Economic Development pushed for the award because of the potential to create over 790 permanent jobs. The Vat Rats would be evicted, and the vats they occupied would be torn down in order to make room for a parking lot (Smith, 1983).

Ultimately, the Hamm’s name would stay, referred to as the Hamm’s Building. It would become home to the Food Service Trade Center, and would attract various wine purveyors, delicatessens, and other food merchants. In 1993 it became the headquarters of the California Restaurant Association and the American Institute of Wine and Food (Lane, 1995, p. 1). Currently the Hamm’s Building is home to some of the holdovers from the food service days, including Pasta Pomodoro. When I toured the lobby I was able to meet with the assistant supervisor of the building. He talked of the new businesses occupying the offices: tech companies and nonprofits, media firms such as KQED, and the *San Francisco Bay Guardian*. He described occupancy as very strong, with little effect from the current recession.

Re-Envisioning the Past to Plan for the Future

As I walked around the Hamm’s Building, my imagination dwelled on a time period that has disappeared from San Francisco. While little manufacturing exists today, it is easy to envision a blue collar environment among the brick and box-shaped buildings. When Jim Schein watched the Falstaff Brewery get torn down he described it as “an end of an era, an end to a working class neighborhood” (C. Baerwald, personal communication, October 15, 2009).

Situated at the intersection of the Mission, Potrero Hill, and separated from SOMA by the freeway, the Hamm’s Brewery is easy to miss or avoid. With the decline of the City’s manufacturing base, it is poignantly clear how this neighborhood could have turned from working class into no-man’s land. It is possible to imagine this as an ideal place for musicians and squatters. One aspect that I found surprising was the simple fact that the old Hamm’s Brewery

is still called the Hamm's Building. Inside the lobby, the history of the building is embraced with a miniature model of what it looked like in the past. On the walls are photographs from its brewing days. Here, a piece of San Francisco remains: a stark contrast to the Falstaff Brewery which has long been forgotten. With a national reputation, a stronger business foundation, and recurring media attention, it is hard to believe the Falstaff Brewery is no longer visible. With Hamm's Brewery still standing, providing a center of economic activity, it is easy to explore and imagine its contribution to San Francisco as an anchor to a working class neighborhood and a building for artists and musicians to live.

Comparisons can still be drawn from its past as numerous homeless people still live within vehicles outside the building, on the back streets and in alleys. The building also has the ability to draw an artistic audience. This year alone two local writers, Jack Boulware and Silke Tudor, dedicated a full chapter of their book to the Vats, as they chronicled the past 25 years of the Bay Area punk music scene in *Gimme Something Better*. Additionally, a local artist, Dan McHale, was inspired in 2007 to paint 36 portraits of varying perspectives of the old Hamm's Brewery. In a conversation with Mr. McHale, he described how the building caught his attention as a kid driving over the freeway. When people would see his portraits he witnessed their general nostalgia for the old building. Ironically, six years before he painted them he worked in the neighborhood at Wild Brain as an animator (C. Baerwald, personal communication, October 24, 2009). A couple of his portraits can be viewed within the lobby of the Hamm's Building. They do an excellent job of depicting what the neighborhood would have looked like when it was working class. Around the same time another local artist, Sabrina Alonso, found the neighborhood—and specifically the Hamm's Brewery—fascinating, inspiring her to film a short documentary, titled *Mischief at 16th and Florida*. Within her documentary she describes the Vat Rats and their neighborhood at the time. I believe her work gives credence to the idea that California, and America in general, has the tendency to erase its own history without a second thought. It is important that our generation reclaim the past, reclaim respect for our space and our land. I agree with Alonso that knowledge and appreciation of our history will only make us further question and attempt to understand revitalization projects. This understanding is increasingly important, as San Francisco is continually perplexed with the issues of affordable housing and effective land-use management.

The Hamm's and Falstaff breweries offer clear case studies of land use issues and the complications that arise in a diverse, dense urban environment. In order to keep a competitive edge in a globalizing world, San Francisco must balance the need to create jobs with a number of other issues. Affordable housing, homelessness, a creative art scene, tech jobs, and the introduction of a large retail store with the promise of employment and taxes are all factors the City must consider. Often these plans for redevelopment can quickly and drastically alter the landscape with little public involvement. For those of us that live and work in San Francisco, this issue is at the heart of how we want our urban environment shaped, and how we act as reasonable citizens of this city. It is important to look to the past in order to plan for the future.

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Streets as Public Spaces Nikolara Jansons

Editors' Introduction

In the midst of the current urban renaissance that seems to have taken root in the planning profession, the public at large, and, most importantly, cities themselves, few subjects have provoked a more tangible response than the question of streets. Around the world, in places as diverse as Holland, Brazil, and the United States, streets are being re-imagined and redesigned not just as thoroughfares for vehicles, but genuine public spaces. In the following piece, Nikolara Jansons presents both the philosophical and practical reasons for why we should value our streets as places of interaction, recreation, and civic engagement. She brings together some of the more novel approaches being implemented by policy makers and planners in variety of cities, and concludes with an eminent reminder of the inherent humanity of our public streets.

Introduction

Why write about public streets? Because they are our most common public spaces: the connections between here and there. Streets are the arteries and the veins of movement, allowing the flow of people between their homes and places of work and leisure. They are the places in which we protest or more calmly express our democratic right to congregate. Streets are opportunities for spontaneous interaction, romance, crime, or conversation. Streets can be playgrounds, basketball courts, or al fresco dance floors. The streets outside our homes can be an opportunity to escape the limited space indoors, and use of such spaces can be very creative.

One of the most limiting factors in the creative use of streets has not been lack of imagination, but rather the introduction of the automobile, the change in surface materials necessary to accommodate higher speeds, and the subsequent design implementations that make drivers comfortable. This makes the street the domain of cars. These changes to the built environment change our perceptions of what the space should be used for. One can witness pedestrians running across streets or children utilizing a miniscule square footage of sidewalks, as opposed to the large, mostly empty street. These people have interpreted the message that streets are for cars, and if you are not in a vehicle, you should not be in the street. Around the world different cities, especially San Francisco, are finding novel ways of addressing these issues.

History of Streets

Improvements in road quality first came about in the United States because of lobbying by bicyclists in the late 1800's. The National League for Good Roads was founded in 1892, and the following year the federal government established the Office of Road Inquiry within the Department of Agriculture. Later changes in road quality and materials evolved with the rise in popularity of automobiles. Roads have improved in surface quality and degree of inter-connectedness in correlation with the demand for private cars. With the rise of car ownership came the demand for better quality roads and more of them. In the early nineteen-hundreds, as road surfaces improved, car manufacturers were inspired "to build more speed and maneuverability into cars" (Southworth, 2003, p. 66). As the technology of cars improved, the demand for higher quality road surfaces increased as well.

In the mid-nineteenth century, accommodations for the automobile began to change conventional urban form. The landscape of cities in the north-eastern United States had traditionally been dominated by row houses without front yards. Occupants utilized the open, public street as their recreational space. By 1920, however, attitudes among residents and highway engineers had significantly changed and they "saw streets primarily as arteries for motor vehicles" (Jackson, 1985, p. 164). This shift represented more than just a change in design preference, but also a change of "mental space, [and] our perceptions of space" (Madanipour, 1998, p. 162) altogether; people were psychologically affected by the new road

designs. This took away the public space for socializing and playing and gave it to cars traveling through, transporting people to social events and work.

Roads in America were and are highly subsidized spaces. They have been funded by several large governmental acts such as the Transportation Development Act of 1956, which created 45,000 miles of roads. The government defined the road as “a public good and thus worthy of public support” (Jackson, 1985, p. 170). This “public good” continues to benefit “some” but not “all.” American urbanist William Whyte gives a fine example of a wig seller in New York illegally renting four square feet of sidewalk for \$400 a month. In front of the wig seller’s stall a diplomat habitually parked his Mercedes-Benz and paid nothing for his 180 square feet. If the man was forced to pay for his parking at the same rate as the wig seller, he would have been charged \$1,800 a month (Whyte, 1988, p. 73). New residential developments also share a similar burden of having to provide parking spaces, usually on a 1:1 ratio if not higher. Optimistically, there are trends, such as in Hamburg, Germany, towards an unbundling of units from parking spaces, giving residents the opportunity to decline a space if one is not needed, making the residence less expensive for those who do not require parking.

Dynamics of the Street

Public streets are important public spaces that have been degraded by the introduction of the automobile. Our cities do not contain only drivers and our streets should not be designed to just accommodate cars. Josh Switsky, of the San Francisco Planning Department, points out that pedestrians have to change level, stepping down from the sidewalk to the street to cross at intersections (N. Jansons, personal communication, October 19, 2009). Why don’t we reverse that trend and raise pedestrian crossings to be the same height as sidewalks, sending a message to drivers that they are entering a pedestrian zone? This would change the current dynamic of the street being for drivers and their maximum speeds; instead, it would make the space about the accessibility and comfort of people walking. Cars would have to slow down to cross an intersection, making the crossing safer for bicyclists and others on foot. The design message is that cars are not the most important things on the road—people are.

Vehicular traffic does not just affect pedestrians: it affects the residential neighborhoods it travels through as well. Appleyard (1981) notes studies done by the San Francisco Planning Department that have pointed out how as speeds increase through neighborhoods, the residents’ quality of life decreases. Three similar streets were studied with three degrees of use: light, moderate, and heavy traffic. Light traffic with slower speeds had the highest incidence of neighbor interactions and acquaintances; yet, as the volume of traffic and the traffic speeds increased, there were fewer incidents of interaction and socializing with neighbors (Appleyard, 1981). Traffic also affected residents’ attitudes towards their feelings of privacy and stewardship of their neighborhoods. On light and medium traffic streets residents tended towards feelings of pride in their homes and streets, while

residents in heavy traffic neighborhoods did not feel this way and even within their homes they “struggled to retain some feeling of personal identity in their surroundings” (Appleyard, 1981, p. 24).

Clearly, we have evidence for the decay of livability on poorly designed or highly trafficked streets. But can this trend be reversed? Can the quality of life be improved through thoughtful design and planning? Allan Jacobs (1993) believes that great streets should “help make community” (p. 8), which seems like a lofty goal but a very laudable one, if, through small design changes, we can improve people’s quality of life. We use streets as the connections between our homes and the necessary errands in our lives. We have to buy groceries and travel to work and school, regardless of how our neighborhoods are designed. Optional activities—“pursuits that are participated in if there is a wish to do so and if time and place make it possible” (Gehl, 1981, p. 11)—are dependent on how our streets are designed. People will not linger to chat, draw on the sidewalks, or play ball if the environment is noisy or hostile to pedestrians.

International Models

Planners around the world are trying to reverse this trend of the last century, returning to the idea of planning streets for people. The design of streets in Curitiba, Brazil, emphasizes the choice of public transportation over that of the private vehicle. There is still a large percentage of private car ownership, but for the City of Curitiba the private car is not a priority: having a world-renowned public transportation system that serves the greater public good is. Some streets in the center of town have been closed to vehicular traffic, allowing for pedestrian-only areas. At first the merchants in the area were angry at what they perceived to be as harmful to their business; but after the street closure and the increase of people into the area, merchants further down the street begged the city to close off their section as well, resulting in fifteen blocks being closed to vehicular traffic (Del Bello, 2007).

Across the Atlantic, the Netherlands has also been successful in their traffic calming efforts through the creation of shared streets or *woonerven*. These streets are open to vehicular traffic, but they put the emphasis on neighborhood use rather than automotive use. The idea originated with Colin Buchanan, an Englishman working for the Ministry of Transportation (Appleyard, 1981). The British did not utilize his ideas but they did inspire Niek De Boer, Professor of Urban Planning at Delft University of Technology and the University of Emmen. De Boer worked with the Municipality of Delft in 1969 to redesign and resurface some inner-city neighborhoods. The streets were redesigned to incorporate trees, plantings, benches, and small gardens. This provided much needed play space for underprivileged children in the neighborhoods. A typical *woonerf* street reduced the car-dedicated roadway from 50 feet down to 12 feet. The traffic regulations were also updated to reflect this drastic change, stating that “pedestrians may use the full width” and “playing on the roadway is also permitted” (Southworth,

2003, p. 121). Drivers were instructed to “not drive faster than at a walking pace” (Southworth, 2003, p.121), which further emphasized that *woonerwen* are about the people and not the vehicles.

American Models

In New York City, through the NYC Plaza Program, spaces such as Times Square have been turned from congested traffic areas into prime gathering spots for pedestrians and loiterers. Whichever form of transportation we choose, we begin and end our journey as pedestrians. To make walking more pleasurable, the NYC Plaza Program reclaims “portions of streets in appropriate locations to share the public right of way more equitably” (City of New York, 2009). Janette Sadik-Khan, who serves as the Commissioner of the New York City Department of Transportation, has implemented many of these innovative changes since taking office in April of 2007. The Department of Transportation has published “Sustainable Streets,” their new strategic plan that will hopefully serve to inspire many others to follow in their urban footsteps.

As part of the Department of Transportation’s broad focus, New York City implemented 90 miles of bicycle lanes, which helped to increase bike commuting by 35 percent in a single year. These bicycle lanes are not just lines painted on the road but a series of changes designed to increase safety for bicyclists, such as traffic calming measures that increase safety for pedestrians as well. The Department of Transportation utilizes many methods of creating safe bicycle space: a buffering lane, as on 8th Avenue; a separated bicycle lane, as on Tillary Street; or whole stretches of road painted green, as at Prince and Bleecker Streets. Another ambitious street redesign was on 9th Avenue, between W16th and W23rd, where a buffered bicycle lane was created by removing a lane from automobile usage. The road changes included pedestrian bulb-outs, reducing crossing distances by 25 feet, and incorporating planting beds to make the space greener and more visually interesting for all residents. These design improvements help make the landscape more accessible for bicycles and pedestrians, but they also change the message of the streets. These new streets make it safer and more inclusionary for a greater variety of people and modes of transportation.

Physical changes to the roadways are not the only way roads can be improved; drivers themselves can help change the neighborhoods around them by changing their own mentalities and voluntarily reducing their driving speeds. Known as “pace cars,” drivers simply drive the speed limit. A pace car program in Davis, California, includes a voluntary pledge to give oneself enough travel time so that one is “not sacrificing courtesy or safety” (City of Davis, n.d.). Some traffic calming programs have issued bumper stickers with slogans like “I am a moving speed bump,” or “I’m driving the 25mph speed limit.” Some programs use humor, such as “If I’m driving too fast... honk,” or “Follow me to the next red light.” These “moving speed bumps” calm the streets by very consciously traveling the legal speed limit, which improves the living conditions around them. It also is a tactic that

doesn't need council meetings or a large budget; people can choose to implement driving the speed limit on their own. Everyone would appreciate the traffic in their neighborhood being slower, and we need to remember that we are driving through other people's neighborhoods.

San Francisco Models

San Francisco has recently experimented with a temporary six-week closure of Market Street to automobiles traveling east bound. This closure, beginning on 10th Street and continuing to the Embarcadero, still allows buses and taxis to continue traveling east bound. Market Street is a heavily used arterial road in the downtown area that is usually clogged with traffic and buses. The goal of limiting vehicular traffic on Market Street is to make transit run more efficiently and to increase safety for bicyclists and pedestrians. The data collected about the closure will be studied and decisions about more permanent changes will be made by the Municipal Transportation Agency (Knight, 2009 p. A1). "Every change brings with it an opportunity for improvement" (A. Jacobs, 1993 p. 6). Many great ideas from Allan Jacobs and Donald Appleyard have been turned into planning reality as small changes within the Urban Design Element of the San Francisco General Plan continue to be implemented. If we improve our streets to be wonderful places, we will have changed about a third of our cities, and made a beneficial impact on the rest.

Other exciting changes can be seen here in San Francisco, which like many cities has more public street square footage than park space. Programs like "Pavement to Parks" seek to utilize excess street widths or awkward intersections for open spaces by using low cost, non-permanent barricades and planters to turn them into gathering spaces for local residents. Local projects include the "Castro Commons" at the end of 17th Street at Castro and Market, which has been so successful that the six-month trial period was extended. The surface will be redone and materials in the plaza updated, giving the area a fresh look (San Francisco Planning Department, 2009). The plaza successfully serves as the terminus of the historic trolley F-line as well as a popular space for the community to stop and linger. Converting the excess road space into a plaza has provided a good example of how when a "better physical framework is created, outdoor activities tend to grow in number, duration and scope" (Gehl, 1981, p. 39). Now that it has been transformed, the space better serves the neighborhood.

Humanity in Our Streets

What makes streets interesting are other people: having the opportunity to make eye contact with another person and observing the heterogeneity of a city's population. If there are no people loitering, traveling through, or sitting around, the street is uninteresting. If the streets look dull, "the city looks dull" (J. Jacobs, 1961, p. 29). Cities have to be designed to be safe, accessible, and interesting enough to attract people, who will in turn attract more people.

Yet the street ballet is not always about the children playing or lovers embracing. The street is also home to the homeless or the mentally ill. We can observe people that are intoxicated, people asking for change, people who are crippled or physically handicapped. Some public spaces are designed to discourage individuals from sleeping on benches, or make use of surveillance cameras in order to prevent non-consumers from loitering in shopping areas. One might think that such people do not contribute to our society or our cities, but they do; “they are reasons for reflection and thought” (A. Jacobs, 1993, p. 4). Seeing a diversity of people in our streets is beneficial and reminds us all of our basic humanity.

Public space is also an important component of equality and democracy within our city borders, and should strive to benefit all. Our streets are for residents, citizens, and visitors to our cities. The very structure of our towns should “invite and encourage public life [...] directly and symbolically through its public spaces” (A. Jacobs, 1987, p. 461). The streets allow for democratic rallies, political protests, petition signing, and other expressions of First Amendment rights that can be limited by private property owners.

Streets are important to our lives through “the expectation of daily human contact that the street uniquely offers” (Rykwert, 1978, p. 15). If this potential were to disappear through design, neglect, or the impact of congestion, our cities would certainly be less human and most likely rife with crime. Streets should be given our attention and best efforts through city planning and management, but also at a personal level, in our own residential neighborhoods. Activity increases activity: “something happens because something happens because something happens” (Gehl, 1981, p. 77). Through our willingness to claim our public space as our own—to maintain, to personalize, and to loiter—we can create better spaces for others as well.

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Un Sustantivo de la Habana
(A Postcard from Havana)
Nathan Rogers

Ah, Havana. The whimsical capitol of that Antillean jewel of the Caribbean: Cuba. Where the rum flows like water and the *parfum du tobac* lingers heavy in the air—much as does the spirit of one of the city’s most iconic former residents, Ernest Hemingway. For most here in the United States, Havana is somewhat of an urban enigma: shrouded in a veil of Communism and an almost comically anachronistic travel ban. Of course, even for many of our slightly more liberated neighbors across the Atlantic, Havana is little more than a stop en route to the country’s tony resort destination, Veradero, a place that bears little resemblance to the rest of this immensely colorful and profoundly fascinating country. But for those intrepid adventurers who defy the decidedly un-democratic travel ban—which, by the way, is technically a ban on trade, not travel—and can see past the noise, dirt, and traffic endemic to any major city, what they will find is the surreal, the ethereal: the downright magical.

Havana is, at once, a visual juxtaposition at every turn: a paradox codified in the built environment. The city itself is unspeakably beautiful, yet completely crumbling. For a city and country known as being rather poor, evidence of the incredible wealth Havana once harbored is everywhere. The citizens of Havana reflect this most peculiar dichotomy. The average *Habanero* has very little—at least in terms of material goods—but at some level has everything. You don't see abject poverty, homelessness, or starvation in Havana: common elements of large swaths of the developing world and increasingly even parts of our own country. Nor is anyone illiterate. The basics—food, shelter, education—are taken care of. Not that any of them—save perhaps education—are provided in excess or with any degree of panache, but they are there. And the appreciation that most *Habaneros* have for life's most basic pleasures—friendship, music, dancing, Dionysian revelry, and sex—makes our own modern, Western relationship with these elements seem trite or artificial: afterthoughts squeezed into the interstitial spaces between the nine to five rat race.

Of course, it is not really fair for me to use the words 'modern' and 'Western' in such an exclusive context. Cuba, or at least Havana, is very much a modern society. Evidently, in the 1950s, before the eventual trade embargo and subsequent fall of the Soviet Union, Cuba was at the forefront of world-culture. Even today, the fashion sense in Havana is not much different than what you would see on the streets of any major American or European city—minus the brand names and designer labels—and Cuba is known throughout the world for the quality (and altruism) of its doctors. (Though, not surprisingly, the country's medical facilities leave something to be desired.) Art and music are both highly developed as well: from pre-Columbian and traditional African art all the way up to the surrealist, abstract psychedelia characteristic of the galleries in *Habana Vieja*, to the Santeria-infused *rumba*, the seductive *son*, and modern jazz, Cuban art and music are an utterly other-worldly blend of old and new.

Yet in many ways, a trip to Havana is like stepping back in time. There is of course, the ubiquitous, iconic presence of 50's era American cars, many of which operating as informal (but not illegal) taxis in that uniquely Cuban grey area between Communism and capitalism. And Havana itself is a living, breathing testament to over 200 years' worth of architectural history. *Habana Vieja*, a UNESCO World Heritage Site, is undoubtedly the most stunning part of the city, with its mostly pedestrian-only, cobblestone streets abutted by hauntingly gorgeous baroque and neoclassical buildings in various states of repair and disrepair, ranging from immaculately restored to damn-near falling down, though all of which still inhabited, regardless. In *Vieja* is where you will find that most common colonial mark left on the urban form of many Latin American cities: the traditional Spanish-style plaza. Despite what these extant reminders of colonialism may connote, they nowadays make delightful places to while away the hours sitting, drinking *café con leche* and smoking Cohiba *cigarillos*, watching the endless human theatre that so organically springs forth from such places: the existence of which, for some reason, we American planners so often try to foment but rarely achieve. Even though our visit happened to be during the coldest week in decades—it was freezing 90 miles away in Miami—the

weather only mildly tempered Havana's *al fresco* spirit.

The adjacent district of the city, *Centro*, is nearly as old *Vieja*, featuring similar architectural styles along with a healthy dose of neo-colonial structures and the occasional sprinkling of art nouveau and art deco styles. *Centro* seems to be the most under-appreciated district in the city, with most visitors gravitating towards either the rich history of *Vieja* or the textbook-perfect modernism of *Vedado*, the newest area of town and one with an equally rich—though slightly more seedy—history of Rat Pack-era mobsters, glitzy, Vegas-style casino-hotels, and variety of fashionable brothels: all of which fueled by a seemingly endless supply of cocaine, cash, and Caribbean sun. However, *Centro* provides probably the most authentic experience to be had in Havana; it is a taste of how real *Habaneros* live day to day. It is densely populated, gritty, and dirty: with fissures in the sidewalk that will swallow your leg and nearly incomprehensible traffic. The patinas of the once-pristine colonial-era buildings have succumbed to the effects of time, weather, and neglect. Yet amidst it all the ever-present Cuban *joie di vivre* springs forth: colorful clothes hung on a wire outside a crumbling tenement, an old woman on her balcony laughing and carrying on with a man on the street below, the sounds of a Cuban jazz band's rehearsal emanating from a nearby doorway.

Yet perhaps the most notable, though slightly more subtle, aspect about Havana and Cuba in general is the conspicuous lack of commercialism. There are no billboards for brands or products in Cuba: no visual onslaught of corporate logos profanely splattered about the most intimate recesses of the built environment. There are not even very many stores. Though the ground floors of most buildings look like they were designed for some sort of commercial space—and at one time probably did have them—today they are mostly empty or occupied by some other sort of use. There are a variety of cafes, art galleries, and a handful of retail shops in *Vieja*—though most of these catering to the tourist set—along with various bars, music clubs, and even the occasional store selling modern appliances and other wares, the latter of which ostensibly for the enjoyment of Havana's upper class citizens, scattered throughout the rest of the city. But by and large most commerce falls under the aegis of the state, with private entrepreneurialism relegated to the operation of *casas particulares*, rooms in private homes or apartments rented to tourists, and *paladares*, small, privately-run restaurants: both of which highly regulated and heavily taxed. Perhaps to the chagrin of wealthy tourists disappointed by the lack of high-end boutiques, the absence of consumerism in Havana is incredibly refreshing, and provokes a personally-coveted mental-space that is, dare I say, highly addictive.

Ultimately, I left the fantastic city of Havana with far more questions than answers. In a Communist country, why are there clear disparities in wealth? Though most are rather poor, it seems that certainly a few are quite well-off, residing in stately mansions in the city's suburban areas and driving new luxury vehicles. Furthermore, why do some live crowded tenements housed in colonial-era buildings that clearly used to be the homes of the city's bourgeoisie, others in Soviet-style cinderblocks produced on the quick and cheap, while yet some in relatively modern

high-rise apartments? And of course, what will happen after the inevitable day when the embargo is lifted? Will the ineluctably enveloping force of corporate-led, global capitalism finally break the Communist back of the Castro-era revolutionary ideology? (Recent market-based reforms by younger brother Raul point in that direction.) It seems that there is a split amongst Cubans on this subject. Perhaps half seem to fully embrace the *Viva la revolucion!* spirit, while others see, diffused through the occasional glimpse of Western media and the presence of well-to-do tourists, the immense wealth produced by capitalist economies and thus long for their own slice of the pie. But unfortunately what they don't see is the downside. With strict government controls on media access—there is almost no television or Internet access to speak of, and merely a single state-run daily newspaper—I can only imagine that the average Cuban does not see how the vast majority of people in developing nations whose economies have been “opened up” to the (savageries of) the “free-market” reside in deplorable conditions of utter poverty—far worse than any of those found in Cuba. Yes, capitalism produces untold wealth for a few, but slums built atop open sewage and mud-pies for nearly everyone else.

I'm also left wondering what will happen to the urban fabric of Havana when the embargo is lifted. There is talk that, overnight, Havana will become the hottest destination in the Caribbean, with thousands of cruise-going Americans anxious to see the previously forbidden city. As it stands now, Havana is incredibly delicate; suffering from years of neglect and underinvestment, it simply could not handle an influx of such magnitude without huge upgrades to its infrastructure, undoubtedly leaving an indelible mark on this great city. And as we've already seen with the incursion of American tourism into other parts of the Caribbean and Central America, the average tourist prefers a highly sanitized, pre-programmed, white-washed experience of these foreign lands. Moreover, wherever we go, Americans bring with us a demand for services and the comforts of home: four-star hotels, McDonalds, flashy jewelry stores carrying diamonds mined by African children, and kitschy souvenir shops all spring to mind. Will these elements come to populate the *Malecón*—Havana's fabled seven-mile ocean-front avenue—usurping the organic urbanism of painters, poets, and lovers strolling the sidewalk, basking in the rays of evening sun as dusk washes over the city like so many ocean waves? Furthermore, if the country is opened up to direct foreign investment, will the residents of *Habana Vieja* get to keep their homes should the district become some of the most coveted real estate in the Western Hemisphere, or be forced into newly constructed *favelas* or *pueblos jóvenes* on the outskirts of town? Perhaps Cuba, with its highly developed culture and rich tradition of colonial resistance will avoid the worst advances of neo-liberalism where most of their Caribbean neighbors have not. But, for better or worse, a fate similar to that of New Orleans seems more likely: a city whose physical beauty is preserved for the tourists to enjoy, still teeming with an enviable degree of culture and thirst for life, but home to yawning, incorrigible economic disparities.



Dolores Hayden:
Redefining the American Suburban Landscape
Christopher Peñalosa

Editors' Introduction

How do you picture America's suburbs? For many, owning a home in the suburbs is the ultimate manifestation of the "American Dream." For others, this idealistic view of American life has experienced an unexpected reality check as scores of suburban homes go into foreclosure. There are many opinions as to the reasons behind the current housing crisis: blame has been placed on everyone from the banks to the developers who continue to build on the fringes of American cities. But beyond just a biased perspective, what is important is that the public understands the bigger picture behind the story of suburban development. This is the primary contribution of author and academic, Dolores Hayden. Her work combines an analysis of the physical landscape, economic policies, and historical development patterns along with their resulting societal impacts to explain, as a whole, the defects inherent in the American Dream. Her interpretation of historical development trends has the potential to change the way you perceive your own environment, just as it did for author Christopher Peñalosa. In this article, Christopher discusses several of Hayden's most influential works, while relating them to his own experience of growing up in what Hayden would describe as a "Zoomurb." His piece is a must read for anyone looking for a better way of understanding their environment, and the works he discusses should be explored by all aspiring planners.

A Personal Account of Sprawl

Dolores Hayden, social historian and architecture professor at Yale University, synthesizes the concepts of urban design and the social landscape throughout her published work. This new perspective on the built environment transcends architecture's limited focus beyond the physical design of a place. Hayden's academic work conceptualizes the built environment within its underlying social and historical fabric. For this reason, Hayden's work on suburban design resonates deeply with my experiences of growing up in the suburbs.

During my teenage years, I lived in the City of Chula Vista where a planned community called Eastlake Communities was developed near the U.S – Mexican border. This community development was at the fringes of San Diego County. Retrospectively, I could utilize Hayden's *A Field Guide to Sprawl*—a slang dictionary on suburban patterns—to decode much of the bulky suburban landscape. Tapping into the *Field Guide* lexicon, Hayden (2004) would term Eastlake Communities as a Boomburb: “a rapidly growing, urban-sized place in the suburbs” (p. 26). My mother was distraught with its location on the edge of the city, because to her it was a “fifteen minute drive towards anything close to civilization.” When my relatives helped my family move into the Eastlake Community, they knew we were on the edge of the city. To be sure, shoddy cell phone reception, plentiful dirt roads, and construction butting up against small ranch lands were invariable indicators that we were moving “out into the boonies”—the phrase my cousin used when engaged in this environment. Hayden (2004) terms this type of housing sprawl as Greenfield development: “a project constructed on raw land, usually agricultural land” (p. 42). Over time, as local taxpayers paid for infrastructure through mello-roos financing, this landscape would change drastically.

I distinctly recall much of the political tension revolving around the new developments in the Eastlake Communities. Where housing developments extend for miles, social activists are sure to have their voice heard on land use issues. Through this clash, I was introduced to the concept of an eco-terrorist group; my friend's apartment complex was detonated with explosives during its construction. His complex, along with a nearby suburban development, was close to a contested habitat region with much of the prior ecology cleaved from the advent of single-family homes and asphalt roads. Over time, much of the prior flora and fauna receded, and was replaced by tracts of housing developments. As a teenager, my friends and I held contempt for the built environment: restless youths imprisoned in the labyrinth of housing developments and roads. A common activity we took part in was marathon skateboarding days. Since all of us were too young to drive, or were too scared to drive our parents' cars, we would rely on our skateboards to get us out of the suburban landscape and into the city. Sunburnt and exhausted by the end of the day, we were happy to wait an hour for the 709 bus line: a rare, protracted transit route from the city to the suburbs.

Hayden's redefinition of the suburban landscape enriched the vivid experiences I had in the Eastlake Community. The usage of code added specific meaning to

memories of a homogenous landscape of houses, roads, and malls. In order to provide understanding and context of such a place, Hayden empowers readers with a lexicon that disarms the hefty landscape. Beyond *A Field Guide to Sprawl*, Hayden's writing is a socially empowering lens deserving of great attention in order to highlight her meaningful contributions as a historian of design.

Hayden as an Urban Scholar

Hayden's contributions to the academic world are exhaustive. Educated as an architect at Harvard in the seventies, she now teaches architecture at institutions such as MIT, Berkeley, UCLA, and Yale. In addition to teaching, Hayden has numerous publications. Her writing is a multifaceted approach to place; the social functions of the built environment, the cultural implications of suburban design, and the formation of social memories around design are the loci of Hayden's keen lens on the concept of place. Hayden engages the cumbersome design of suburbs through works such as *Building Suburbia: Green Fields and Urban Growth, 1820-2000* and *A Field Guide to Sprawl*. In the former, Hayden utilizes historical design to synthesize implied gender roles with the architectural design of the American home. In the latter, Hayden's "devil's dictionary" (Lynch, 2004) of sprawl utilizes careful naming of common suburban sites to articulate its many aberrations. Hayden's practical fieldwork in non-profit organizations is told in her work, *The Power of Place: Cultural Landscapes as Public History*. From 1984-1991, her social preservationist work through non-profits honored diverse stories of the working class in Los Angeles. Hayden (1995) communicates an important lesson derived from this work: the changes in the physical environment can erode a cultural history of people and their values. Contrasting cultural preservation with physical landscape changes is endemic throughout Hayden's writing. Her multidimensional analysis as an architect considers space—in terms of the physical design of a place—and time, as in the sociocultural representations that are articulated in the built environment, to elucidate a more rich meaning behind the concept of place.

The Cloning of the American Cottage

Hayden approaches the unwieldy subject of sprawl through a time line approach to the cultural and built history of suburbs. This approach is quite useful for a historical interpretation of suburbs; each era of growth is predicated by design efforts from the past. For example, in *Building Suburbia*, she divides the study into seven different historical design patterns of suburban neighborhoods. This seven-fold distinction of design embodies unique design-era features and architectural motifs while still tracing such features back to the early American cottage (Hayden, 2003). Hayden (2003) intertwines the history of the built environment with extant cultural history to frame a multifaceted view of suburban designs.

In the framing of early design patterns, Hayden describes the contributions to early suburban design through the efforts of Andrew Jackson Downing and Catherine Beecher. Downing and Beecher were prominent figures in the early Elite

suburban era, popularizing rural escapism from the cities. Hayden (2003) refits this design era as “picturesque enclaves” (p. 45). In her critique of these figures, she includes the technical floor plans of suburban cottages in the mid 1800’s. For urban historians, this is a great lesson in studying how early suburban ideals and values still persist today. Hayden (2003) identifies the quintessential image of the “American cottage” (pg. 31) as owing its roots to Downing and Beecher. In studying Downing’s architectural choices, Hayden (2003) concludes that his contributions to domestic architecture were rural Gothic and Italian-based styles.

Downing’s impact on the idyllic image of the American home is profound and far-reaching. His architectural choices, typified by the single-family American cottage with a yard, continue to be the trend for American suburban homes. The idea of a home with a yard, along with the subsequent maintenance and manicuring, is codified into many community development associations and local governments. The Eastlake Community Association, which held special taxation authority and guidelines for the suburban community I lived in, made stipulations on the design of the front lawn and what could be grown there. Hypersensitive to the homeowners’ landscape wishes, the Association required homeowners to petition things such as patio construction. Also, if the front lawn was not maintained according to Association regulations, a service would be imposed by the Association, at the cost of the homeowner. The American cottage design persists so profoundly that it is replicated in the authoritative powers of housing associations. Cultural values that pervaded this architectural style, argues Hayden (2003), were gender stratifying and were ostensibly the root of problematic community development and participation.

In studying the architecture of the early suburbs, Hayden (2003) finds the community values of that time period were tempered through design. Hayden (2003) argues that gender roles pervaded in the values set by Downing and his contemporaries. Simply, men and women managed separate aspects of the home. Beecher, in her treatise on domesticity, outlines the roles of women in the family with the bloated title, *Treatise on Domestic Economy for Use of Young Ladies at Home and at School*, and in her coauthored work, *The American Woman’s Home*. Widely read in the 19th century, these texts form Hayden’s basis for unearthing the roles of women in the suburban realm. Hayden (2003) describes Beecher’s work as a common resource for the domestic life of women. In these works, Beecher qualifies women’s life at home as a retreat “in the country or in such suburban vicinities as give space of ground for healthful outdoor occupation in the family service” (quoted in Hayden, 2003, p. 35).

Additionally, Beecher merges religious ideology with the physical presence of suburban homes; the meaning of the home is irrevocably “the home church of Jesus Christ” (Hayden, 2003, p. 35). Mismanagement of the home, for women, held a deeper spiritual impact that precedes family life. Hayden identifies Beecher’s ideals of domesticity as “explicitly gendered: women were to create a peaceful domestic world” (ibid.). Through Beecher’s focus on the domesticity of

women, Hayden (2003) helps us to understand the larger implications for women's political and economic participation in public life. While women devoted their time to the house, they mostly fell to the wayside of political movements and the formation of economic activities. Under Beecher's treatise, women were consigned to domestic life by spiritual obligation. This socially stratifying force limits the range of activities women engaged in. Through these treatises on suburban design and gender roles, a rift was generated that prevented the majority of women from engaging in important civic activities. It is by no means an accident that women have disproportionate representation in political issues. Hayden's unearthing of cultural history through design is a motif in her analysis. Similarly, in *The Power of Place*, Hayden (1995) denotes this idea by stating that the "urban landscape is not a text to be read, but a repository of environmental memory far richer than any verbal codes" (p. 227).

The Power of Place

Hayden's efforts to understand the cultural landscape history is rooted in public service; she writes in *The Power of Place* that "the history of urban cultural landscapes offers citizens and public officials some basis for making political and spatial choices about the future" (1995, p. 43). To her design cohorts, she recommends that the cultural landscape history "offers a context for greater social responsibility," implying that preservation of culture through design is professionally necessary for designers (ibid.). This approach is in opposition to the designs and treatises of the aforementioned Downing and Beecher, which preserved gender inequality. Hayden takes into account a cultural awareness necessary to embed social history and greater cultural representation in urban landscapes. People establish memories in different ways and through different means; Hayden (1995) suggests that to orient memory of a place is achievable through its careful design. Under this premise, preservation and respect for a culture's history allows for a common, legible public memory to develop over time. When humans set out to change the natural environment, they commit themselves, both physically and ideologically, to the environment being changed. According to Hayden (1995), cultural values, morals, social norms, and institutional stipulations are derived from making the connection between cultural history and the design of a place.

In *The Power of Place*, Hayden (1995) emphasizes both the design of a place as well the process behind the design. Through this endeavor, she distills lessons in working with the public. Part of telling an accurate cultural history, Hayden (1995) argues, involves "giving respect to members of a community, listening to them and talking to them as equals, and earning their trust" (p. 229). Hayden (1995) stresses that conversations from diverse stakeholders need to occur throughout all levels of development: starting at the project's inception and through the cutting of the red ribbons at the end. As opposed to employing land use planners, private developers and design professionals, she recommends a vibrant consensus in the construction of the built environment; women's advocacy

groups, labor unions, civil society organizations, and minority groups are integral in embedding community interest and investment in a place (1995).

A Dictionary of Bad Practices

In her more off-beat approach to design, Hayden's most recent work, *A Field Guide to Sprawl*, is described by popular media as a "devil's dictionary" of suburban dynamics (Lynch, 2004). The book's structure is organized as a dictionary of 51 bad building patterns that can be found in the suburbs, accompanied by a short essay on each pattern. Hayden also uses photography from Jim Wark to stitch together the broader suburban landscape. Wark's photography is taken from an oblique angle, showing the vast spreads of unfettered suburban development. The dictionary ranges from A-Z, and Hayden uses each letter to satirize professional real-estate jargon, architectural terms, and political dynamics. An "alligator", for example, is representative of "an unsuccessful real-estate speculation" (Hayden, 2004, p. 17). Meanwhile, a "zoomurb" is a suburban area coined by a Charlottesville, Virginia, newspaper for an expedited sprawling area (Hayden, 2004). In *A Field Guide to Sprawl*, Hayden (2004) identifies naming as a key element for people to understand and with which to converse about ideas. Part of satirizing professional terminology and renaming them disarms their intimidating and cryptic connotations. For example, an architect describing the spaces between things would use the term "interstitial spaces." For the layperson, this term is confusing and problematic. In a more practical situation like a city planning meeting, professional jargon is consistently thrown around. These terms can be puzzling for people attempting to get on board with planning ideas, limiting the range of public comments and participation. Although professional terms hold specific meanings for specific groups, they quickly lose their communicative function with respect to being accessible to the general public. *A Field Guide to Sprawl* would, foremost, be a reference for the layperson to respond to the subduing effect of professional jargon.

Aside from being a comical approach to suburban development, *A Field Guide to Sprawl* resonates within Hayden's previous works that are critical of the unsustainable building practices in the suburban landscape. Hayden identifies big-box retail stores, roaring freeways, and the wide swaths of land used in suburban development as indicators of unsustainable growth (2004). The oblique angles captured by Jim Wark's photography gives a great overhead perspective of the seemingly endless growth of the suburban landscape. Taking readers outside their own personal perspective bubbles, Hayden utilizes the photography to tell a story of a common landscape that Americans interact and live within. In this landscape, examples of human interactions with the natural environment are spread throughout. While suburban living can dissociate one from the idea of human connectedness, Hayden's taxonomical guide combined with Wark's photography is a stark reminder that we're all interconnected. The methods in which we've employed to interface with our environment—urban

sprawl, widespread freeway construction, mega-malls, and an energy-intensive transportation infrastructure—have bankrupted our capacity for long-term persistence. These methods can easily be traced to the political forces that cultivated suburban development.

In *A Field Guide to Sprawl*, Hayden responds to the larger political landscape that revolves around suburban development. Her approach in making the real-estate and development jargon more accessible allows greater numbers of people to engage in political discussions and city-planning meetings. Empowering people to contextualize and make informed decisions in these political realms allows them to debate sprawl on many different levels. Additionally, being able to reach out to more diverse groups makes the sprawl debate more vibrant and engages broader voices on the topic. *A Field Guide to Sprawl* is potentially a politically empowering manual for people to visually identify a bad building pattern and its associated political context. One of the subversive effects that sprawl has, especially for those who live in such areas, is that the scale is so large that people often don't question its existence. Sprawl, due to its ubiquitous existence, is often perceived as a product of the free market system.

But more than just an occurrence of the free market, sprawl is also an intentional political occurrence. Redlining practices, government subsidization of home ownership, and public funding of transportation infrastructure are examples of how sprawl has historically been politically rooted. In these examples, sprawl is a process riddled with political inequalities. Hayden, and many other historians like Kenneth Jackson, has identified discriminatory lending practices, the Interstate Highway Act, and Herbert Hoover's real-estate lobbyist efforts in the 1920's as political inequalities in the burgeoning suburban development experiment. Although suburban development began in the 19th century, this parallels the modern supporters of sprawl as retainers of the 19th century values of boosterism (Hayden, 2003). Early cities competed to annex land where unrestrained development could take place at the city fringes. The benefits for sprawling cities were more tax bases, which kept them in pace with other booming cities. Early attempts at land annexation also created the trends found in modern-day sprawl, where low-density growth is endemic. These values are reflected in modern suburban developers, whose perspective on growth is primarily buttressed under typical free market assertions.

Hayden's writing continues to be especially relevant in today's economic recession. Massive foreclosure and unemployment rates undermine suburban developments, driving many people out of their homes. In its wake, displaced persons, stretches of unused paved roads, and overgrown lawns that creep up to foreclosure signs are common in suburban areas. There is much that can be gleaned from Hayden's work to describe how suburban development metamorphosed into this landscape. Her work operates as a lens that magnifies the sociocultural functions of design. By using this framework, Hayden's multidimensional approach enriches one's understanding of a place's lineage and social legacy.

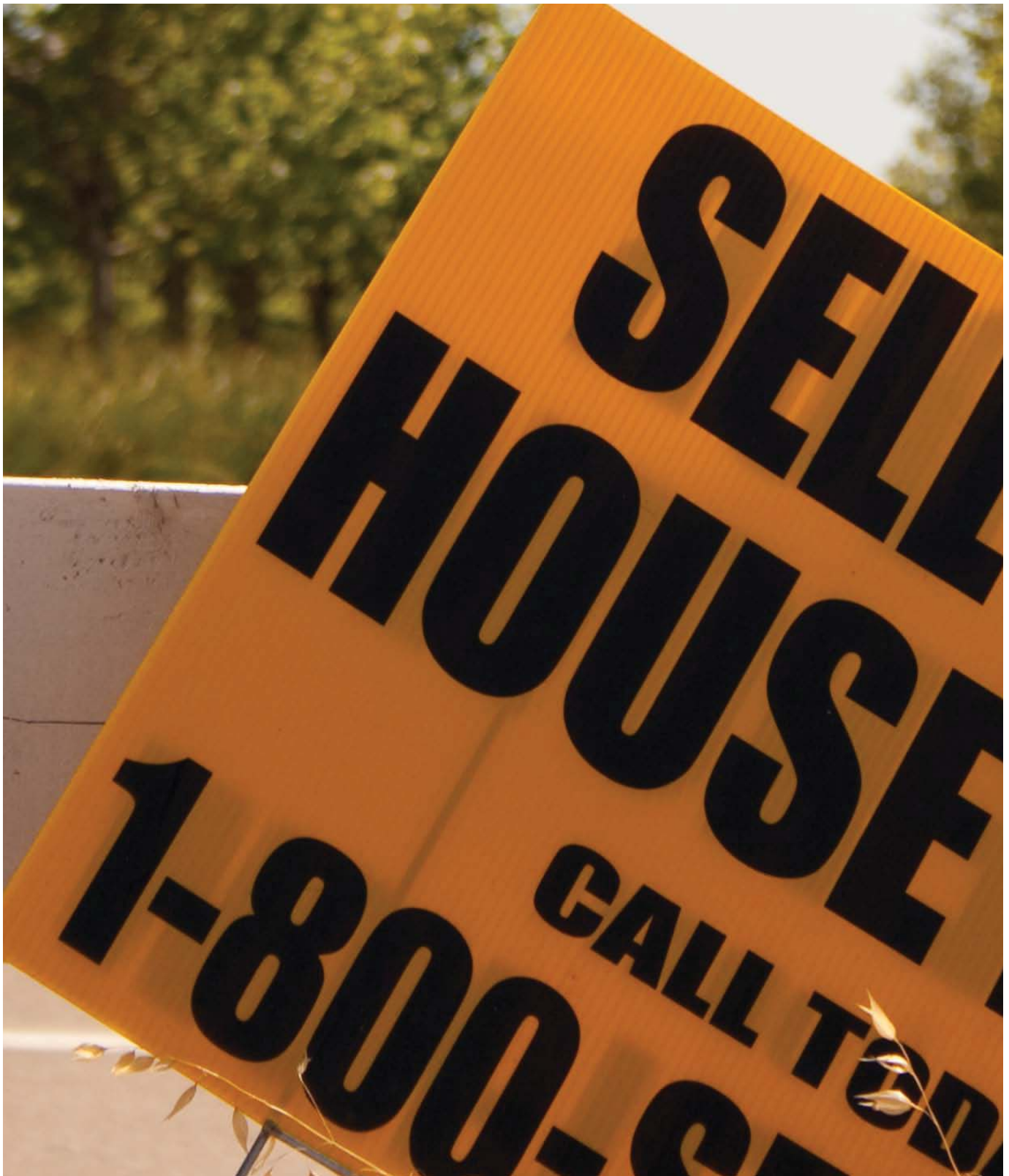
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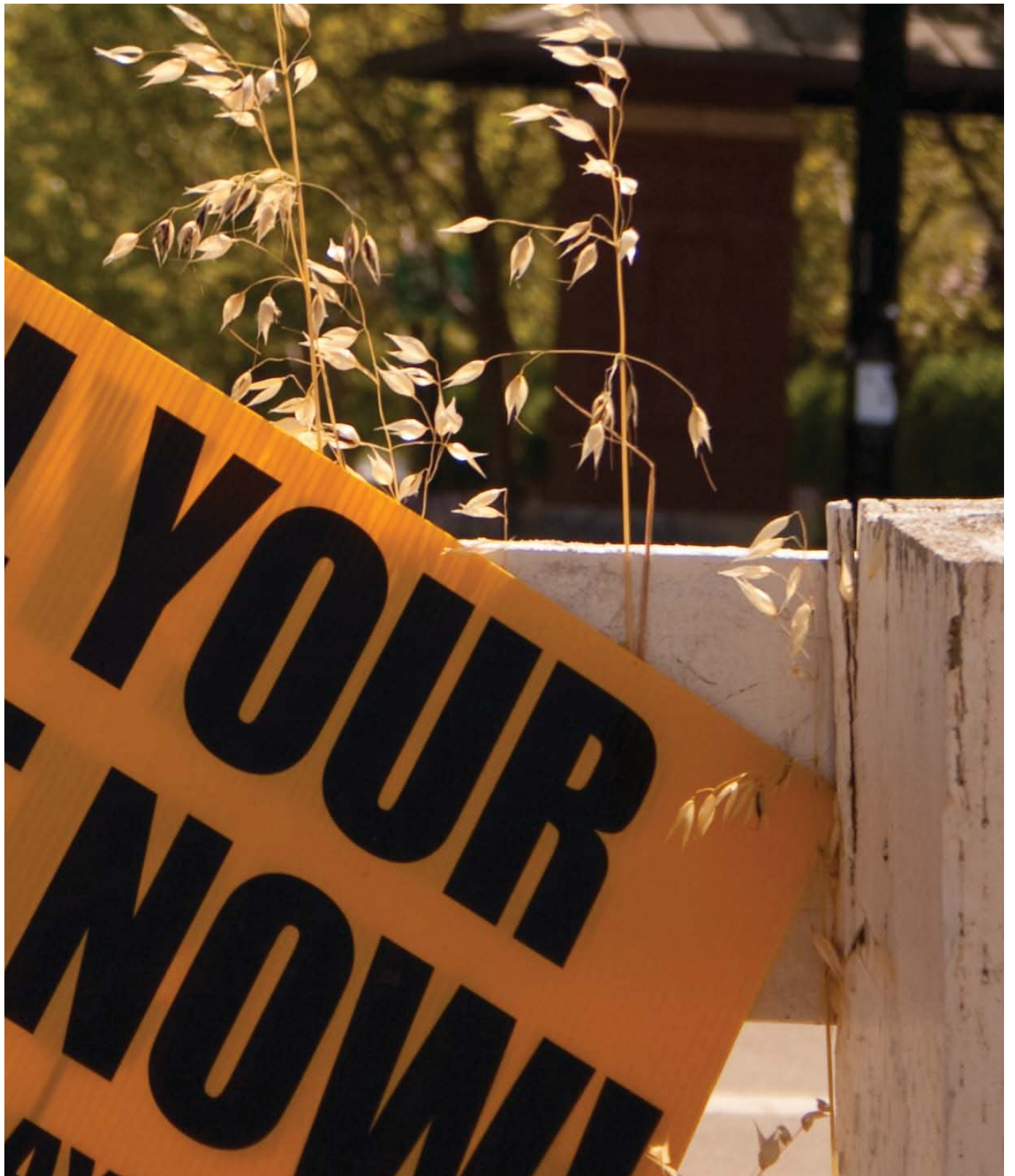
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Prostitution:
A Multitude of Problems, One Logical Solution
Elizabeth Karsokas

Editors' Introduction

It is a question nearly as old as time itself: what to do about those who buy or sell sex for money? Should prostitution fall under the purview of the criminal justice system, best left to the police and courts? Or is it a public health issue, better dealt with through harm-reduction strategies? Is the government encouraging or condoning prostitution by pursuing policies of legalization and taxation, or just recognizing the inherent futility of trying to legislate away the world's oldest profession? Furthermore, does the criminalization of prostitution drive the trade not only to illicit, underground venues but, more insidiously, inadvertently encourage "sex tourism" and child exploitation in other countries? For any city—particularly San Francisco in light of the ill-fated Proposition K—the underlying policy directives regarding prostitution have profound and far reaching effects on public health and safety, as well as on the limited resources available for crime prevention.

Author Elizabeth Karsokas handles this complex issue with cool composure: allowing the facts—the good, bad, and the ugly—to supersede the emotional pleas and tendentious didacticism endemic to most debates on the subject. The editors of *Urban Action* are proud to publish this highly important piece. It is our hope that readers will recognize that no approach to prostitution is a panacea. All are fraught with perils. But through revealing the true costs of prohibition—human, financial, and otherwise—perhaps we can collectively arrive at a perspective that places the well-being of all interested parties at the forefront of public policy.

Introduction

Frequently referred to as “the world’s oldest profession,” prostitution is a highly charged issue that has the power to divide individuals from all classes, assorted backgrounds, and countless ethnicities. However, despite its condemnation, this powerful subject of debate has been a universal human activity for centuries. Since the fifth century B.C., when the first records of prostitution started being kept, the topic of “selling” one’s body has been debated continuously by politicians and ordinary citizens alike. Unfortunately in the United States, our historical approach to prostitution has been control and discipline, which has proven increasingly ineffective. From military bans on prostitution patronage to specialty courts attempting to centralize the government’s authority, powerful anti-prostitution movements have come and gone throughout the years. Largely driven by a belief that prostitution poses a serious threat to our moral and societal fabric, many argue that prostitution simply leads to bigger, more troublesome problems. In order to solve this “problem,” the U.S. has turned to the criminal justice system time and time again.

Excluding several counties in Nevada, the primary course of action in 49 states is the criminalization of any involvement in the sale of sex. This requires prosecuting everyone from the prostitutes to the pimps, as well as anyone who attempts to purchase sex—often referred to as a john. Many argue that this is the only sane solution to a horrible industry that takes advantage of human beings and subjects them to the ugliest side of human behavior; however, this system is not without its faults. Currently, the prosecution of prostitution in the U.S. is not only overwhelming our criminal justice system and consuming large amounts of public tax dollars, but many people are becoming increasingly concerned with the questionable tactics legislators, law enforcement officials, and courts are implementing to convict the individuals involved. Thus, in light of this on-going dispute, many find themselves asking whether or not there is a better solution.

In November of 2008, San Franciscans, arguably some of the country’s most “liberal” citizens, put Proposition K, a prostitution decriminalization measure, on their ballots. Endorsed by the local Democratic Party, Prop. K incited debates on both sides of the fence. Supporters said the measure would cut crime, protect prostitutes—who would no longer fear being arrested for reporting abuse—reduce sexually transmitted diseases, and “save the city millions of dollars spent annually on prosecuting prostitution” (Cote, 2008, B2). On the other hand, opponents of Prop. K, who included Mayor Gavin Newsom and District Attorney Kamala Harris, argued that it would simply turn San Francisco into a “safe haven” for sex traffickers and pimps, increasing competition for the same business, which in turn would create more violence and other crimes (May, 2008). But the heated arguments over Prop. K were short lived because the measure was defeated by the voters on November 4th, obtaining only 41 percent of the votes (www.yesonpropk.org, 2008). Nevertheless, San Francisco’s attempt to restructure its approach to prostitution has not been forgotten and some say that had minor improvements been made, Prop. K would have passed.

Therefore, it is this paper's argument that with the appropriate amendments to Prop. K, San Francisco indeed has the capacity to develop a more optimal policy approach to the problem of prostitution. However, to determine what possible modifications could be made in order to render Prop. K more efficient and successful, we shall review a collection of current, relevant material that addresses both the benefits and the disadvantages that the world of prostitution provides. Initially, Melissa Farley will give us a look at the horrible reality that many street prostitutes find themselves in everyday. From brainwashing to beatings, these individuals endure atrocious circumstances; yet because they live an illegal existence, many feel as if they have nowhere to turn. Subsequently, however, Kelley Frances Stieler illustrates that even when the law does become involved in the world of prostitution it is often under false pretenses: further damaging the already-victimized sex workers. Luckily, on the opposite end of the spectrum, Shay-Ann M. Heiser Singh demonstrates that legal intervention in prostitution, which is currently being enacted in several states, has the potential to expand and develop alternative avenues for prostitutes to employ: ultimately giving hope to those who want to end their career in prostitution. Yet as Kelly Schwab explains, adults are certainly not the only victims in the international prostitution fight, and that the issue of child prostitution is a very pressing matter. But could legalization of adult prostitution be a potential solution? Lastly, to conclude the review of literature, Daria Snadowsky gives us a detailed examination of the current prostitution policies in Nevada—the only place where in the United States where the sale of sex is “legal”—a state that takes the business of prostitution to a whole new level. Finally, in conclusion, this paper gives a hypothetical illustration of what a regulated, functioning prostitution industry could look like in San Francisco.

Unbelievable, Unprotected Sex Work

Melissa Farley, author of “Sex for Sale,” a 2004 article in the *Yale Journal of Law and Feminism*, states that citizens must not know several things in order to keep the business of sexual exploitation running smoothly. First, we must not know of the extreme violence associated with prostitution (Farley, 2004, p. 112). Sex workers are required to constantly put themselves in dangerous situations, and Farley's research showed that multiple events of sexual and physical abuse among workers were the rule, rather than the exception. Stating that those who sell their bodies “do not stay whole, but lose names, identities, and feelings,” one woman confessed that “even though they pay me for it, I feel like they're robbing me of something personal” (Farley, 2004 p. 116). Second, we must not know that prostitution, pornography, and trafficking easily qualify as forms of torture (Farley, 2004, p. 122). Employing the three-pronged method of political torturers, pimps and traffickers rely on the effective debilitation, dread, and dependency of those they manipulate (ibid.). Additionally, to ensure that the prostitutes comply with any demands made by pimps or johns, “systematic methods of brainwashing and physical assaults (referred to as ‘seasoning’ by pimps) are used to break workers down” (Farley, 2004, p. 125). Often victims of the Stockholm Syndrome, in which

humans form bonds with their captors, prostitutes frequently depend on this psychological strategy as a means of survival (ibid.).

Subsequently, we must also not know that “pornography is action taken against real women, that it is advertising for prostitution, and that it is one way to conduct human trafficking” (Farley, 2004, p. 126). Arguing that pornography has been defined as “the presentation of prostitution sex,” Farley states that those who “appear in pornography are prostituted” (ibid.). Additionally, though web technology may give johns more anonymity than before, it also bestows more symptoms of post traumatic stress disorder upon sex workers—more so than those who engaged solely in prostitution (Farley, 2004, p. 129). Farley claims that this occurs because workers who have since left the trade are then “continually traumatized by the thought of customers looking at pornography of them during their time in prostitution” (ibid.). The fourth thing we must do in order to keep the business of sexual exploitation running smoothly is never speak about johns. Even in parts of the U.S. where prostitution is legal, the majority of john activity is “carefully concealed from public view” (ibid.). This is because a large number of johns are average citizens from all ages and classes, most of whom are married or partnered. But this does not stop them, even though those interviewed about their john behavior showed much greater percentages of problems maintaining normal, healthy relationships with significant others (Farley, 2004 p. 130).

The next essential mind-set Farley recognizes is that “postmodern theory helps to keep the real harms of prostitution, pornography, and trafficking invisible” (Farley, 2004, p. 131). Through extensive and misleading word play, the realities of prostitution are disguised and sugar-coated; johns become “interested third parties,” pimps are “boyfriends or managers,” and sexual exploitation turns into “freedom to express one’s sensuality” (ibid.). But all this does is cruelly turn the tables on the true victims and idolize the pimps and johns who perpetuate this appalling market. The last point she makes is that we cannot know that “when prostitution is legalized or decriminalized, it gets worse” (Farley, 2004 p. 136). Thus, Farley’s solution to this conundrum is to abolish prostitution altogether, via legislation and international agreements. But despite the fact that Farley presents a powerful illustration of the horrors of prostitution, and that legislative measures and international agreements sound like promising solutions in an ideal world, the reality is that, instead of helping prostituted individuals, such laws are often constructed to further the government’s personal agenda.

The Perils of the U.S. Government’s Involvement

Unfortunately, this is precisely what Kelley Frances Stieler, author of *The Government Menage a Trois: Unraveling the Government Sex Partner in Undercover Prostitution Stings*, argues. Stieler (2009) analyzes the questionable tactics the U.S. government employs in its unending endeavor to uncover illegal prostitution. Arguing that these measures simply manifest a “broader reflection of the government’s policy towards treating sex workers” (Stieler, 2009, p. 457), Stieler ultimately hopes her examination will start a dialogue about such strategies.

For this reason, her assessment begins by explaining the role each branch of government holds in this suspicious ring of conviction.

Explaining that together the three branches make up one powerful sexual partner, Stielor asserts that “(1) the Legislature forbids [citizens] from selling sexual services; (2) law enforcement engages in sexual acts to investigate and enforce the legislated crime; and (3) the criminal court penalizes the accused for offering [sexual] services to law enforcement” (Stielor, 2009, pp. 457-458). But the U.S. system didn’t always operate through this entrapping method of so-called justice. Prior to the Progressive Era prostitution was seldom a criminal offense, but “the first laws criminalizing it [...] either directly or indirectly related to the desire to regulate women’s sexuality” (Stielor, 2009, p. 459). In fact, “early statutes defined prostitution not only as sex for sale, but also sexual promiscuity without regard to whether the sexual acts were for monetary gain” (ibid.). Yet as the “laws against sex work have evolved, so too have the justifications for its criminalization” (Stielor, 2009, p. 461). Accordingly, once prostitution had been criminalized, the next logical phase was enforcing the laws.

Regrettably, the enforcement of these laws can also be disconcerting for several reasons: “(1) the enforcement creates a situation in which the investigation imparts the same “harm” as the crime; while (2) the same discriminatory motivations attendant to the criminalization of prostitution are often equally as present in the enforcement of the laws” (Stielor, 2009, p. 463). Some argue that because the law bars mere solicitation, engagement in sexual contact to make an arrest is unnecessary; while others claim that contact is required in order to both alleviate suspicion and “elevate the offense from a misdemeanor to a felony” (Stielor, 2009, p. 464). So while law enforcement officers are receiving non-compensated sexual acts from workers, also known as “freebies,” and undermining public trust, the court system continues to uphold the validity of this questionable police conduct. Take the case of *Anchorage v. Flanagan* and *Hawaii v. Tookes*. Both involved undercover individuals who engaged in sexual contact with the accused, while the workers were ultimately charged with illegal conduct. So while “the law prohibits sex workers from engaging in prostitution [...] if the government is the partner, the conduct is only illegal on [the worker’s] part” (Stielor, 2009, p. 481). Luckily, there are several governmental entities that appear to be looking out for the best interests of the sex workers: state governments.

Leave it to State Power

Thankfully, having recognized the ever-present obstacles faced by those in the sex trade, including the immense struggle required to leave the field of prostitution, the U.S. has seen the passage of several measures by various states over the last twenty years. Moreover, these measures were designed to provide alternative avenues for victimized and exploited individuals to utilize. In “The Predator Accountability Act: Empowering Women in Prostitution to Pursue their own Justice,” Shay-Ann M. Heiser Singh (2007) illustrates the strengths and

weaknesses of these current laws, and provides her own suggestions as to which course of action would best solve the issues criminalized prostitution presents. In 1993, Florida became the first state “to provide prostituted women with a civil cause of action outside of traditional tort actions” (Singh, 2007, p. 1042). Though it allowed plaintiffs to “bring suit against those who coerced them to begin prostituting, stay in prostitution, or relinquish any portion of prostitution-related earnings” (ibid.), the statute unfortunately barred the prosecution of johns, as well as attempted johns. Defining coercion and listing several examples, the law bars defendants from raising certain defenses, such as the “compensation” defense, which stipulates that because the worker was paid, the sale of sex was not coerced, and the “preexisting practice” defense, which argues that the worker was not coerced because they were already involved in the prostitution industry (Singh, 2007, p. 1043). Governed by “Florida’s four-year statute of limitations for personal injury tort actions, if successful, plaintiffs may not only recover compensatory and punitive damages, but also attorney’s fees and litigation costs” (ibid.).

Then, in 1994, Minnesota became the second state to create a civil course of action. Somewhat broader than the one created in Florida, Minnesota’s law “includes a more extensive list of coercive behaviors, as well as allows for action to be taken against some johns, attempted johns, and prostitution business owners” (Singh, 2007, p. 1045). Moreover, by the end of 1999, Hawaii joined Florida and Minnesota in creating similar statutes. However, the Hawaiian law is quite weak, because it does not specify non-defenses and incorporates a trivial two-year limitation on prosecution (Singh, 2007, p. 1046). Finally, in 2006, Illinois passed the Predator Accountability Act (PAA), consequently setting the groundwork for all civil courses of action available to prostituted individuals. In fact, the most significant improvement the PAA introduced was that plaintiffs bringing suit were not required to prove coercion. Realizing that most of the violence of prostitution occurs in private, the drafters of the PAA recognized the extraordinary complexity of bringing these types of allegations to court and stated that “all who become prostitutes are coerced” (Singh, 2007, p. 1048). Holding pimps, panderers, and solicitors accountable for their roles, the PAA additionally “imposes liability on businesses that knowingly advertise or publish advertisements to recruit women into the sex trade” (Singh, 2007, p. 1050). Employing an extensive list of non-defenses and extending the statute of limitations to ten years, this groundbreaking measure “reflects an understanding of the obstacles that most prostituted individuals face in attempting to bring a suit under the Act” (ibid.). However, even this revolutionary statute has its drawbacks.

The PAA not only fails to bar employers from asserting “the employer prohibition” defense—essentially ignoring the fact that many “legitimate” strip clubs promote back-room prostitution—this statute also allows the “continuing practice” defense, which argues that the worker participated out of their own free will (Singh, 2007, p. 1056). Clearly, the PAA has a few areas that could use some improvement. Nevertheless, the PAA is a remarkable feat, as well as “an important step toward official recognition of the damage caused to those in the sex

trade” (Singh, 2007, p. 1062). Thus, Singh (2007) suggests that advocates pursue the decriminalization of the sale of sex, while also pressing for strict enforcement of criminal laws against those who keep the commerce of prostitution going. Regrettably, the continued criminalization of prostitution is not only detrimental to adult sex workers, but also to those who are even more vulnerable and subject to mistreatment.

What About the Children?

As Kelly Schwab explains in her article, “The Sexual Exploitation of Children: Suppressing the Global Demand and Domestic Options for Regulating Prostitution,” a multibillion-dollar international trafficking industry is being supported through the increasing demand of children for sexual exploitation (Schwab, 2005, p. 335). Perpetuated by persisting criminalization laws, the child-sex trade results in most children being taken through force, such as “kidnapping or physical violence, [in order] to maintain an adequate supply” (ibid.). Unfortunately for the children, most of this brutality occurs in developing countries, where laws against such tactics are non-existent. Fortunately, however, many “sending” countries, such as the United States and Canada, have passed legislation that “makes it a criminal offense to travel internationally with the intention of having sexual relations with children” (Schwab, 2005, p. 336). But as Schwab (2005) notes, these laws employ a case-by-case basis, and fall short of addressing the issue of existing sex tourism operators within the sending countries. Luckily, there have also been international agreements that are intended to protect children from sexual exploitation.

The United Nations Convention on the Rights of the Child, which has been adopted by 191 countries to date, was the first legally binding agreement of the sort (Schwab, 2005). Proclaiming sex tourism as a violation of the agreement, as well as requiring state parties to enact further legislation (Schwab, 2005), this agreement has many celebrated facets; yet it also has one large shortcoming: enforcement. By forcing individual state parties to police and prosecute cases themselves, ensuring compliance with the agreement has proven vastly difficult. Accordingly, in the wake of the 2004 Indonesian tsunami, where UNICEF reported that “in Indonesia alone, about 35,000 children have lost one or both parents” (Schwab, 2005, p. 341), fear of orphaned or lost children being sold into the sex trade was an increasingly legitimate concern. Furthermore, given that many of the affected countries were already recognized sex tourism outlets, UNICEF announced “key steps” for protecting ‘at risk’ children from exploitation. From registering displaced children to issuing a temporary ban on allowing children under the age of 16 to leave a certain territory, Schwab (2005) states that “it is pressing that such measures be implemented quickly to protect the child” (p. 343). But in a world where millions of adults opt to sell their bodies, such a high demand for children prostitutes in today’s market seems perplexing.

One reason for this demand, notes Schwab (2007), is the current fear of

contracting a sexually transmitted disease. Thinking that “they are more likely to be clean, the demand for ‘virgins’ in the sex trade industry has greatly increased” (Schwab, 2007, p. 351). Conversely, however, children are actually a “high-risk group for contracting sexual diseases” because of the amplified probability of skin tearing during intercourse (ibid.). Moreover, many of these child prostitutes were sexually abused before entering the industry and may have previously contracted a disease—creating an even larger hazard to those who request them. Therefore, in an effort to alleviate such issues, Schwab theorizes that the establishment of “legal venues for contractual sex,” will reduce the growing demand for ‘clean’ children (Schwab, 2007, p. 352). Arguing that criminalizing prostitution only exacerbates the entry of children into the sex trade, Schwab concludes that government regulation “will not only protect adult sex workers [...] but will also help stop the sexual exploitation of children” (Schwab, 2007, p. 355). Then again, observing the benefits of government regulated prostitution is already a possibility in the U.S., for a place exists where the legalized sale of sex has been condoned for over 100 years.

Nevada’s Approach to Prostitution

In a number of counties in Nevada, the regulation of prostitution, via government guidelines, has existed for over a century. Detailing this obscure operation in her article, “The Best Little Whore House is Not in Texas: How Nevada’s Prostitution Laws Serve Public Policy, and How Those Laws May Be Improved,” Daria Snadowsky (2005) illustrates the best and worst features of this long-standing establishment. Starting by acknowledging that “the Nevada brothel system is not an ideal model, in that many of its regulations are unofficial, outdated, and inefficient,” Snadowsky (2005) asserts that “it succeeds because it recognizes prostitution as a reality and therefore functions to protect all the affected parties” (Snadowsky, 2005, p. 218). Stressing that Nevada’s course of action has long reflected the “political realities of the time,” Snadowsky (2005) notes that Nevada’s legalized prostitution began in the mid-19th century, when large numbers of gold and silver miners began to arrive, which created a demographic of three men to every woman (p. 219). Shortly after Nevada gained statehood in 1864, “the state’s legislature passed municipal incorporation laws allowing incorporated cities to regulate brothel prostitution,” and by 1881, “county commissioners were also authorized to regulate brothels in unincorporated areas” (ibid.). Initially making prostitution a local matter rather than subject to a state-wide sanction, over the next half-century the state legislature subsequently instituted some general regulations that each locality had to observe.

By 1987 the legislature had passed an assortment of laws: brothels were not permitted to be on a principal street, or within four hundred yards of either a school or house of worship; prostitutes were required to submit to weekly and monthly STD testing; brothel advertising could be outlawed in certain counties; and non-brothel prostitution became explicitly illegal (Snadowsky, 2005, p. 221). As the only state that regulates prostitution, Nevada chose to use this otherwise illegal activity, as “a tactic to further the State’s police power objectives of promoting

public health, safety, welfare and morals” (Snadowsky, 2005, p. 226). Additionally, Nevada’s brothel system, which is regulated through tax dollars, serves as a very profitable business (ibid.). Involved parties are more protected under the current system than outside the bounds of the law, as Nevada’s brothel prostitutes are “independent contractors” (versus sexual slaves) who choose to earn their living in such a way. In contrast, Nevada’s illegal prostitution, or street-walking, which is punishable as a misdemeanor, carries with it a high incidence of disease and battery for both workers and customers alike (ibid.). Snadowsky (2005) also notes that “counties where prostitution is illegal pay hefty sums towards law enforcement in the futile attempt at prevention and punishment” (ibid.).

Nevertheless, with approximately thirty brothels in Nevada, Snadowsky (2005) states that they all function in relatively the same manner. First, the customer parks in the lot, or is dropped off via car service, and enters the parlor. Upon entering, the available prostitutes form a lineup, and the customer selects their preferred worker. Then they both go up to her room, where they engage in price negotiations, which are overheard by the madam or manager via intercom. Once the terms and price are settled, both parties briefly return to the front desk, where the worker tells the madam the arranged terms, and the customer pays. Once back to the room, before the service begins, the prostitute examines the customer’s genitals for any visible signs of venereal disease. Moreover, the “bedrooms may be equipped with emergency buttons that the prostitute can press in case her customer refuses to wear a condom, and she requires intervention from a security guard” (Snadowsky, 2005, p. 229). Estimating that approximately 365,000 sexual acts are performed annually, or 1,000 acts per day, in brothels across Nevada, the State Health Division mandated condom use in 1988; thus, “many brothels post signs that condom use is mandatory” (Snadowsky, 2005, p. 227).

Additionally, not just anyone can be a brothel prostitute in Nevada. The law requires that all applicants secure a work card, and that potential employees submit themselves for both STD blood tests, as well as physical exams. Once they have been cleared of all disease they are given a state health card that must be maintained weekly throughout the course of their career. If at any time a worker tests positive for HIV, she must be reported to the state health board, and is asked to leave the industry. For if she were to work as a prostitute again it would be a felony, which would carry a two to ten year sentence and up to a \$10,000 fine, or both (Snadowsky, 2005 p. 228). Luckily, “no brothel prostitute has tested positive for HIV since 1986,” which is likely due to the liability of brothel owners, who are now held responsible if “a customer contracts HIV from a prostitute who has already tested positive” (ibid.). Minimum age requirements have also been enacted to regulate and legitimize the hiring of workers. Theoretically employing only those who have reached sexual maturity, each county mandates that hired prostitutes must be at least 21 years old: the only exception is Mineral County, whose minimum age is 18. Moreover, brothels are restricted from hiring anyone who has been convicted of a felony within the last five years or a misdemeanor within the last year, which in effect “keeps brothels from functioning as havens

for potentially dangerous fugitives, or recent offenders” (Snadowsky, 2005, p. 231). But the most business-like aspect of Nevada brothels is that “brothel owners and prostitutes draw up actual written contracts, memorializing their respective duties” (Snadowsky, 2005, p. 232). Entering these contracts with owners simply puts “prostitutes in a safer, more legally sound position should the brothels breach the terms” (ibid.).

Legalizing sex work doesn’t mean that all the problems of prostitution are solved; however, Snadowsky (2005) asserts that “in light of the fact that prostitution is an inevitability, the legal industry is the better of two evils” (Snadowsky, 2005, p. 236). And since Nevada’s laws could use a bit of an improvement, Snadowsky (2005) offers some insightful suggestions. In order to keep the business of selling sex running efficiently in Nevada, her first suggested improvement is that “the relevant laws [undergo] additional centralization and uniformity so that all brothels in the State are subject to similar regulations, leaving little room for misinterpretation and manipulation” (Snadowsky, 2005, p. 238). Second, “some kind of tax on brothels needs to be instituted to give brothels more legitimacy and to give the State further motivation to oversee prostitution” (ibid.). Finally, brothel prostitutes must “warrant a more powerful professional status so they are in a better position to negotiate with brothel owners about the terms of their employment” (Snadowsky, 2005, p. 236). By making these changes to their policies, Nevada’s prostitution commerce can “create a win-win situation [...] and more effectively advance public policy” (Snadowsky, 2005, p. 246). Yet this effective and lucrative business shouldn’t be limited to just Nevada; it should serve as a model for other counties around the U.S. that consistently struggle with prostitution and are seeking a better way to manage this age-old predicament.

Prostitution in San Francisco: A Hypothetical Blueprint for Success

As of today, it is reasonable to declare that there are only a few counties in the U.S. that would contemplate the legalization of prostitution. However, a city and county that has already demonstrated a willingness to stray from the criminalization approach is San Francisco, California. Consistently tolerating a range of behaviors frowned upon elsewhere, as well as having placed Proposition K, a prostitution decriminalization statute, on their ballots in the fall of 2008, San Franciscans could make a few minor improvements to this statute and easily put a plan to legalize sex work in motion. By analyzing Nevada’s brothel system and compiling assorted techniques as a model for their organization, San Franciscans have the opportunity to take the best practices and create a successful, well-planned industry for the sale of sex. Therefore, let us take a look at what a potential, regulated prostitution industry might look like in San Francisco.

First of all, all prostitution in the City would be run strictly by licensed brothels. This means that street walking and escort services would remain criminalized and prosecutable under the new policy. Although disputed by some,

this measure is needed to ensure the professionalism and safety of those in an already questionable field. The quantity and placement of such establishments throughout the City would be determined based on population per square block, while also taking proximity to incompatible land uses into consideration, assuring that no brothel would be placed on a principal street, or located less than 200 yards from institutions such as schools or churches. However, mandating only 200 yards, as opposed to 400, would additionally entail that brothels clearly publicize themselves as an 18 year old plus venue—detering any under-age patrons. They would also need to advertise themselves not as “sex salons” or “pleasure palaces,” but more discretely as an “Intimacy Inn,” for example, thereby maintaining discretion in an area frequented by children and families. Thus, once these brothels are set up and organized, they could begin hiring workers to employ.

Operating under strict regulations, the hiring of brothel prostitutes would be very similar to the process utilized by Nevada’s counties. Workers would be required to be at least 21 years old to apply, and interested parties would first have to obtain a state-issued work card, which would guarantee their age eligibility and protect vulnerable, coerced children from third party pressures. Applicants would then submit themselves for a variety of STD tests. Once cleared, they would have to maintain their health checks throughout their career, or be forced to leave the industry. However, unlike the Nevada statute, San Francisco’s penalty for violating the STD clause could result in a felony charge and a minimum ten year sentence for the premeditated transmission of a potentially deadly disease. If accepted for the position, prostitutes and brothel owners would then draw up a standardized, legally binding contract, designed to protect the interests and welfare of each party. As part of the contract, the worker would need to determine which services they are willing to perform, as well as whether they would prefer to be employed as an independent contractor or a salaried employee, which would render them eligible for a realistic benefits package. Once the details of employment have been resolved and the contract has been signed and notarized, the worker would then be free to begin selling her services.

With video surveillance outside the parlor, as well as in the entry, workers would be able to preview potential clients, as well as turn down those whom they do not wish to work with. This modification maintains the privacy and professionalism of the workers, while also putting a portion of selection discretion in their hands. Additionally, the lobby and guest rooms would have to have posted expected and mandatory “house rules” of the venue, including obligatory condom usage and a no-tolerance policy for physical violence. Once a client and a worker agreed to engage in business, the price and expectations would need to be discussed, recorded by the madam, and paid for before entering one of the guest rooms. Fortunately for those discrete clients, all credit card transactions could be coded under unrelated, corporate titles, in hopes of maintaining at least a nominal level of customer anonymity. Furthermore, before engaging in any physical activity, a customer would also have to submit themselves to a visual STD check by the worker, ensuring they have no visible signs of venereal disease. Once all of these

steps have been completed, the client and the worker would then free to proceed with the previously agreed upon expectations. However, in the instance that a customer fails to comply with the house rules, or is found to be in violation of the previously agreed upon terms of the arrangement, the establishment's security would be asked to escort them out immediately—without refund.

Yet with all of these guidelines, the fact that these brothels would be privately run, independently owned businesses may leave many wondering how the county or state would benefit from their existence. Quite simply, they would be regulated just as any other small business in San Francisco. As the Small Business Administration notes, these organizations “account for 50 percent of the country’s private non-farm gross national product, create between 60 and 80 percent of the net new jobs and are 13 to 14 times more innovative per employee as large firms are [...] making them the strength of our nation’s economy” (Small Business Association, 2009). Therefore, by offering job opportunities, contributing income taxes, and providing a valuable public service, brothels would have the opportunity to legitimize themselves as valued elements of the community, while also advancing public policy.

Conclusion

As one can see, after analyzing influential, modern literature on the subject of prostitution and carefully examining the debate that spans the globe, it becomes clear that legalization is crucial. In fact, the benefits of legalization are unbounded. From providing STD free workers—thereby both decreasing the demand for child prostitutes and taking illegal workers off of the streets—and reducing the economic burden placed on governments to investigate and prosecute those involved in the sale of sex, legalization seems to be the only logical solution to the multitude of problems associated with this seemingly inevitable industry. It is not this paper’s conclusion that the legalization of prostitution would solve each and every negative aspect associated with the sale of sex, but perhaps with a certain level of regulation, it can finally be embraced as a beneficial area of society. Additionally, with amendments made to Proposition K—such as implementing incentives for mistreated workers to come forward or offering assistance programs to those who would like to leave the industry—if reintroduced, it should have a much better chance at future passage. Regardless, the introduction of a decriminalization statute was the necessary first step toward making legalized prostitution a possibility in San Francisco. Even if San Francisco does not succeed in passing a prostitution decriminalization statute in the near future, the City is truly a place of innovation, and would arguably be the ideal “testing ground” for a contemporary resolution to this ancient dilemma. Once officials and the general public realize that everyone can benefit from this apparently “drastic” transformation in policy, the true work of successfully revolutionizing our approach to prostitution can commence.

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City Beautification Ryan Thayer

Graffiti is commonly seen as an urban blight connected to crime and gang culture. While it does exist in these forms, graffiti is undeniably a global culture of urban expression in which bland concrete becomes a canvass for the artist. Done by using spray paint, graffiti has become a form of expression by those lacking a voice in mainstream society. Graffiti provides a space available to all where political protest, social issues, memorials to the dead, expression of culture, and individual voices can be uniquely seen in various cities. In San Francisco, graffiti removal services cost taxpayers roughly \$22 million each year. The City sees graffiti as a crime that must be contained and restricted rather than encouraged and guided. It has been openly stated by City officials that the war on graffiti is not being won; this is a war in which graffiti damage under \$400 can result in a year in prison or a \$10,000 fine, and damage over \$400 three years in prison or a \$50,000 fine. The war on graffiti is essentially being waged against a misunderstood culture found throughout every corner of the globe. Instead of using City resources to restrict and criminalize this art form, guided encouragement could foster countless opportunities for the expressions of misguided youth. If this art form can be seen as a social benefit to the community by way of providing public art, a process of City Beautification could take place whereby the City itself becomes a canvass. This photo essay shows how graffiti has been used in San Francisco to enrich and improve public space.



















Spatial Inequality and the Social Safety Net Christine Lias

Editors' Introduction

Poverty manifests itself in myriad forms and results in the need for a variety of services: direct financial assistance, food provision, health services, and temporary housing, among many others. Collectively, the providers of these services comprise the social safety net. But what happens when certain services are not offered in the communities where they are needed, or if access is impeded by cuts to public transit budgets? Author Christine Lias explores these multi-faceted issues through a socio-spatial lens, noting how disparities in access to services can compound social inequities and even result in the safety net turning into a web of dependency. Her article is all the more relevant against the backdrop of these turbulent economic times, when dramatic reductions in spending on social programs and public transportation seem to be the rule, rather than the exception.

Pictured at left: San Francisco Food Bank below Potrero Hill public housing.

Introduction

What is a social safety net, and where is it found in the Bay Area? The social safety net is a combination of government programs and non-governmental organizations (NGOs), or nonprofits, whose aim is to reduce poverty in the United States. It includes government programs such as Temporary Assistance for Needy Families (TANF), and the welfare program enacted by President Clinton in 1996 to replace Aid to Families with Dependent Children (AFDC). The social safety net also includes the Earned Income Tax Credit (EITC) for those who qualify when they file their taxes, along with various programs to stimulate job training, offer substance abuse treatment, and provide child care or adult education. At the state level, unemployment insurance offers cash payments to those who qualify during a time of economic hardship. In California, the Employment Development Department (EDD) offers unemployment payments for a fixed period and a fixed amount, along with disability insurance and paid family leave for those who meet the conditions. Nonprofits along with faith-based organizations and religious institutions play an important role in the social safety net where government does not. They offer social service programs, housing, and food assistance as needed. To give an example, Catholic Charities USA provided services for more than 8.5 million people nationwide in 2008, including distributing food to area food banks, providing social support services, and temporary shelter (Catholic Charities USA, 2008). It is important to note, by way of definition, that government, nonprofits, faith-based organizations, and religious groups play an important societal role by offering these services. Their goal is to alleviate poverty through these programs. Without these services, those in need would have nowhere to turn.

Here in the Bay Area, elements of the social safety net can be found in many different places. In San Francisco, an obvious choice might be to look at the San Francisco Food Bank, which also offers a 2-1-1 call service for food through the United Way of the Bay Area (San Francisco Food Bank, 2010). A less obvious choice might be a neighborhood church, temple, or synagogue that offers services to someone in immediate need. Government programs through the city, county, state, or federal levels can offer support as well. For example, the City of Berkeley has Family, Youth and Children's Services (FYC) under its Mental Health Division, which offers counseling and crisis intervention among other programs (City of Berkeley, n.d.) The city's FYC programs are offered on-site by the Berkeley Unified School District and Albany Unified School District in the East Bay.

Yet access to these services for those in need is not always so easy. A central theme in Scott W. Allard's 2009 book, *Out of Reach: Place, Poverty, and the New American Welfare State*, is the concept of "mismatches" among social programs and their distribution. The term "mismatch" is defined as being "the disconnect between the location of service agencies and those individuals who need those services" (Allard, 2009, p. 15). Allard (2009) argues that because of mismatches and growing spatial inequality, the social safety net has greater problems in terms of access and getting services out to those who need them most of all. Because of this growing

problem, it leads to a host of other larger socio-demographic problems as well. A safety net that is “out of place with regard to poverty” means that “We should also be mindful of the extent to which disparities of access, particularly among poor minority groups, compound other inequalities observed in impoverished communities today” (Allard, 2009, p. 86). Allard continues and speaks of the “political isolation” of high poverty areas “as there are few community-based agencies with adequate resources or capacity to mobilize poor persons” (Allard, 2009, pp. 86-87). If there is a mismatch of location and clientele, the services will be more ineffective because those programs will not be arriving in a timely or cost-effective manner, with the burden falling either on the agency or the individual. If the burden falls on the latter, such individuals are faced with limited options for accessing services: usually either cars or public transportation.

Cars are expensive to have, to maintain, and to operate. They require gas, maintenance, monthly insurance, an annual parking permit (in some neighborhoods), money for the meter, and an active driver’s license, not to mention a monthly car payment if the automobile is not yet paid in full. Seniors, youth, the disabled, those with health problems, and those legally constrained are not able to drive. Similarly, the poor and those on fixed incomes must often rely on mass transit to access services provided by the social safety net. San Francisco is known for its network of busses and MUNI Metro lines. But what if you live in an area that does not have good mass transit? Or what if public transportation is not as good as it once was due to a reduction in service? Many nonprofits and government programs that serve those reliant upon a social safety net are accessible via mass transit, but the ones that do not pose problems to the groups in question and may widen social inequities between those who have access and those who do not. Plus, under current budget conditions, cuts to transit funding in San Francisco, Oakland, San Jose, and other places only exacerbate the issue.

Accessibility

If the necessary services of the social safety net are not directly accessible in the neighborhood, then the individual needs to find a way to make contact with the agency. That could mean via telephone, internet, or in person. For someone living in poverty or on a fixed income, the first two may be problematic. But an in-person visit to the agency requires the physical ability to travel by car or public transportation to the office, *during office hours*, in order to get the business accomplished. For those individuals unable to secure time off from work or with small children, traveling to an office during business hours may be difficult. Allard (2009) uses the example of the awkwardness of using public transportation to carry groceries after visiting a food bank (p. 63). He also notes that “Berube and Raphael’s (2005) analysis of Census Bureau data indicates that 20 percent of poor persons nationwide do not have access to a car, and that figure is much higher in high-poverty urban areas” (Allard, 2009, p. 62). Updated statistics from the U.S. Census Bureau state that the national percentage of those in poverty in 2008, when the recession began, was 13.2 percent, an increase from 12.5 percent in 2007

(U.S. Census Bureau, 2009). Even more troubling is that poverty is increasing nearly across the board, including children: 19 percent of all children in 2008 were impoverished, up from 18 percent in 2007; 8.6 percent of non-Hispanic whites, up from 8.2 percent; 11.8 percent of Asians in 2008 versus 10.2 percent a year earlier; and 23.2 percent of Hispanics, up from 21.5 percent (U.S. Census Bureau, 2009). For African Americans, the poverty rate remained constant at 24.7 percent during that time frame (ibid.).

As poverty increases nationally and in several demographic sectors, people may need to turn to additional services for help if services have been exhausted elsewhere. They may also be more reliant upon public transportation to get them to those services. Poor people, especially in urban environments, are more reliant upon public transportation as their primary mode of transit than their more affluent peers, particularly if they cannot afford a car or cannot find another mode of transportation. If government agencies or nonprofits are not located near public transit, such a problem could be defined as a geographic and transportation mismatch. If funding at the local, state, or even federal levels is cut—as happened in the State of California Budget for Fiscal Year 2009-10—it could also have future ramifications for poverty rates. Transit lines can be cut and fares can be increased, both of which affect riders dependent upon their systems.

As noted previously, for approximately 20 percent of poor people or maybe even higher, public transit is their primary mode of transportation. But buses may run late and individuals may miss appointments. Routes may not go where offices are located, and it may take individuals a longer amount of time to get to a destination. In 2000, the Transportation and Land Use Coalition (TALC) opposed Measure A in California's Santa Clara County because of its impact on local bus service (Independent Sector, 2007, pp. 16-21). Measure A proposed a transit tax to extend Bay Area Rapid Transit (BART) service to the South Bay region, and TALC opposed the measure because of threats to the local VTA bus service. Although Measure A was passed, VTA board members approved using \$80 million from the transit tax revenue to save bus service (Independent Sector, 2007, p. 17). BART planning and construction will take years, and the route is less direct to social services than local VTA bus routes. For those who depend upon VTA as a primary form of transportation, losing bus routes and a reduced frequency of service could have had a profound impact on their quality of life and future. In the end, TALC was able to politically activate groups of individuals who would be impacted by Measure A, and to ensure future funding of local public transportation through the VTA. As stated in the report, "TALC's highly visible grassroots, action-oriented strategies have created real opportunities for unengaged and underrepresented communities to become advocates for policies that directly affect their lives and to gain political power" (Independent Sector, 2007, p. 19). Those opposed to Measure A did not want to lose their VTA bus routes, which were vital to their lives. BART is a long-debated issue in the South Bay region, since Santa Clara County is not one of the original five counties of the Bay Area Rapid Transit District formed by the State Legislature in the 1950s. Silicon Valley has experienced rapid growth in

the decades since, and those who do not have a car in the South Bay use VTA buses and Light Rail to get to CalTrain or the nearest BART station in Fremont—which can be a costly and time-consuming commute if bus transfers and different transit agencies are involved.

However, as people become increasingly wired to the Internet and to each other, traditional boundaries of geography, race, time, and age will disappear. While Silicon Valley proper still lacks a real BART station, its tech companies are providing innovations that will pave the way for nonprofits and government agencies to improve their services in the future. The internet and Web 2.0 will have some impact on spatial inequality in the 21st century. True, computers and technology cost money to operate and require a level of sophistication and training. Social service agencies use online sites such as Facebook and Twitter to remain connected to their community even if they are not geographically connected, and more organizations will predictably take advantage of this technology as it becomes available to them. According to Elizabeth J. Reid (2006), the internet has become an “indispensable tool for nonprofit advocates, expanding their capacity for information dissemination to the public and contact with elected officials” (p. 348). The internet will become increasingly indispensable as a tool, not just in advocacy or fund-raising, but in making services more accessible and available to a wider audience. Nonprofits and NGOs in San Francisco or Berkeley will be able to reach clients in East San Jose or the Central Valley who need services but are unable to get to the physical location, either because of time, cost, or transit.

A Sense of Community

The size of an organization can determine its geographic feasibility. As nonprofits grow, they need larger office space to accommodate staffing, conference rooms, and places to meet clients. Government offices are located in specific locations, in close proximity to other government offices, or near accessible freeways or mass-transit systems. Larger government agencies or NGOs, at the base level, need a large office space and perhaps need to provide accommodations for staff parking or be located near mass transit. Although their clientele may be in poorer neighborhoods, government and non-profit offices are not always best suited to physically be in the communities they serve. It is often left to the client to find a way to travel to the office, rather than vice versa. This is another example of Allard’s (2009) mismatch concept.

The age of an organization must also be taken into account. Older organizations have developed stronger ties to the community. They have become a vested part of the neighborhood and know the area and their clientele. Younger non-governmental organizations must build a reputation and—as Elizabeth Graddy and Donald Morgan (2006) point out—strengthen their “resource base”:

As the organization ages, it develops stronger ties to the community, and its focus shifts away from primarily donor services and toward community leadership. Increasing size brings increased flexibility to pursue this strategy.

This model predicts that older, larger community foundations will choose the community leadership focus, whereas younger, smaller foundations will choose a donor services focus. (p. 611)

Graddy and Morgan's (2006) comments also imply that two different types of organizations, by age and by size, would be located in different geographic areas to pursue different goals: community leadership or donor services. For individuals who utilize the services of the latter, they may have to travel to different areas of town. For those who work at the former type of organizations and make policy decisions, they may work less with individuals themselves.

Government agencies and non-governmental organizations that are directly in the community have greater ties to the people, services, and projects necessary to better their clients. The internet increasingly makes government more accessible, but local bureaus are necessary for those who have appointments or lack access to computers. For government organizations such as California's EDD, local offices offer walk-in service, phone access, computers, and various job-training classes that are vital to the community. Local government offices offer a neighborhood resource for those frustrated with the bureaucracy of clogged phone lines and who need to see a person instead of a web site. In the EDD example, they also offer a local networking base and a meeting location. Beginning with the phenomenon of devolution in the 1970s, more nonprofits and faith-based organizations have been filling the social safety net in communities. Those in the social services sector often have a direct involvement in the neighborhood as case managers or counselors working to alleviate poverty. Compared to organizations outside the community, those that are within the neighborhood (or networked in the community) are well-versed and know the local problems their clients face.

Some social service agencies can act, therefore, in even larger roles to benefit their clients. Kelly LeRoux (2007) of the University of Kansas at Lawrence speaks of social service organizations as being a "public voice for their clientele" (p. 411) and that they encourage voting and civic engagement. "Nonprofits promote civic awareness and stimulate activity on the part of their clients by functioning as intermediaries between their clients and the larger political structure, and thus they may be particularly well suited to promoting participation by underrepresented groups" (LeRoux, 2007, p. 411). This goes back to Allard's (2009) original point about spatial inequality. For individuals who lack proper resources or access to services, they may not be as engaged as those who do. Organizations that have a vested interest in the community are more likely to engage their clients to act further on issues or vote than those who do not. High-poverty neighborhoods or those with high percentages of minority groups have less access to services than other neighborhoods (Allard, 2009, p. 77), and may not have the tools to get out of the temporary safety net.

Conclusion

The social safety net is meant to be a temporary catch for troubled individuals in society and not a permanent solution for those in poverty. Yet with continued mismatches of geography, population, and spatial inequity, it can make getting out of certain types of lifestyles more difficult over time. The statistics are staggering, particularly with respect to the types of individuals who are left behind in the safety net: poverty in urban Black populations has “changed little between 1970 and 2000,” dropping only 1 percentage point three decades later, to 27 percent (Allard, 2009, p. 76). Meanwhile, Allard (2009) notes that Black and Hispanic neighborhoods have “far less access to social service providers” than white neighborhoods do (p. 77) and “ [...] many providers are not located in high-poverty neighborhoods and [...] most assistance is delivered outside of such neighborhoods” (p. 64).

These points indicate that high-poverty, urban-city minority groups are routinely excluded from programs that their counterparts in outlying, white neighborhoods have more access to, which would also indicate that such groups are more likely to get caught in the social safety net. It is also important to again note the U.S. Census Bureau statistics indicating an increase in poverty nationwide between 2007 and 2008, which highlights the need for the social safety net despite cuts to mass transit and other services from certain budgets, mainly in the state of California. Also, rising unemployment figures in 2009 and 2010 are resulting in additional burdens on nonprofits and government programs.

So, what can be done to solve these problems? Are these local or regional issues? Will these problems improve once the national economy starts to lift, people go back to work and again start donating money to nonprofits? And in California, particularly here in the San Francisco Bay Area, what about public transit? What does the future hold for transit funding and sustaining ridership levels? There are a few basic thoughts to consider about spatial inequities overall in any economic climate for any locale moving forward in our digital age. First, NGOs or government agencies operating in the social safety net must be close to public transit (with clearly posted directions on Web sites and materials) and offer translations if possible in several languages. Second, agencies must be flexible when needed for appointments and services, perhaps offering to pick up seniors, disabled, or outlying residents. For vital appointments that cannot be broken, maybe a phone conversation, Web conferencing, or other means could be substituted. Third is the need to employ residents of the community, who understand its needs and know the area. Finally, service providers should try to be located in the neighborhood in which they serve. If that is not possible, perhaps a satellite office could be added in addition to the bureau or administrative office. Above all, providers must be sensitive to the needs of the public in which they serve and make accommodations as required. Government agencies and nonprofits work for the public: they are employees of the public good.

Mismatches and spatial inequality are great concerns for social welfare programs. If both individuals and the organizations do not have proper access to each other, the programs become inefficient and more costly overall. As a society, if we aim to reduce poverty, we must be mindful that socio-spatial inequity exists, otherwise the problems of poverty will compound into larger societal problems as a whole. Larger societal problems will not only become more expensive to remedy over time, but could also contribute to a more dehumanizing and less democratic society.

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F-13
174-194

G-12
140-142

MH
ARNAUDO

MH
TRADITION

STOP

The End of Tradition:
A Postcard From Mountain House, CA
Charles P. Cunningham

“You gotta be kidding me!” I exclaimed incredulously. Staring in awe through the car windows at the names on the street signs, I can not get David Byrne’s character from the film *True Stories* out of my head. Taking a left onto Legacy from Historic I made my way to Tradition. These words bring to mind everything a realtor or home buyer might love about historic preservation—except for the fact that they are the names of the roadways themselves. Add the monikers Drive and Street to each one of these words and you have exactly what I was driving over—Tradition. Not knowing where I was headed, I halted to a stop as the road in front of me gave way to a field blocked by a white picket fence and an unadorned street lamp. This truly was the end of Tradition (Street).

-Charles P. Cunningham

“Mountain House®, The town of tomorrow...today”

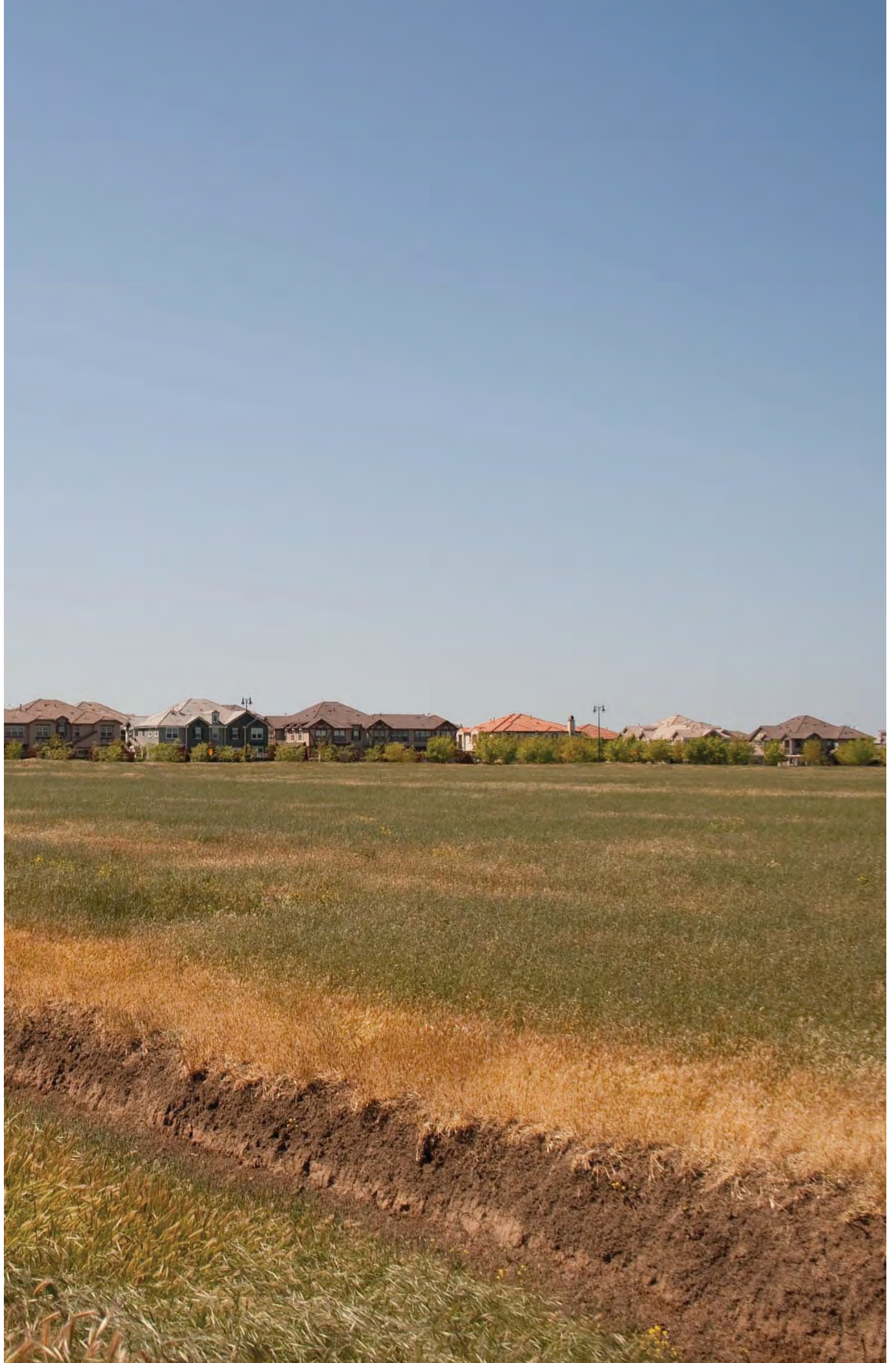
—Trimark Communities, LLC.

“Look at this. Who can say it isn’t beautiful? Sky, bricks.
Who do you think lives there? Four-car garage. Hope,
fear, excitement, satisfaction.”

—David Byrne, *True Stories*, 1986

BEAUTIFUL







“I have something to say about the difference between American and European cities. But I’ve forgotten what it is. I have it written down at home somewhere.”

—David Byrne, *True Stories*, 1986





“Plenty of parking.”

—David Byrne, *True Stories*, 1986





Sustainable Local Food Systems:
Issues and Solutions
Amit Raikar & Maria Saguisag-Sid

Editors' Introduction

In a timely piece on the current state of our industrial food system, Maria Saguisag-Sid and Amit Raikar outline the various environmental impacts and economic factors we must overcome in order to move towards a sustainable method of food production. They detail many of the perils inherent in the industrial food model—in particular, land degradation and the growing loss of genetic biodiversity as a result of genetic engineering—yet leave the reader with hope for the possibility of reclaiming our natural connection to the land through the growth of sustainable local food systems. San Francisco and the Bay Area in general are hotbeds of innovation in terms of building these nascent linkages, and while a variety of local policy solutions are mentioned, the authors' real hero is Full Circle Farm: a grass-roots initiative that shows what communities can do to improve their food habits in a world filled with institutional obstacles and political inaction.

Introduction

The San Francisco Bay Area is known for its great restaurants and variety of fresh food available year round. Food is such an essential part of our lives that many times we fail to appreciate all the time, effort, and energy that is required in order for a meal to end up on our plates. Moreover, average consumers may not realize that food selection also impacts the environment; these impacts range from local to global. This paper will identify some of the underlying environmental problems that we face as a society based on some common food provision practices—particularly with industrialized agriculture. Furthermore, this paper will present some current local trends in attempting to resolve these problems through development of a sustainable local food system.

Environmental Problems

There are a wide variety of environmental concerns that arise from current practices of industrial agriculture. The direct food-environment connection may often be forgotten in our culture of grocery stores and supermarkets. However, as environmental advocate and former Vice President Al Gore (1992) nicely states, “Nothing links us more powerfully to the earth—to its rivers and soils and its seasons of plenty—than food” (p. 126). Yet industrial agricultural practices cause many environmental problems that range from pollution to excessive water usage and negative health effects. However, this paper will in particular focus on three environmental problems that have stemmed from our modern day, industrial production of agriculture: decreasing biodiversity, a large environmental footprint and high use of fossil fuels, as well as the loss of land and land quality degradation.

Decreasing Biodiversity

Biodiversity in the form of genetic variation and crop diversity is crucial for the survival of agriculture; however, the manner in which modern industrial agricultural practices are implemented threatens this biodiversity (Horrigan, Lawrence, & Walker, 2002, p. 448; Raeburn, 1995; Gore, 1992; Shiva, 2005; National Academy of Sciences, 1972). “The spread of modern agriculture around the world is destroying the very resources upon which its success depends” (Raeburn, 1995, p. 104). The magnitude of this threat is considered quite large. “[T]he single most serious strategic threat to the global food system is the threat of genetic erosion: the loss of germplasm and the increased vulnerability of food crops to their natural enemies” (Gore, 1992, p. 144). There are numerous factors that lead to this threat of decreasing biodiversity. Industrial agriculture has led to the widespread practice of monocropping or monoculture—planting a single crop over a typically large area of land. With monocrops, the entire crop is more susceptible to disease (Horrigan, 2002; Gore, 1992; Raeburn, 1995; Shiva, 2005; National Academy of Sciences, 1972). Furthermore, monocrops often replace extant crop diversity. In Indonesia, for example, large increases in monocropping practices have led to the extinction of over 1,500 local rice varieties over the last twenty years (Horrigan et al., 2002, p. 448).

Industrial agriculture has also signaled the proliferation of genetic uniformity and engineering; this is leading to vast genetic erosion. Genetic engineering is the process of manipulating genes to cultivate desired traits, such as immunity to certain insects or pesticides. While there are many potential benefits to genetic engineering, the practices of industrial agriculture have developed far too many genetically uniform crops (Raeburn, 1995). The dangers of this uniformity are present in the classic example of the Irish potato famine. In 1845, a potato blight fungus called *Phytophthora infestans* wiped out Ireland's main food staple, the potato (Raeburn, 1995; Shiva, 2005). As the farmers in Ireland had no other potato varieties, Ireland's dependence on this single variety led to vast starvation and significant decreases in population—estimated to be up to 12.5 percent through starvation and 19 percent through emigration (Raeburn, 1995). In 1970, the fungus *Bipolaris maydis* destroyed 15 percent of U.S. corn crops due to vast genetic uniformity (Raeburn, 1995). These are two devastating and poignant examples of the dangers of crop uniformity and loss of genetic biodiversity.

High Environmental Footprint and Fossil Fuel Use

Industrial agriculture also has a very significant environmental footprint. Fossil fuels are heavily used in the production of industrial-based agriculture. As of 2002 in the United States, seventeen percent of fossil fuel consumption came from food production systems. Transporting, processing, and packaging food also consumes large amounts of fuel. For example, as early as 1969, a study by the Department of Defense estimated that an average processed food item made in the U.S. traveled 1,300 miles before reaching the consumer (as cited in Horrigan et al., 2002, p. 448). The energy intensity of the food system has undoubtedly increased since 1969. Greenhouse gases are also directly impacted by agricultural practices. According to the Intergovernmental Panel on Climate Change, approximately 20 percent of human generated greenhouse gasses come from agriculture. Furthermore, land use changes contribute to approximately fourteen percent of human generated greenhouse gasses; much of these changes in land use occur for agricultural purposes (ibid.).

Loss of Land and Land Quality Degradation

Industrial agricultural practices also impact the quality of land as well as the availability of land for future agricultural use. Industrial agriculture seeks out production methods that gain the highest yield of crops. Over time, this has a direct impact on the soil: nutrients become depleted and topsoil erodes away (Gore, 1992; Horrigan et al., 2002). These high-yield methods are frequently used in the American Midwest (Gore, 1992). Horrigan et al. point out that approximately one percent of the world's topsoil is eroded each year, while it takes anywhere from twenty to one thousand years for top soil to form (2002). As mentioned earlier, monocrop practices are directly linked to the depletion of soil nutrients, because these crops are typically not rotated from year to year. They continue to deplete the soil of the same nutrients, and over time the land becomes unable to produce those

same crops (Horrigan, 2002; Gore, 1992). Also, using heavy machinery compacts the soil, damages the soil structure, and kills beneficial soil organisms (Horrigan et al., 2002).

In more extreme cases, the unsustainable practices of industrial agriculture can lead to the desertification of lands. In these instances, the amount of land available for agriculture is reduced. As of 1991, the United Nations estimated that desertification had an annual global cost of \$42.3 billion (as cited in Horrigan et al., 2002).

Causes

These numerous, negative changes in our physical environment are not the causes of our woes, but merely the symptoms of a system sick with inadequacy and poor prioritization. The true causes of the environmental degradations outlined above are not physical in nature but economic. It seems that economic concepts like supply and demand, commoditization, automation, outsourcing, and profit have more effect on the food system than any other social force.

Economic Factors

The market economy has been the primary contributing factor to our environmental problems (Gore, 1992; Shiva, 2005). This is no different in the world of agriculture and food. The development of industrial agriculture or “agribusiness” may have had its origins in the desire or need to support larger populations. However, the development of industrial agriculture into its present form has been driven by economic factors, market forces, and profit motives. The financial incentive to maximize yields from the least amount of land possible has led to the prevalence of monocrops, and the problems that stem from their abuse—such as the loss of biodiversity and land quality degradation—are rooted in the market. “The market demands a uniform product—the farmer must produce it, and the plant breeder must produce the variety uniform in size, shape, maturity date, and the like” (Gore, 1992, p. 131). Even when plant breeders attempt to cross-breed plants in order to minimize loss to diseases, they are still pressured by economic factors to bring their “product” quickly to the market. This often leads them to cross-breed a single gene instead of a traditional landrace—a wild plant variety that is genetically more robust—making the plant more susceptible to diseases (Horrigan et al., 2002).

While the nature of agricultural goods and products are still primarily private goods (i.e. excludable and rivalrous in consumption), there may be some characteristics similar to that of common pool resources (i.e. neither excludable nor rivalrous in consumption). On a global level, the land in which food and agricultural goods are produced could be considered land of the “commons.” For example, when land is more openly available to the public, agricultural practices of overgrazing, over cultivating, or overuse of water resources can lead to problems of desertification (Horrigan et al., 2002). These practices may also come from

capitalist prioritization. Economic incentives force us to make the most use of the land while not realizing the devastating environmental impacts on the global commons. This unfortunate sacrifice can be described by the “blindness” of the market economy system (Gore, 1992; Shiva, 2005). The market-based economy is far too often “blind” to the assets of natural resources and the costs of environmental degradation. Hence, decision makers within this economic system have made decisions to the detriment of agriculture and the environment.

Other economic principles pertaining to trade play a significant role in the second problem of large environmental footprints. Basic trading principles from economics cite differences in opportunity costs, absolute advantages, and comparative advantages as reasons for specialization and trade. However, this directly impacts the fossil fuel usage and miles traveled for various foods. This is especially true considering the fact that the U.S. is accustomed to receiving seasonal produce when it is traditionally not in season because it is imported from different countries.

Lastly, the same economic forces that led to the proliferation of large-scale, industrial practices in agriculture have also led to the decrease in the number of small to moderate-size farms. Historically, these types of farms have had much lower impacts on the three aforementioned environmental issues (Lobao & Meyer, 2001).

Science and Technology Factors

Gore’s (1992) perspective on science and technology and its relationship with the environment closely fits the problems associated with industrial agriculture. He states that modern technology has distorted our view of what we can manipulate in the environment versus what we can actually do to conserve and save it (Gore, 1992). For example, industrial agriculture has learnt how to use synthetic, chemical fertilizers to help produce higher yields of crops. Yet the industry has not adequately addressed how it will counteract the fertilizer’s impact on pollution and land degradation. Ironically, chemical fertilizers can affect the acidity of the soil and ultimately impede plant growth (Horrigan et al., 2002).

Furthermore, the science and technology factors correlate to the economic factors. For example, seed companies’ desire for growers to buy seeds each year has contributed to more development of first generation hybrid seeds (Horrigan et al., 2002). As a consequence, biodiversity is directly impacted and threatened as the availability of non-hybrid plant and vegetable varieties significantly decreases. To return briefly to genetic engineering, genetically modified plants provide another example of science and technology in action. For example, a variety of crops are genetically modified to have the *Bacillus thuringiensis* (Bt) toxin—a toxin designed to help resist insects and viruses. However, this process may offset the environmental balance of naturally occurring Bt in other soil bacterium. Furthermore, this artificially produced toxin can be a risk for non-target species, such as instances in which monarch butterfly larvae die from pollen modified with the Bt toxin (Horrigan et. al., 2002).

Policy and Program Solutions

Assessing Food Issues at the Local Level

Addressing these problems and linking the solutions with local food provision has only recently begun to take shape in terms of formal policy. For example, the City and County of San Francisco has recently taken steps to address creating a sustainable foodshed for its residents. In 2008, American Farmland Trust published a report called “Think Globally – Eat Locally, San Francisco Foodshed Assessment,” a comprehensive assessment of San Francisco’s ability to feed itself with food produced from within a 100 mile radius (Thompson, Harper, & Kraus, 2008). Key problems that the report identified include the City’s inability to determine how much locally grown food is consumed in the City; the low proportion of identifiable local, organic, or sustainable produce compared to total regional agricultural production; the limited amount of irrigated cropland in the foodshed area; and the elaborate food distribution system that is geared to deliver an inexpensive, standardized food product (Thompson, Harper, & Kraus, 2008). Provision of this information was important in facilitating a window of opportunity to engage formal and informal policy players.

As a result of this report, Mayor Gavin Newsom of San Francisco invited fifty stakeholders—including California’s Secretary of Agriculture, agricultural coalitions, and local farmers—to participate in an urban and rural collaboration focused on developing San Francisco’s foodshed. This collaboration was called the San Francisco Urban-Rural Roundtable and focused on finding solutions to support the regional agricultural economy and promote sustainably produced, regionally sourced foods for San Francisco residents. Over the course of five months, the participants created four committees to address the various aspects of the foodshed: place-based agriculture, aquaculture, and cultural values; resources and environment; healthy food access; and agricultural economic viability. Recommendations were focused on addressing the following four goals:

1. Enhance and maintain the place-based and cultural values of agriculture in the foodshed including multifunctional land and water use, distinctive landscapes, and diverse cultural traditions.
2. Ensure economically feasible stewardship of resources including agricultural land and other natural resources in the San Francisco foodshed.
3. Increase access to and availability of affordable, healthy, locally and sustainably produced food by increasing public funding and other means.
4. Create new markets for locally grown food, agritourism, and other sustainable enterprises that local food producers can use to earn greater economic returns (San Francisco Urban-Rural Roundtable, 2009).

Formal Policy Implementation

These collaborative efforts and reports resulted in action by local government officials. On July 9, 2009, Mayor Gavin Newsom signed Executive Directive 09-03, “Healthy and Sustainable Food for San Francisco.” In this directive he declared, “The long-term provision of sufficient nutritious, affordable, culturally appropriate, and delicious food for all San Franciscans requires the City to consider the food production, distribution, consumption and recycling system holistically and to take actions to preserve and promote the health of the food system” (Newsom, 2009). Some of the tasks that lay ahead include the creation of a new Food Policy Council that will assess the ability to integrate solutions into the municipal code, General Plan, and other relevant planning and policy documents for San Francisco. It also includes conducting an audit of City property and land that is suitable for food producing gardens or other agricultural purposes, as well as involving multiple agencies to coordinate urban agricultural support. This support may be in the form of providing access to gardening material and tools, or composts and mulches created from byproducts of other City programs (Newsom, 2009).

It is still too early to determine whether the Mayor’s Directive will be viewed as a regulative authority tool, or as a symbolic gesture designed to inspire the community to consider their ability to feed themselves locally. Recent actions by Mayor Newsom to start breaking ground in some of the more densely populated areas do, however, demonstrate the substance of his support for local food systems. Other neighboring jurisdictions, such as Marin County, have been successful in using regulatory policy tools to address the preservation of agricultural lands and resources, sustainable farming practices, agricultural viability, and community food security (Hodgson, 2009).

Economic Approach

Other policy solutions include the classic taxation tool. For example, Sonoma County Agricultural Preservation and Open Space District is one of the first agencies in Northern California with a ¼ percent sales tax dedicated to farmland preservation, raising \$17 million annually (Small Farms, 2006). However, in the current economic climate, it is hard to predict if new, similar tax initiatives will be approved by voters. Even with the funds, the District acknowledges that they continue to lose vegetable farms and an alarming rate, with a decrease of about 850 acres between 1997 and 2000 (Sonoma County Agricultural Preservation and Open Space District, 2006).

Capacity Building Through Grassroots Programs

Outside of formal policy, other stakeholders are already addressing food issues from a grass roots approach. Just south of San Francisco in Sunnyvale is Full Circle Farm, a project supported by Sustainable Community Gardens, a 501(c)3 non-profit organization with the goal of renewing local, sustainable food systems throughout Silicon Valley (Sustainable Community Gardens, 2009). Hidden within a vast

subdivision off of El Camino Real and the Lawrence Expressway, Full Circle Farm is the result of local community and school district support. The land that Full Circle Farm lies on is under-utilized school district land that was originally part of an adjacent high school. After the district restructured and changed the school from a high school to a middle school, the land allocation was adjusted to reflect the middle school size standards of the school district. This left eleven acres of land available for the school district to lease or sell. When developers approached the school district with an idea to develop the land into housing, the community protested and asked the district to consider other uses for the land. After a formal request for proposals, the school district's governing board voted on February 8, 2007, to have Sustainable Community Gardens develop the eleven acres into an organic, sustainable, educational, and community farm. While the farm is only two years old, they provide:

- 50 percent of their produce to the Santa Clara Unified School District cafeterias, where 45 percent of students qualify for free or reduced school lunches
- Fresh organic produce for the surrounding community
- Heirloom fruits and vegetables not found in grocery stores
- Park-like open space with walking trails throughout the orchards and fields
- Weekend community classes and workshops
- Seasonal festivals for the community
- Space for special events
- Volunteer opportunities
- A living reminder of the area's rich agricultural heritage (Sustainable Community Gardens, 2009)

After taking a tour of the farm, it is apparent that Full Circle Farm is working to become a model for other communities by promoting educational aspects to both younger and older generations. For example, volunteers at the farm teach classes to elementary and middle school students showing how food travels from farm to table, as well as showing adults how to produce food in dense urban communities through their farm tours. These programs are integrated with classes at the adjacent Peterson Middle School for sixth and seventh graders; students visit weekly to tend to their assigned plot and get to decide what to grow and how. Elementary students are also exposed to local food production by having field trips to the educational part of the farm; they observe a plot shaped like a typical hot lunch tray and are taught how different parts of the food triangle can be satisfied through various farm produce. By personalizing food to the participants, Full Circle Farm is educating the public as to the importance of producing food locally and independently—as well as providing the ability and know-how to do so.

Full Circle Farm also brings together the community and provides access to sustainably grown produce to people of all classes and incomes. Full Circle is a certified Community Supported Agriculture (CSA) farm that provides different opportunities to take home produce grown on-site. Three times a week people can purchase the current harvest at the farm stand. There are also opportunities for volunteers to help tend the farm and bring the fruits of their labor home at no cost. By teaching classes and selling produce, Full Circle Farm is enacting two capacity building tools effectively for their surrounding community: informing and educating, as well as providing services.

Alternative Approaches

Other ways to address the problems of food production include adopting more policies to encourage local and sustainable food availability. Within the 100 mile foodshed of San Francisco, several open space districts are actively accumulating open space for preservation. Within this ongoing practice, some of these open spaces should be reviewed by policy makers for possible agricultural use, with the goal of promoting smaller farms and heirloom varieties rather than industrial style agriculture or genetically modified crops.

Another way to address the environmental issues of food provision is by regulating development of the types of businesses that an urban community can have in dense populations—specifically through the planning and zoning process. For example, in 2006 Baltimore started looking at access to healthy, affordable food as a concern residents had during their comprehensive master plan update (Hodgson, 2009). In Hodgson's article, she identified that there needed to be a holistic approach to planning for the community and addressing health issues, such as poor food quality in low-income areas and high childhood obesity rates (2009). Not only could government create zoning ordinances that encourage restaurants to use local and sustainable food, but it could also require that such businesses have a certain percentage of their food products provided by local farms, be organically grown or produced, and subject to only limited—if any—genetic modification.

One incentive tool that would help promote more sustainable local food systems is by subsidizing or providing grants to encourage the creation of more educational urban farms like Full Circle. Using them as a model, other urban areas with underutilized land may be able to create similar programs and integrate them into the local school district's curriculum. Subsidies to acquire land or grants to run educational programs geared towards creating youth food corps or community garden educational programs would help promote more reliance on local food provision. Educating the public on how to eat seasonally could also address the issue of eating local provisions rather than importing certain produce year round from other areas and countries. However, we are all aware that funding in California is problematic and is already affecting support for agricultural programs. The latest victim is the University of California's statewide Small Farms Program, which was slated to end on December 31, 2009, and is now considering

a potential affiliation with the Agricultural Sustainability Institute at UC Davis (University of California, 2010).

Evaluation

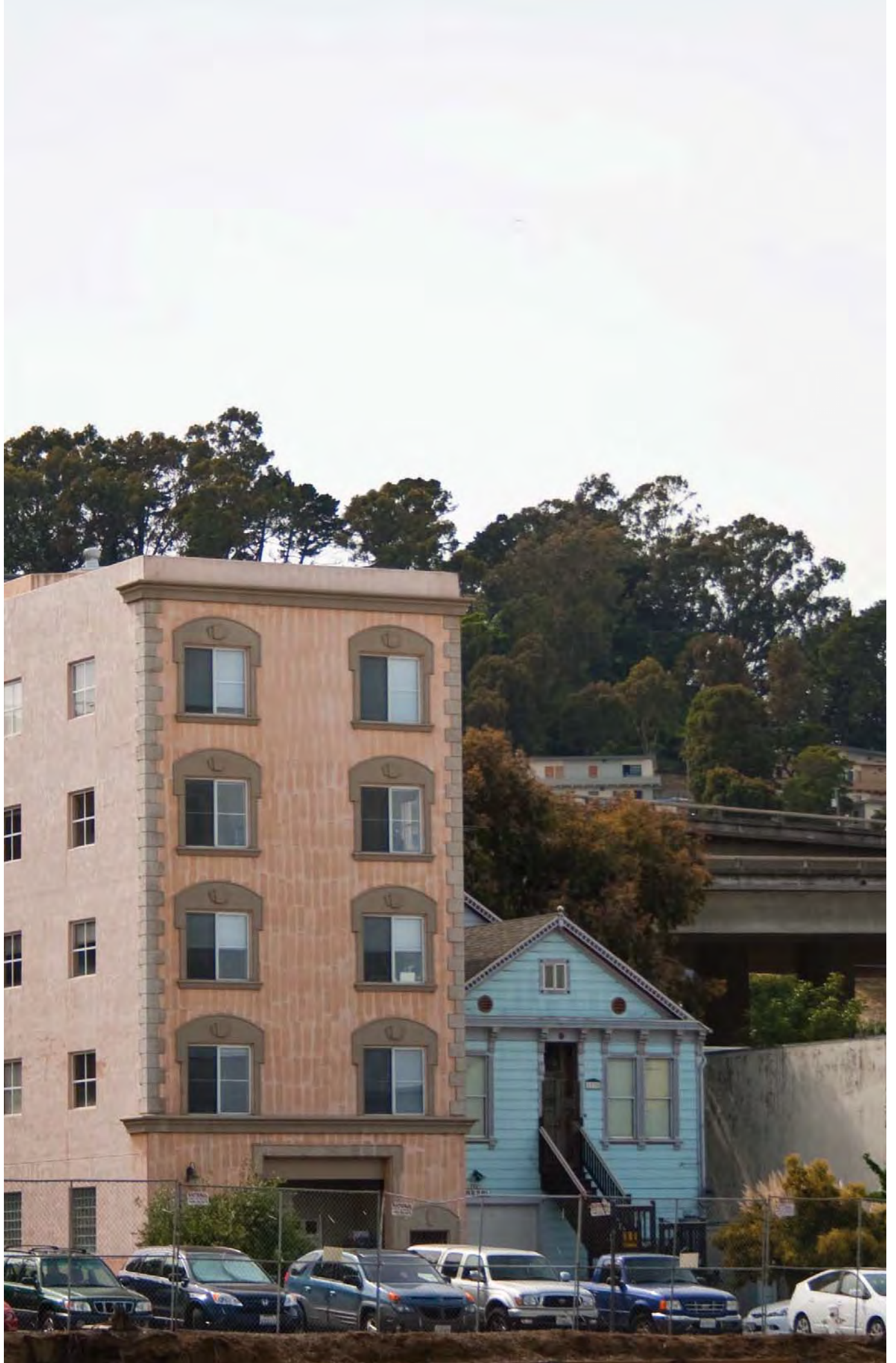
San Francisco's new directive is just starting to take shape with Mayor Gavin Newsom recently breaking ground on a new community garden at the corner of McAllister and Larkin Streets near City Hall (City and County of San Francisco, 2010). Another step towards implementation is the review of current proposals for urban agriculture projects for San Francisco. Entries range from such forward-thinking innovations as "chicken cribs" to provide scalable urban chicken coops; mobile markets; promoting sidewalk carts selling locally farmed produce; and encouraging aquaponics, a closed-loop system that produces both fish—usually tilapia—and crops fed with water from the fish tanks (Digging Deeper SF, 2010). These are steps in the direction of resolving the problems created by industrial agriculture. Promoting the creation of a foodshed in order to increase access to local food-sources will reduce the area's carbon footprint and use of fossil fuels, and may also help increase biodiversity through the production of heirloom crops. Providing urban agriculture support and education will also encourage better land use practices than simply over-harvesting an area to a point where the land is no longer able to be sustained as an agricultural field.

However, some of the problems with the directive could come from an administrative standpoint. Because the directive is all encompassing, there may be problems with coordination between departments. Conflicting implementation efforts between the various stakeholders may also become an issue if on-going communication among the partners breaks down. The need to have a central point person or department is essential to making sure all aspects of the directive are addressed and implemented. With the political backing of top policy makers, there is more incentive for the success of this program than other ideas.

Use of urban education farms can be an effective tool, which can be incorporated into the formal policy solutions. Full Circle Farms is able to provide the service of selling food and educating students on sustainable agricultural production within a small area. This program also addresses the three problems outlined in this report: it promotes biodiversity, reduces the food footprint, and enables smart land use. Like most grass roots efforts though, continued funding could possibly affect continuation; therefore, ongoing fundraising efforts and community support are essential to keep this program successful.

Taxation is always controversial, but can provide an equitable way of ensuring people contribute to resolving problems. However, the effectiveness is also questionable. As noted earlier, even with a tax generating \$17 million annually, there is still a loss of agricultural land that the tax was meant to protect. Taxation may also lack political support during economically challenging times.

The alternatives raise some interesting possibilities for addressing these problems. Regulatory tools, including planning and zoning ordinances; spending



Zoning in America: The 100 Year Recurring Timeline Kevin S. Woodhouse

Editors' Introduction

Zoning is where the rubber meets the road in the land use planning process. The visioning of planners, in many ways, becomes reality through the creation of zoning codes and complex land use regulations. Traditional zoning as a legal tool initially gained its powers in order to protect the health, morals, and general welfare of the community. However, as American cities have evolved since the industrial revolution, with highly separated land uses becoming less desirable from an environmental perspective, traditional zoning is becoming outdated. In this paper, Kevin Woodhouse explores the history of zoning through pivotal legislation and court cases in the United States over the past century. Yet in the midst of the growing popularity of new land use regulations such as form based codes and smart codes as tools to potentially address urban growth problems, Kevin offers a critical perspective that with changes in land use regulation new problems and patterns may arise.

Introduction

On November 22nd, 1926, the United States Supreme Court affirmed the constitutionality of zoning in America in its decision in *Village of Euclid, Ohio v. Ambler Realty Co.*, validating the visionary work of a growing school of urban planners and local government officials over the previous two decades. Rooted in efforts to control nuisances in cities and justified as an appropriate exercise of the police power, the concept of zoning gained constitutional momentum from earlier Supreme Court decisions concerning cases in Boston and Los Angeles, was crafted and tested in the congested avenues and skyscrapers of New York City, and neatly packaged and delivered through an enabling act to all states and cities throughout the nation by the federal government. Yet up until 1926, this significant new public policy teetered on the edge of 14th Amendment unconstitutionality, specifically in regards to the taking of property without compensation and/or due process of law.

The first section of this article will assess major milestones in the infancy of zoning in America, the “pre-Euclid” period. The middle section of this article will assess the specifics of the Supreme Court’s *Euclid* decision. The final section offers some observations about the nuances of zoning’s environmental impact and contemporary alternatives to zoning throughout the “post-Euclid” period, from the 1930s to the present. Just as urban planning visionaries in the late 1800s and early 1900s saw zoning as a primary police power tool to ensure the public health, safety, morals, and general welfare of the community, so too have urban planning and environmental visionaries since the late 1990s and early 2000s promoted the power of new land-use planning and regulation tools, such as form-based codes, as powerful tools to restore the public health, safety, morals, and general welfare of the community. Tracing the history of these changes through their primary court cases and legislation reveals an intriguing timeline in which old milestones repeat themselves in modern versions, each separated by approximately a century—the 100 year recurring timeline.

Defining Zoning and Urban Planning

Before examining its history in America, a general definition of zoning is warranted. Zoning is a practice in urban planning whereby uses of land, as well as building height, size, and other characteristics, are designated on a map parcel by parcel to separate uses that may be incompatible. Different types of uses include single-family residential, multi-family residential, commercial, industrial, agricultural, open space, and more, including variations of these major uses. Typically enforced through local government ordinances, zoning is intended to prevent obvious incompatibilities, such as a factory that uses hazardous materials being sited next to residential homes, and more subtle incompatibilities, such as the height of your neighbor’s newly remodeled home.

Although zoning is just one tool of the urban planner, it has historically been the first and most powerful tool. Toll (1969) traces the origins of American urban planning to the White City of the Chicago World’s Fair of 1893, which began

the City Beautiful movement: the incipience of what planning might mean for American cities, leading to the First National Conference on City Planning in 1909 (pp. 121-124). One early contributor to the planning movement, Benjamin C. Marsh, was the secretary of New York City's newly formed Commission on Congestion of Population. In his 1909 book, *An Introduction to City Planning*, which was influenced by his knowledge of early German and English city planning efforts, Marsh promoted city planning as a way to "prevent the direful conditions of congestion, maladjustment and pre-eminently land speculation which have reached their horrible limit in Manhattan," (as cited in Toll, 1969, p. 123). Concerning zoning, Marsh states:

The most important part of City Planning, as far as the future health of the city is concerned, is the districting of the city into zones or districts in which buildings may be a certain number of stories or feet in height and cover a specified proportion of the site, that is, the determining of the cubage or volume of the buildings. (as cited in Toll, 1969, p. 124)

This brief definition and background of zoning and its relation to urban planning set the context for understanding other early 20th century zoning milestones.

The Pre-Euclid Period

Major milestones leading up to the 1926 *Euclid* case included two different Supreme Court cases, the efforts of New York City's 1913 Heights of Buildings Commission, and the United States Department of Commerce's Standard State Zoning and Planning Acts. During these first two decades of the 20th century, urban planning proponents of zoning were hopeful but uncertain whether the legality of zoning could be sanctioned under the reach of "the police power," which generally refers to those powers not enumerated in the Constitution and granted by the 10th Amendment to the States. In 1905, Justice Peckham described the police powers in *Lochner v. New York* (1905) as follows:

There are, however, certain powers, existing in the sovereignty of each State in the Union, somewhat vaguely termed police powers, the exact description and limitation of which have not been attempted by the courts. Those powers, broadly stated and without, at present, any attempt at a more specific limitation, relate to the safety, health, morals and general welfare of the public. (p. 53)

The vagaries of what powers a state or city could use to regulate the safety, health, morals, and general welfare of the public would soon receive more specific definition by the Supreme Court in the following two cases, which are also summarized in greater detail in Appendix I to this report.

Boston, 1909, and Los Angeles, 1915

In *Welch v. Swasey* (1909) the Supreme Court upheld building height controls imposed in Boston under 1904 and 1905 laws controlling the height of buildings

in the City. Six years later, in *Hadacheck v. Sebastian* (1915), the Supreme Court upheld a City of Los Angeles ordinance that prohibited a particular type of industry, brickmaking, from operating within a certain area of the City, despite the petitioner's ownership of the land and the existence of the brickmaking operation before the area was even within the City limits. Neither of these cases were specifically about zoning. However, they were important in that the local ordinances in both cases placed restrictions on types or characteristics of development based on their location in the city. In both cases the Supreme Court found the ordinances reasonable and appropriate and indicated their predilection to defer to the specific judgments of the local courts in determining whether the public good was being served. These decisions were critical to building the confidence of those working toward zoning laws in New York City around this same time.

New York City, 1913-1916

The Borough of Manhattan in New York City by the turn of the 20th century had given new meaning to the term "skyscrapers," as well as to urban congestion. The first building to exceed five stories and include an elevator, the Equitable Building at 120 Broadway in 1870, and the first steel-frame structure building, the Tower Building at 50 Broadway in 1889 (Toll, 1969, pp. 48-49), were two feats of civil engineering that ushered in a boom in skyscraper construction not yet seen in any other cities. Concerned that skyscrapers posed fire-safety hazards, as well as public health concerns related to the blocking of natural light and congestion on the sidewalks and streets (Toll, 1969, pp. 152-153), the president of the Borough of Manhattan in 1913 established the Heights of Buildings Commission to study these urban concerns. The Commission's report, called the *1913 Report*, proposed the first application of zoning in any American city and led to the 1916 Resolution by the New York State Legislature, amending New York City's charter and giving it the power to zone (Toll, 1969, p.172).

Through fire regulation standards, height and area controls, and zoning maps of Manhattan that classified all of the land into specific use, height, and area districts, it was hoped that New York's Zoning Ordinance would "stabilize and protect lawful investment and not injure assessed valuations or existing uses" while also looking to the future to improve public health conditions (Toll, 1969, pp. 183-184). Also critical to the ordinance was the establishment of a Board of Appeals to grant relief to property owners in unnecessary hardship cases and, failing appeal, allowing a property owner to seek relief in the courts. New York's Zoning Ordinance set an example for cities across the country. By the end of 1916, eight cities in America had zoning ordinances; by the end of the 1920s, nearly 800 cities were zoned, representing three-fifths of the urban population, or 37 million people (Toll, 1969, p. 193). This rapid growth in zoning ordinances nationwide was also a result of the federal government's effort to create a Standard State Zoning Enabling Act with which to guide municipalities in their adoption of zoning regulations, which relied substantially on New York's zoning experience.

The Standard State Zoning Enabling Act

In 1921, Department of Commerce Secretary Herbert Hoover appointed an Advisory Committee on Zoning, which was comprised of numerous members that had been involved in the New York City effort (Toll, 1969, p. 201). Within one year the Committee had drafted what was called the Standard State Zoning Enabling Act (SSZEA), a boiler plate text that could be customized and adopted by state legislatures to grant their towns and cities the power to zone:

Grant of Power – For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities and incorporated villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. (United States Department of Commerce, 1926, p. 5)

The controls cited in the Standard Act are very similar to New York's 1916 ordinance, revealing the importance of that earlier effort. Also, in line with the justifications offered throughout the development of New York's ordinance, the Standard Act opens with an explanatory note that states "Zoning is undertaken under the police power and is well within the powers granted to the legislature by the constitutions of the various States" (United States Department of Commerce, 1924, p. 1). Furthermore, in a Foreword to the Standard Act by Herbert Hoover, he states:

[. . .] the fundamental legal basis on which zoning rests cannot be overlooked. Several of our States, fortunately, already have zoning enabling acts that have stood the test in their own courts. This standard act endeavors to provide, so far as it is practicable to foresee, that proper zoning can be undertaken under it without injustice and without violating property rights." (United States Department of Commerce, 1926, p. iii)

One of the towns making use of New York's experience, and concomitant to the development of the Standard Act, was Euclid, Ohio, which adopted its zoning ordinance in November, 1922. As Hoover mentions in his forward, district and state courts were beginning to hear zoning cases. However, the constitutionality of zoning was not heard by the Supreme Court until events unfolded in Euclid.

Village of Euclid, Ohio v. Ambler Realty Co.

Case Facts and Claim

In 1922 the village of Euclid encompassed about 14 square miles of mostly farm land and other open acreage adjacent to Cleveland. Cleveland was growing as an urban center and Euclid was essentially one of its suburbs. To plan its growth, the village council of Euclid adopted a comprehensive zoning plan for the village. The ordinance created six classes of use districts, U1-U6, as well as height and area

districts. The uses within each district were highly specified. For the case at hand it is important to mention that U1 included single family homes; U2, two-family dwellings; U3, apartment buildings; U4, retail and other commercial; U5, certain industrial; and U6, other heavier industrial. These classifications were cumulative in that each class included the uses enumerated in the lower classes; for example, U4 commercial could also have had apartments or single-family residential, but U1-U3 could not have had commercial (*Village of Euclid v. Ambler*, 1926, p. 381). Euclid's zoning ordinance was a very typical one arising out of New York's example and the professional urban planner circles.

Ambler Realty owned 68 acres in the Village between one of the main roads, Euclid Avenue, and a railroad. The ordinance restricted use on this acreage to U2, U3, and U6; that is, partially two and multi-family/apartment dwellings, with the remainder open to industrial uses on the portion in closer proximity to the railroad. These designations were similar to other lands similarly situated in the town. However, Ambler thought that retail/commercial should be allowed near the Euclid Avenue side of their property. Ambler claimed that market value for industrial use of the land was \$10,000 per acre, whereas residential was only \$2,500 per acre. Therefore, Ambler filed suit claiming that the "ordinance constitutes a cloud upon the land, reduces and destroys its value, and has the effect of diverting the normal industrial, commercial, and residential development thereof to other and less favorable locations" (*Village of Euclid v. Ambler*, 1926, p. 385). Ambler bypassed their option to appeal a specific part of the zoning designation to the local Zoning Board and headed straight to court with the overarching 14th Amendment constitutional due process question about the entire ordinance, to the fear of all urban planning professionals and lawyers across the country: "Is the ordinance invalid, in that it violates the constitutional protection to the right of property in the appellee by attempted regulations under the guise of the police power, which are unreasonable and confiscatory?" (*Village of Euclid v. Ambler*, 1926, p. 386).

The Court's Assessment

Justice Sutherland, delivering the opinion of the Court, first established that the ordinance's wholesale prohibition of any industrial uses from residential districts did not render the ordinance unconstitutional. Industrial uses were allowed in other areas of the city. The Village council, in adopting the zoning ordinance, was attempting to control industrial growth to protect public health, and Sutherland agreed:

If it be a proper exercise of the police power to relegate industrial establishments to localities separated from residential sections, it is not easy to find a sufficient reason for denying the power because the effect of its exercise is to divert an industrial flow from the course which it would follow, to the injury of the residential public, if left alone, to another course where such injury will be obviated. (*Village of Euclid v. Ambler*, 1926, p. 389)

Sutherland acknowledged that not all industrial uses were inherently nuisances, stating that "a nuisance may be merely a right thing in the wrong place, like a pig

in the parlor instead of the barnyard” (*Village of Euclid v. Ambler*, 1926, p. 388). Although some industrial operations may not have posed a nuisance to residents in a particular location or circumstance, but would nevertheless have been innocently prohibited by the zoning ordinance from certain locations, Sutherland reiterated that if this had been the case, Ambler could have appealed such specifics of their circumstances to the local Zoning Board. Instead, Ambler chose to challenge the entire ordinance’s constitutionality. Therefore, Sutherland concluded that the designations in Euclid’s zoning ordinance intended to control industrial growth could not be found to violate the 14th Amendment’s test of being unreasonable or arbitrary.

Sutherland next turned to the constitutionality of the other districting distinctions in the ordinance, such as the question about excluding businesses, hotels and apartments from residential districts, stating:

Upon that question this court has not thus far spoken. The decisions of the state courts are numerous and conflicting; but those which broadly sustain the power greatly outnumber those which deny it altogether or narrowly limit it, and it is very apparent that there is a constantly increasing tendency in the direction of the broader view. (*Village of Euclid v. Ambler*, 1926, p. 390)

It seems reasonable, as in *Hadacheck v. Sebastian* discussed earlier, that a brickmaking factory could create a nuisance for a resident nearby. But what in the police power justified separating apartments from single-family homes or retail businesses, or libraries and playgrounds from single-family homes? Just how far local zoning ordinances could reach in their power was about to be assessed by the top court of the nation.

In response, the Court did not attempt to judge the specific circumstances in which a city’s exercise of police power through zoning controls was valid. Instead, Sutherland deferred to the expertise of state and district courts in their ability to provide due process for zoning appeals that failed at the local Zoning Board level. Citing numerous cases, Sutherland summarized that there was broad agreement that the “exclusion of buildings devoted to business, trade, etc., from residential districts, bears a rational relation to the health and safety of the community” (*Village of Euclid v. Ambler*, 1926, p. 391). Some of the justifications listed included child safety, as commercial traffic was considered more dangerous; fire safety, as commercial areas were more susceptible to fires; lower street construction and repair costs, seeing a potentially greater impact to streets from commercial vehicles; and police patrol efficiency, as a loiterer was more suspect in a residential neighborhood than in a commercial area (*Village of Euclid v. Ambler*, 1926). Sutherland emphasized:

If the municipal council deemed any of the reasons which have been suggested, or any other substantial reason, a sufficient reason for adopting the ordinance in question, it is not the province of the courts to take issue with the council. We have nothing to do with the question of the wisdom or

good policy of municipal ordinances. If they are not satisfying to a majority of the citizens, their recourse is to the ballot—not the courts. (*Village of Euclid v. Ambler*, 1926, p. 393)

Continuing furthermore to eloquently reiterate the point that Ambler may have been more successful in their case if they had not sought a wholesale claim that the ordinance was entirely unconstitutional, Sutherland concluded:

But where the equitable remedy of injunction is sought, as it is here, not upon the ground of a present infringement or denial of a specific right, or of a particular injury in process of actual execution, but upon the broad ground that the mere existence and threatened enforcement of the ordinance, by materially and adversely affecting values and curtailing the opportunities of the market, constitute a present and irreparable injury, the court will not scrutinize its provisions, sentence by sentence, to ascertain by a process of piecemeal dissection whether there may be, here and there, provisions of a minor character, or relating to matters of administration, or not shown to contribute to the injury complained of, which, if attacked separately, might not withstand the test of constitutionality. In respect of such provisions, of which specific complaint is not made, it cannot be said that the landowner has suffered or is threatened with an injury which entitles him to challenge their constitutionality. (*Village of Euclid v. Ambler*, 1926, p. 396)

The Supreme Court had finally ruled on, and upheld, the constitutionality of zoning, with six justices in support and three silent dissenters. Department of Commerce Secretary Herbert Hoover, the members of the Advisory Committee on Zoning, the lawyers and planners involved in New York City's pioneering efforts, and states and cities along with their Zoning Board officials across the country breathed a collective sigh of relief. Simultaneously, and importantly, they understood the power, and gravity, of local zoning ordinances and the local government's responsibility to take property owners' constitutional rights seriously when making zoning decisions. However, abuse, or perhaps unenlightened use, of this power had become a growing concern by 1926, a premise that carries us into the "post-Euclid" period.

The Post-Euclid Period

The zoning trajectory that has been presented thus far in this report has shown how local police power nuisance laws began to be applied to regulate building heights and limit land uses near residential homes, and were tested and upheld by the Supreme Court. These laws gave confidence to a mounting effort in New York City to establish a more comprehensive control, the zoning ordinance, which in turn led other cities to follow, including Euclid, Ohio, as well as the federal government's enacting of the Standard State Zoning Enabling Act. With zoning in effect in 218 municipalities by 1923 (United States Department of Commerce, 1924), local appeals and lawsuits were mounting and *Euclid v. Ambler* in 1926 brought this policy issue back to the Supreme Court. Although the focus of this

report is primarily on zoning's background and the landmark Euclid case, I would like to emphasize several points concerning the post-Euclid period in order to lay a foundation for understanding how zoning has been local government's greatest detriment to environmental sustainability in America by facilitating sprawl. This understanding, in turn, leads to the assertion that new approaches to regulating land-use, such as form-based codes, are supplementing (and in some cases replacing) traditional zoning to become local government's greatest contribution towards environmental sustainability in America.

The Plan and the Board of Adjustment

Two specific provisions in the Standard Zoning Enabling Act are important to the post-Euclid period. First, the visionaries of zoning in the early 1900s understood the importance of zoning designations and maps being designed in accordance with a plan for the community. Therefore, the Standard State Zoning Enabling Act stated that zoning regulations should be made in accordance with a "comprehensive plan" (U.S., 1926, p. 6). The interrelatedness of general plans, precise plans, and zoning that is taken for granted in most American cities today was a new concept in the early 1900s. Alfred Bettman, a lawyer, as well as a zoning and planning pioneer who served on Hoover's Committee explains that:

The city plan and the zone plan are not two separate things. One is the whole and the other is a part. The zone plan is that part of the city plan which relates to developments on private property, whereas the other parts of the city plan relate to public developments. The relationship of the two is so obvious and so integral, that there can be but one answer to the question of whether a good zone plan can be made without making it a part of a more comprehensive plan. There surely cannot. (cited in Toll, 1969, p. 203)

Consequently, in 1928, the Department of Commerce published a companion to the Zoning Enabling Act, called the Standard City Planning Enabling Act (United States Department of Commerce, 1928). However, by the late 1920s, for every city that had a comprehensive plan, there were more than four cities with zoning ordinances but no plan (Toll, 1969, p. 204). Without a comprehensive plan for the community, the risk was far greater for unreasonable or arbitrary zoning designations and subsequent lawsuits.

The New York Zoning Ordinance, others that followed suit, and the Standard Zoning Enabling Act had provisions related to the important process for hearing appeals to zoning decisions at the local level. Called the "Board of Adjustment" in the Standard Zoning enabling Act, this appointed body could make special exceptions, called variances, to the zoning ordinance upon appeal from property owners if enforcement would cause hardship (United States Department of Commerce, 1926). Hoover Committee member Lawrence Veiller was concerned that the ambiguous language of this section could lead to "backdoor amendments and similar abuses" (as cited in Knack, Meck, & Stollman, 1996, p. 5). Corruption or short-sighted decision-making by the Board of Adjustment—in the late 1800s

and early 1900s corruption and mismanagement in local government was not uncommon—and the lack of a comprehensive community plan in most cities, in addition to the enormous pressure on cities and their outlying towns to expand to accommodate the rapid urban population growth America was experiencing, were three primary ingredients that contributed to sprawl (Toll, 1969). A fourth ingredient was the ever-increasing popularity and affordability of the automobile, facilitating transport from residential districts (the suburbs) to commercial districts (urban centers). Unknowingly in the 1930s, and masked by the appearance of progress, wealth, and improved standards of living, American cities were churning toward serious environmental consequences and public health concerns. Ironically, public health and general welfare of citizens were two of the values the police power of zoning was originally intended to protect.

The Changing Environment

Although it took several decades to discern, development interests were overpowering zoning ordinances and city plans (generally, land-use planning) through variances, re-zoning decisions, and politics. Although beyond the scope of this report to assess this trend in detail, awareness of environmental—as well as economic and social equity—concerns in the 1960s spawned significant state and federal legislation in the 1970s that attempted to address these concerns. Environmental impact reviews were initiated under the National Environmental Policy Act of 1969 and, in California, the California Environmental Quality Act of 1970. Other pieces of federal legislation, such as various acts related to clean air (1955 to 1990) and water (1972 to 1987), the Coastal Zone Management Act of 1972, and many state equivalents of these acts were focused on setting acceptable standards for human-caused impacts to air, water, and land. Sprawling development emanating out from urban centers was impacting farmland and open space, wetlands, coastal lands, and water ways, as well as air quality from automobile emissions. A 1974 study prepared for the federal government, “The Costs of Sprawl: Detailed Cost Analysis,” concluded that low density sprawling development had significantly higher economic, environmental, and personal cost impacts as well as a higher degree of natural resource and energy consumption (Real Estate Research Corporation, 1974). This study was revisited and recast in 1998 to show even more specifically the cost benefits of higher density in-fill development versus sprawl (Downs, 2004).

Similar to the urban planning visionaries of the late 1800s and early 1900s that were developing zoning and planning as tools for the police power protection of the safety, health, morals, and general welfare of the public, visionaries in the 1960s and 1970s began seeing the need to change these tools. In his authoritative 1904 book, *Police Power*, Ernst Freund notes how police power changes as conditions in society change, that it is elastic and capable of development (as cited in Toll, 1969, p. 169). One of those legal and political visionaries was U.S. Representative Morris K. Udall of Arizona, a lawyer and Chairman of the House Committee on Interior and Insular Affairs. Udall had introduced federal legislation concerning

land use planning, the Land Use Planning Act of 1974 (H.R. 10294), which failed in the House 204-211. In a 1975 article in the *Brigham Young Law Review* Udall discusses the relationship between zoning and environmental degradation:

[. . .] the pattern of land use in this country contributes to the loss of valuable open space and to the wasteful consumption of energy. Problems arise because land use decisions are generally determined by the unrestrained forces of the market. In addition, governmental planning has often been left to local officials who do not understand or are not concerned about the possible environmental effects of their decisions. Unfortunately, the politics of zoning has often left special interests with the upper hand. We can no longer afford such a haphazard approach to land use planning. Concerned citizens in many communities are beginning to demand positive action to avoid more urban sprawl. (Udall, 1975, p. 1)

The 1970s thus began to bring slow changes in land use and zoning concepts toward growth management and higher density in-fill development (Meck, 2006). By the 1980s, alternatives to traditional zoning strategies, such as form-based codes, were born out of the New Urbanism movement and began slowly making headway toward a vision of mixed-use communities instead of separated uses. Form-based codes allow for a mixture of land uses by focusing on building form and achieving compatibility through design and orientation, instead of separating land uses categorically (Purdy, 2006, p. 2). Although beyond the scope of this article to address in detail how these alternatives differ from traditional zoning tools, what is important to note is that the police power techniques had begun to change according to the changing conditions in America. Planning professionals and local government officials began to realize the problems caused by urban sprawl and thus began to assess their available tools, such as alternatives to separation of uses, to help reverse these problems.

Land Use Strategies for Sustainability

These changes in land use planning have progressed slowly and are still underway today. Private property owners will continue to challenge the constitutionality of the “new” police powers. For example, in 1994, the Supreme Court determined in *Dolan v. City of Tigard*, that the city had not sufficiently justified the requirement of a floodplain easement and a pedestrian/bicycle pathway as part of a private property owner’s development permit. Tigard had adopted a master drainage plan for flood protection and a bicycle/pedestrian pathway to encourage alternatives to automobile transportation, yet the permit conditions in this case were not upheld (*Dolan v. City of Tigard*, 1994). However, scientific certainty and societal understanding of the effects on global warming from greenhouse gas emissions have instilled a new sense urgency into the importance of land use planning changes, sparking significant state and local legislation such as California’s AB 32, The Global Warming Solutions Act of 2006, and more importantly for land use planning, California’s SB 375.

Although this report only scratches the surface of the 1926 to 2008 post-Euclid period, it lays out a skeletal foundation for understanding how the power of zoning has been a detriment to environmental sustainability, yet how this power remains elastic enough through alternatives to traditional zoning to reverse direction and begin significantly contributing to environmental sustainability of communities. Numerous state and federal legislative acts have assisted this transformation, but progress has been slow. The following is a salient statement from Former Federal Energy Administration head, John Sawhill:

With energy conservation as an imperative for public policy, urban leaders have a new incentive to make needed changes. The growing satellite suburbs and shopping areas around our core cities seem even less viable. The ribbons of concrete expressways that once generated civic pride now seem more like liabilities. The glass-walled office towers now seem less aesthetic than energy wasting. (as cited in Udall, 1975, p. 19)

That statement was from 1974. Yes, progress has been slow, but there has been progress.

Conclusion

The scope of this report about zoning has been broad. However, tracing zoning's trajectory back and forth between local and state governments and courts, the Supreme Court, and the federal government reveals a pattern—a 100 year recurring timeline. In 1870 the original Equitable Building in New York City incited concerns about public health and safety due to building height, and local ordinances under nuisance law and the police power began to regulate these concerns. These beginnings led to broader and more powerful zoning ordinances. In 1970, 100 years later, the *new* nuisance was environmental degradation, and new land use concepts and state and federal legislation began to regulate these new concerns. In the early 1900s, zoning concepts were coming into full fruition and being tested in the Supreme Court. Similarly, 100 years later in the early 2000s, new land use strategies were coming into full fruition, with many court challenges along the way, as well as significant legislation such as SB 375 in California. Most significantly, the 1920s saw zoning's landmark Supreme Court victory in *Euclid v. Ambler* and the widespread implementation of zoning across America. Perhaps the 2020s will bring an equivalent landmark case related to the new land use strategies currently being implemented to address global warming and other environmental concerns, and that this will be when the 100 year recurring timeline pattern will end. Hopefully America is not unknowingly churning toward a different sort of nuisance or concern by 2070 through our focus on trying to reverse the worst effects of global warming by that time.

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Appendix I

This Appendix provides a brief synopsis of the two pre-Euclid period Supreme Court cases cited in the article.

Welch v. Swasey, 214 U.S. 91 (1909)

In this case, the Supreme Court upheld building height controls imposed in Boston under 1904 and 1905 laws controlling the height of buildings in the city. Chapters 333 and 383 of the Massachusetts statutes established a three member Commission on Height of Buildings in the city of Boston to divide the city into two districts based on business/commercial purposes and residential purposes, and establish building height limits for each district. The process included public hearings and an appeal process to the Commission. In this case, the city denied a permit to a property owner to build higher than the law allows in that district. The plaintiff filed suit claiming the taking of property without compensation and denial of equal protection of the laws. He argued that Boston's building height laws were for aesthetic purposes "designed purely to preserve architectural symmetry and regular sky lines," not for police power protection of public safety or any other public necessity, and the districting boundaries were unjustifiable and arbitrary. The Supreme Court decided in favor of Boston in an opinion that was based on deference to the state court's determination in *Knowlton v. Williams*, 174 Mass. 476 that "regulations in regard to the height of buildings, and in regard to their mode of construction in cities, made by legislative enactments for the safety, comfort, or convenience of the people, and for the benefit of property owners generally, are valid" (as cited in *Welch v. Swasey*, 1909, Sec. 104). In other words, as long as the height and other conditions didn't appear to be unreasonable or inappropriate, which the Supreme Court decided they were not, then the state court was better suited than the Supreme Court and had the power to determine whether Boston's height controls were "well calculated to promote the general and public welfare" (*Welch v. Swasey*, 1909, Sec. 104). This case represents a clear victory for the police powers of cities and states.

Hadacheck v. Sebastian, 239 U.S. 394 (1915)

Six years after *Welch v. Swasey*, the Supreme Court upheld a City of Los Angeles ordinance that prohibited a particular type of industry, brickmaking, from operating within a certain area of the City, despite the petitioner's ownership of the land and the existence of the brickmaking operation before the area was even within the city limits. This case represents a significant Supreme Court affirmation, and further clarification, of a city's police powers. In order to expand its boundaries, the City of Los Angeles annexed approximately three square miles of mostly unoccupied land. Eight acres belonged to the petitioner, which was where his brickmaking operation was located. The city allowed residential development in this newly annexed area and, upon subsequent allegations "that the fumes, gases, smoke, soot, steam, and dust arising from petitioner's brickmaking plant have from time to time caused sickness and serious discomfort to those living in the

vicinity” (*Hadacheck v. Sebastian*, 1915, Sec. 408) passed an ordinance prohibiting brickmaking in this area to protect the public’s health. The petitioner argued an unconstitutional taking of property without compensation, his land being worth \$800,000 for brickmaking due to the valuable clay deposits—the reason he purchased the land originally—but only \$60,000 for residential uses. In its opinion, the Supreme Court upheld that public health interests outweighed these private financial interests and that cities should be allowed to expand and develop, that “there must be progress, and if, in its march, private interests are in the way, they must yield to the good of the community” (*Hadacheck v. Sebastian*, 1915, Sec. 410). This case represents another clear victory for the police powers of cities and states.

Water Conservation:
The Unsung Hero of California's Water Woes
Hilary Finck

Editors' Introduction

Hilary Finck's analysis of the California Comprehensive Water Package comes on the heels of its passing in late 2009. Her reproach of the bill's measures is unyielding, revealing the true winners and losers of this multi-billion dollar piece of legislation. Hilary reminds readers of the urgency to conserve water, in both rural and urban settings, as California faces critical droughts. The water challenges are serious: groundwater depletion, unsustainable water use, and ecological degradation are prevalent in California's water problems. Hilary contrasts the legislation's misguided funding for new dams and other water infrastructure with workable conservation solutions to exemplify how California's water future can still be secured. This comprehensive article is a must read for any Californian. Water is the State's most precious resource and Hilary's analysis is hope for its sustainable use.

"California faces its third consecutive year of drought and we must prepare for the worst—a fourth, fifth or even sixth year of drought."

—Governor Arnold Schwarzenegger, February 2009

Introduction

California is famous for its distinct natural ecosystems, agricultural abundance, ever increasing and diverse population, and technological innovation. All of these qualities that make California unique have one very important commonality: they all depend on water to survive.

Statewide, California is facing serious water supply challenges due to a three year drought that has left our groundwater and reservoir levels at their lowest in decades. Because of this, Governor Schwarzenegger declared a state of emergency in February of 2009 in which he called for cutbacks in urban water use and unspecified efficiencies in agricultural water use (State of California, Office of the Governor, 2009a). But aside from declarations, the Governor has made it abundantly clear that conservation is not his main focus in battling the water crisis. Instead he forcefully pushed (“Gov Signs Bills...,” 2009; Miranda, 2009) a proposal on the legislature that would give the lion’s share of funding to the construction of new water storage and conveyance infrastructure, while only seeking to fund water conservation efforts with a comparative pittance (State of California, Office of the Governor, 2009b). On November 4, 2009, the Governor got his way, and then some. The California State Legislature passed the California Comprehensive Water Package, a historic piece of legislation totaling \$40 billion—the first of its kind in 60 years—that attempts to deal with California’s water issues. While proponents have said this is a victory for all of California, it is clear who the winners are. At the signing of the bill on top of the Friant Dam in Fresno, Governor Schwarzenegger was flanked by two members of congress from agricultural districts, one current and one former mayor of Fresno, two representatives from agricultural interests, and one representative from the contractor and heavy construction industry (State of California, Office of the Governor, 2009d). Missing from the celebratory signing were environmentalists and advocates of water conservation.

The bill’s failure to adequately define and fund water conservation efforts is a blow to California’s future. Conservation efforts are a cost-effective, preventative solution to California’s water crisis. Although this bill requires a 20 percent statewide reduction in urban water use, even greater efficiencies are possible. There is also no enforcement mechanism and it is unclear if stringent urban conservation efforts will be fully funded (Gleick, 2009). The water bill also does not address agricultural water conservation in a meaningful or productive way. Agricultural industries consume 80 percent of California’s fresh water; therefore, mandatory conservation measures of any degree in this sector would make a significant difference. Moreover, comprehensive water conservation would not only replenish the detrimentally low water levels our reservoirs and aquifers, but they would also rejuvenate California’s marine ecosystems, in particular the Sacramento-San Joaquin River Delta which has experienced great habitat and wildlife losses due to California’s wasteful and archaic water practices.

At a time in our state’s history when budget shortfalls have resulted in draconian cuts to education, state parks, and welfare programs, multi-billion dollar

funding for new water storage infrastructure in the face of current and impending droughts is irresponsible and contradictory. It begs the question, how much water will these new structures store if we are in the midst of droughts? If we do not conserve water substantially, these new structures will end up holding more air than water. Stringent water conservation must be fully funded and comprehensively implemented statewide for urban and agricultural use in order for California to adapt to this arid future.

California's Water Challenges: Drought, the Delta, and Population Growth

Since the beginning of statehood, Californians have manipulated, managed, and dominated their water supply. Today over 1200 dams and hundreds of miles of canals transfer water throughout California in order to quench the thirst of its 38 million inhabitants, 9 million acres of irrigated farmland, and myriad industries that make California the 8th largest economy in the world (Aquaforia, 2007b; Aquaforia, 2008). Without these projects, the California we know and love today would not exist. But the time has come for us to shift to a more sustainable system—one upon which our livelihoods and natural ecosystems can depend.

California's climate is predominately a semi-arid desert, as two-thirds of the state receives only 20 inches of rainfall per year, taking place mostly in the winter. Seventy percent of the overall precipitation and runoff occurs north of Sacramento, while 75 percent of the state's agriculture and urban water use is in the south. Although California has a history of unpredictable precipitation, drier weather conditions are projected to increase due to climate change. Expectations for wetter winters are dim; projections for snowpack in the Sierra are estimated to decrease 25 percent by the year 2050. In key reservoirs, this projection is already occurring. In 2008, the main reservoirs of the State Water Project and the Central Valley Project were below 50 percent of capacity. Average precipitation levels in 2009 were below 20 percent of normal rates and 60 percent of average snowpack rates. Natural groundwater and reservoir levels are also in decline: the San Gabriel Basin in Southern California is at its lowest level in 75 years (Aquaforia, 2007b; Aquaforia, 2008).

While the great chain of infrastructure that conveys water throughout California is not at desirable volumes, conflicts surrounding the main tap of California's water supply further exacerbate the water crisis. The Sacramento-San Joaquin Delta is the most critical connection in California's water supply. Nearly every Californian has a stake in the well-being of the Delta as water pumped from this region slakes the thirst of two-thirds of the state's population and millions of acres of farmland. Additionally, the Delta itself is home to 500,000 acres of some of the world's most fertile farmland, a multi-million dollar fishing industry (or remnants of what once was), and half-a-million people. But these are only the socio-economic reasons of why this region is so important; the Delta is also the largest marine estuary on North America's Pacific Coast and the home to over 750

species of plants and animals (Aquaforia, 2007a). California's unsustainable water practices have damaged this fragile and unique ecosystem.

The Delta has become a battleground as water exports from the region have pit environmental advocates against big agriculture. Over pumping—which causes fish take—poor water quality, and low water levels, have led to the endangerment and extinction of twelve of the Delta's twenty-nine indigenous fish species (Aquaforia, 2007a). The decline of the Delta smelt, a bellwether of the health of the Delta, has in particular put this issue front and center. Court rulings in recent years shut down and decreased pumping from the Delta in order to curb the smelt's pulverization in the pumps. This created an outcry from farmers in the Central Valley who depend on the water to sustain their crops and livelihoods (Bowe, 2009; Aquaforia, 2007a). Farmers have every right to be angry, but their anger is misdirected. Delta environmental advocates are not to blame. The endangered Delta smelt is not to blame. The blame lies in the lack of political will to fundamentally change the way the agricultural sector uses water in California. If big agriculture was mandated to practice stringent water conservation techniques, the forced fallowing of tens of thousands of acres of farmland, the unemployment of thousands of farm workers, and the endangerment of species would not have occurred.

And if all that is not enough to sound the alarms, California's population growth is another cause for concern. As the population climbs, water demand will increase as well. The California Department of Finance estimates that the California population will rise to 60 million by 2050 with southern California adding 10 million people and several central counties increasing by 200 percent (Aquaforia, 2007b). In order to meet the needs of this much growth, new water supplies must become available. This is only possible through two means: natural recharge and conservation (Green, 2007). Given that the precipitative future of California is uncertain, we must make the most with what nature provides.

Water Conservation Possibilities in California

A sea change in the way California utilizes and understands our critical water supply must start now. From flooding fields to flushing fresh water, the water practices that we have grown accustomed to are no longer sustainable. The changes that need to be made are not futuristic; they are already being used by organic farmers, viticulturists, and desert dwellers. The benefits of water conservation far outweigh the costs, both economically and environmentally. Water is a vital resource for all species and we must treat it as such. By using water efficiently today, we not only ensure a reliable water source for future generations, but we also pass down essential conservation ethics that will become commonplace and habitual.

Urban Conservation Possibilities

Although urban water consumption in California only amounts to 20 percent of statewide use—seven million acre-feet, or 2.3 trillion gallons annually—there is great opportunity in this sector to make positive gains in our water supply. In

order to put California on the path to a secure water future, holistic approaches that combine common indoor technologies, smart landscapes, and county-wide water recycling programs are an absolute necessity.

Accounting for 750 billion gallons statewide, indoor residential water use is the highest in the urban sector and efficiencies made in this category offer substantial savings (Gleick, 2003). Existing water conservation technologies include low-flush toilets, faucet aerators, low-flow shower heads, as well as high-efficiency dishwashers and washing machines. And, often ignored, leaks are a common culprit of indoor water waste, as 12 percent of all water use can be traced to this easily preventable problem. Most water companies and districts in California provide rebate incentives for the purchase and installation of these technologies in addition to providing free audit services to detect leaks (San Francisco Public Utilities Commission, 2010). Overall, by implementing these basic conservation methods, indoor water use could be cut by 40 percent for half of what it would cost to access new water supplies (Gleick, 2003; Green, 2007).

In what would likely be a controversial but crucial move, the citizens of California should be incentivized to make a significant sacrifice. A great American icon—the perfectly manicured, emerald green lawn—may soon be a thing of the past. As mentioned previously, the majority of our state is actually a semi-arid desert and it is estimated that we use 490 billion gallons of water every year for outdoor residential uses (Gleick, 2003). Californians need to take a lesson from the playbook of our desert friends to the east. In a creative solution to their water woes, Las Vegas has implemented the Water Smart Landscape Program. In what initially began as a study in 1995, 700 residential property owners were paid to rip out their lawns and replace them with water-saving native shrubs and trees. The water conservation was shocking: a 75 percent reduction in outdoor water use. The success of the study led to the city-wide program for residential and commercial landscapes, with rebate amounts of \$1.50 per square foot of grass up to 5,000 square feet, and \$1 per square foot for larger properties. Now over a decade since the official beginning of the “cash for grass” program, 40,000 Las Vegas lawns don Joshua trees and cacti for an annual urban water savings of 20 percent (Holstein, 2010).

There is even further room for improvement in urban water conservation. Past and present, wastewater, which includes storm water, has been treated to nearly-drinkable standards before being discharged into the ocean or nearby streams. In her book, *Managing Water: Avoiding Crisis in California*, Dorothy Green (2007) makes a great point:

It is a waste of public resources to spend the money necessary to clean up all the wastewater to almost potable standards, only to throw it away. It makes much more sense to find healthful, safe ways to reuse what is daily becoming a more precious resource. It can be considered a new supply that is reliably always there. (p. 133)

Orange County is doing just that. In recognition of impending droughts and dwindling water supplies due to increased development and population growth, Orange County's water district has created the world's largest wastewater recycling program. The Groundwater Replenishment System treats waste water to federal and state drinking water standards using a three step process—reverse osmosis, microfiltration, ultraviolet light, and hydrogen peroxide oxidation treatment—and then percolates the water back into the aquifers to be used as a future source of the municipal water supply. In the two years the program has been running, 34 billion gallons of water have been treated for reuse. Beyond the water savings, this program provides even further benefits. It provides a reliable, local water source for Orange County's 2.5 million residents, saves money and energy by not having to import as much water from far-away rivers, and it prevents salt water intrusion into the groundwater basin. And here is the kicker—all this for only \$485 million (Holstein, 2010; Orange County Water District, n.d.).

The water efficiencies spelled out above amount to much more than a 20 percent reduction in water use by the urban sector, which is what is mandated in the current water bill. It is estimated that 490 billion gallons of recycled water, or a quarter of all urban water use, can become part of California's water supply by 2030 (Green, 2007). Cash for grass programs modeled after Las Vegas as well as everyday indoor efficiencies could create further significant savings. With these technologies, even by conservative measures, it may be possible for California's urban sector to cut its water use in half.

These programs do come at a cost, but this concern is short-sighted when one looks at the long-term economic benefits of using less water. Water conservation and reuse translates to lower monthly water bills, decreased energy consumption from pumping and conveying water long distances, replenishment to our existing reservoirs and groundwater basins for future use, as well as healthier ecosystems and habitats. Compared to multi-billion dollar infrastructure projects, implementing water conservation efforts across the state costs less and—unlike unlike new storage—it actually creates new water.

Agricultural Conservation Possibilities

California's agricultural sector is vital not only to our state economy, but also to the livelihood of countless farming communities; therefore, it must be put on track to stay competitive. As one of the most productive agricultural regions in the world, it produces nearly 400 different agricultural commodities, half of America's fresh fruits and vegetables, and 15 percent of the international food supply. In total, California's agriculture industry brings \$39 billion in goods and services to the market each year (Cooley, Christian-Smith, & Gleick, 2009). The state's farmers and economy cannot afford to be held back by years of wasteful water practices.

Thanks to Gleick et al. (2003) and their in depth report, *Sustaining California Agriculture in an Uncertain Future*, the farming sector and our leaders in Sacramento are now armed with scientific, statistical, and technological evidence of what is

possible for agricultural water conservation. This analysis spells out a hopeful and realistic future for the agricultural sector and California's water supply. In order for these measures to become reality, though, our state government needs to stand up to big agriculture interests and demand significant water efficiencies. Shamefully, the California legislature and Governor Schwarzenegger missed the mark in the current water bill.

Gleick et al. (2003) state that up to 6 million acre-feet of water—an acre-foot is the amount of water it takes to cover one acre of land with one foot of water, or 325,851 U.S. gallons—can be saved by making changes in irrigation technology and scheduling, amounting to a 17 percent savings in water use. To put that in perspective, the entire urban sector used nearly 7 million acre feet of water in 2000. If agricultural water conservation efforts could nearly equal the amount of water used by the whole urban sector, there are no valid reasons why greater efficiencies are not mandated in the water bill.

When farms use water efficiently they are not just contributing to the greater good of water conservation. Other benefits are evident, such as increased crop yields and product quality as well as decreased environmental degradation of soil, nearby rivers, and groundwater. Reducing water use also saves energy and decreases the emission of greenhouse gases as pumping and water conveyance systems require hundreds of kilowatt hours per acre-foot (Gleick et al., 2003).

Unfortunately, the most common irrigation method used in California is also the most wasteful and environmentally damaging. Sixty percent of the crops in California are flood irrigated, whereby water is either pumped into channels that are dug along-side the rows of crops or the field is completely flooded via gravity (Cooley, Christian-Smith, & Gleick, 2009). Although it requires minimal capital investment, flood irrigation is less efficient, as nearly one-half of the water used does not end up hydrating the crops (United States Geological Survey, 2010). Runoff from this type of excessive water dispersion pollutes nearby streams and groundwater sources with pesticides, fertilizers, salts, and sediments. Furthermore, rates of water evaporation in addition to soil erosion and degradation are higher with flood irrigation (Cooley, 2009).

Drip irrigation, which is the application of water from tubing placed near the plant's root zone, is the most efficient irrigation method, and while it is not the most used, it is gaining ground. Eighty percent of all vineyards and orchards employ drip irrigation, and some field crop farmers are coming around to the technology; but clearly there is room for improvement. Drip systems have many benefits. Environmental degradation from runoff is minimal, less water is used, and what is released is absorbed efficiently by the soil. Drip irrigation also increases yield and crop quality due to root-targeted watering as well as the precise application of fertilizers. Fruits and foliage are healthier as they are not as susceptible to diseases from constant contact with water like they would be from sprinkler and flood methods. Furthermore, by applying the water at root and soil zone, drip has the lowest evaporation rate. Overall, conversion from flood irrigation

to drip—or even sprinkler systems, which are slightly less efficient—could amount to a water savings of 3.5 percent (980,000 acre-feet) with an increased crop yield of 20 to 30 percent (Cooley, Christian-Smith, & Gleick, 2009).

Another important yet underutilized method for conserving water while increasing yields and crop quality is improved irrigation scheduling. Many irrigation schedules in California only supply water every 16 days; therefore, farmers sometimes are not able to apply water at crucial growth times or in vital weather-related instances. District water systems need to be overhauled to allow for a more flexible delivery schedule so farmers can get water when they need it most. Determining when water is needed is also part of this issue. The California Irrigation Management Information System (CIMIS), which is only employed by 20 percent of farmers in California, is a network of automated weather stations that provide information needed to ascertain crop water requirements. Using this system has resulted in an eight percent increase in crop yields while decreasing water use by 13 percent. It also reduces energy, fertilizer, and labor costs (Cooley, Christian-Smith, & Gleick, 2009). If improved irrigation scheduling were used across the board, the savings would be astounding.

Generally, farmers and politicians argue against making fundamental changes such as these because of the costs of implementation. The initial costs may seem prohibitive, but over time they are highly cost-effective based mostly on water savings and increased crop yields. Gleick et al. (2003) estimate that by converting 3.4 million acres of farmland—less than half the acreage that is cultivated yearly—from flood to drip irrigation, the initial costs may be as high as \$4.2 billion statewide, with improved irrigation scheduling costing between \$20-30 per acre annually. These techniques not only create a water savings of 6 million acre-feet, but they also have been known to increase crop yields by 30 percent. Combining the water savings at \$46 per acre-foot and the increased income from higher yields—as well as other factors such as decreased energy, fertilizer, and labor costs—it is possible for some farms to have a payback period of 2 years (Cooley, Christian-Smith, & Gleick, 2009). This investment is more than worth it when compared to the alternative reality of doing nothing. If California needs to find ways to ensure a reliable and stable water future, agricultural water conservation sounds like the obvious answer.

The Infrastructure...Oops, I Mean Water Package

“I think that what is so great about this comprehensive infrastructure package is, and this water package, is that we not only fix the Delta and its ecosystem but we also build infrastructure, which is the canal around the Delta and also above-the ground and below the ground water storage. So there will be a lot of infrastructure built. And may I remind you, this is the best investment in the future of California that anyone can make. OK?”

—Governor Arnold Schwarzenegger, November 4, 2009

Clearly, the Governor's remarks are flat-footed support for extraneous infrastructure investment.

There are two elements of the water package. First, there is the done deal: the \$30 billion water bill that was signed by Governor Schwarzenegger last fall. To be fair, this is a complex bill that does include necessary provisions such as groundwater monitoring and the tightening of water diversion reporting requirements. But the sheer monetary size of the bill causes some head scratching—especially when one realizes that it does not include any funding for mandatory agricultural water conservation. The agricultural sector is only required to “submit Agricultural Water Management Plans beginning December 31, 2012 and include in those plans information relating to the water efficiency measures they have undertaken and are planning to undertake” (State of California, Office of the Governor, 2009b). This is a slap in the face of all Californians and a true testament to who is influencing whom in Sacramento. All the while, the urban sector is required to reduce their water use by 20 percent by 2020. Indeed this is a laudable and unprecedented mandate, but it is unfair to put the burden of conservation on the urban sector while agriculture gets a free ride, especially when it consumes 80 percent of California's water.

And what about this supposed fixing of the Delta and its ecosystem that the Governor has so eloquently pitched? Critics have suggested that the bill's creation of the Delta Stewardship Council, of which the majority of members have been appointed by the governor, will not have the best interests of the Delta at hand. Instead, it is likely that the Council will advocate for the creation of a peripheral canal that will siphon water away from the Delta at a northern point on the Sacramento River for the benefit of agriculture and Southern California. The peripheral canal will not “fix the Delta and its ecosystem” (Brietler, 2009; Miller & Galvin, 2009; Gleick, 2009). Contrarily, it will exacerbate the Delta's water problems by causing an influx of salt water where fresh water used to be: fresh water that supports a myriad of species, fresh water that is used by local farmers and residents (Restore the Delta, 2009). In addition, the new pumping station will have the same negative effect on whatever fish population is in that particular region as it has had on the Delta smelt. The peripheral canal is said to cost between \$23 and \$58 billion dollars (Bacher, 2009), and while the Governor says that over time this will be paid for by those that benefit from the new conveyance system, the initial costs will be borne by California taxpayers. This is an irresponsible use of taxpayer money in light of the overwhelming benefits and cost-effectiveness of comprehensive and, not to mention, completely realistic, water conservation efforts.

The second portion of the water package is the \$11.4 billion bond measure, which will go before California voters in the November election. This bond is a true compromise of interests: \$2.25 billion for Delta sustainability; \$1.25 billion for water conservation; \$1 billion for groundwater protection; and \$3 billion for additional water storage and operational improvements, among other items (State of California, Office of the Governor, 2009b). But the measure is just a smaller

version of what has already been signed by the Governor. Bond measures can be a good idea if a state has a good bond rating, but California's bonds are one step above junk status (California State Treasurer's Office, 2010). In other words, they are nearly worthless, and paying interest on those bonds over time will amount to almost the same amount of money as the water bill itself. California cannot afford this bond investment right now.

What California Needs

The best investment for California's future is comprehensive water conservation. Californians should be proud that our urban sector is stepping up to the plate by providing new water supplies, but it is truly unfortunate that our elected officials missed such a vital opportunity to transform California's agricultural sector into a beacon of water efficiency and modernity. Instead they have perpetuated a system that unsustainably consumes our most precious resource.

Furthermore, implementing the agricultural and urban water conservation efforts spelled out above would replenish such great amounts of water to the statewide system that it may not be necessary to build new water storage infrastructure for decades (Gleick, 2003). California's current infrastructure is crucial for the conveyance of water, but expensive new storage and delivery projects will not create more water; therefore, they will not solve California's water crisis. Additionally, dams and diversions come at the cost of one community over another and one ecosystem over another (Shiva, 2002). They fragment river ecosystems and are counterproductive to the storage of water over time due to evaporation and sediment buildup that causes water displacement (Brier, 2004; McCully, 1996). California's existing reservoirs are already at critically low levels due to drought and overconsumption of water; as such, little will be gained by spending billions of dollars on new infrastructure. It is evident that Sacramento has irresponsibly calculated the gains of special interests over the welfare of its citizens and environment.

It is time for Sacramento to put politics aside, get with the program, and be realistic about the limits of our water resources. California needs a water policy that benefits all of its inhabitants. California is the farmer, the fisherman, the city dweller, the tech industry, the nature lover, and the Delta smelt. The fabric of California is dependent upon a reliable water supply and the only way to get there is through statewide water conservation.

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Author Biographies

Elizabeth Karsokas

Elizabeth Karsokas was born and raised in Orange County, California. Growing up in such a beautiful, historically diverse region significantly impacted her ideals and beliefs regarding every aspect of the political realm. Eventually moving to San Francisco to pursue her B.A. in Political Science and Criminal Justice, Elizabeth fell in love with the colorful residents and electrifying vibe of the bustling City. After graduating from San Francisco State University in the spring of 2010, Elizabeth is preparing to continue her education at law school, and looks forward to gaining an extensive knowledge of an ever-evolving discipline. When she is not studying or working, Elizabeth loves to spend time with family and friends, listen to music, and relax on the beach.

Maria Saguisag-Sid

Maria Saguisag-Sid is a Senior Human Resources Analyst with the City of Brisbane and has worked in the human resources field for 17 years. She is expanding her career in local government administration by studying in the Master of Public Administration program, with an emphasis in Urban Administration. Maria's interests include intergovernmental relations and collaboration. Prior to starting her masters program, Maria participated in a management talent exchange program in the Town of Hillsborough as Acting Assistant City Manager, and the City of Belmont as Acting Assistant to the City Manager. She received her B.A. in Psychology with a minor in Asian American Studies from San Francisco State University and is a Lowell High School graduate. Maria enjoys spending time with her husband, Joe, and their children, Regina and Joseph. Born and raised in San Francisco, her hobbies include following local food trends, watching Giants baseball and Sharks hockey games, and taking cruises.

Christopher Peñalosa

Avid walker, furious scribe, and vegan chef are adequate terms with which to describe Chris Peñalosa. Chris' hometown is San Diego, and he's been a California resident his entire life. When not chasing down cars with his skateboard (or more frequently being chased down), Chris can be found somewhere between a local farmers' market and Bay Area coastal trails. In the somewhat distant future, Chris plans to teach environmental issues or mathematics at the university level. In the not too distant future, Chris plans to continue writing through a variety of online and print publications. He also wants to continue his education in development studies. Chris currently interns at Food First, where he bashes the Gates Foundation for its free-market approach in Africa.

Kevin S. Woodhouse

Kevin works for the City of Mountain View, California, as Assistant to the City Manager with responsibility for a wide range of City issues and projects. Prior to this position, he served as the City's Environmental Management Coordinator, focusing on city-wide environmental concerns and helping to launch the City's Environmental Sustainability Program. These sustainability efforts, and their integration into the City's current multi-year Visioning and General Plan Update effort, sparked his interest in the topic for this article. Kevin is nearing completion of his Master of Public Administration at San Francisco State University, and holds a B.A. in Philosophy from Stanford University. He and his wife and two sons live in San Francisco and together enjoy exploring the City's many parks and open spaces, as well as the mixed-use walkability of many of San Francisco's urban neighborhoods. He can be reached at KevinSWoodhouse@gmail.com for comments or questions regarding this article.

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Amit Raikar recently joined the U.S. Environmental Protection Agency at the San Francisco branch as a Contract Specialist. Prior to joining the EPA, he interned at the Metropolitan Transportation Commission's Programming and Allocations Department. While his undergraduate degree was in mathematics, he was a co-founder of the SMART (Sustainable Markets and Responsible Trade) Project Week and Sustainability Week at San Jose State University. He is currently a graduate student at San Francisco State University, where he is completing his Master of Public Administration. Amit's interests include environmental policy and environmental justice. Though Amit has lived in several states (Alabama, Utah, and Minnesota) and countries (India, Australia, and England), he calls California his home. In his spare time, he enjoys spending time with family and friends, hiking, and practicing martial arts. He can be reached at: raikar.amit@gmail.com.

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Christine Lias is a graduate student in the Department of Public Administration, working towards her MPA with an emphasis in Nonprofit Administration. She graduated from San Jose State University in 1999 with a B.S. cum laude in Journalism and a minor in French. She worked in the daily newspaper business at several Bay Area publications, including ANG Newspapers, the Contra Costa Times, and the Palo Alto Daily News. She was honored in 2003 and 2004 for reporting and headline writing by the San Francisco Peninsula Press Club. In 2008 and 2009, Christine transitioned out of journalism and communications and into the world of nonprofits. She began to volunteer for two San Francisco nonprofits: a domestic violence organization and Craigslist Foundation, which annually hosts its Boot Camp on nonprofit issues. She lives in San Francisco and is the oldest of three grown sisters, all of whom live in the San Francisco Bay Area. Email her at: clias@sfsu.edu.

Hilary Finck

After a ten year career as a jewelry designer, Hilary Finck entered San Francisco State University in the fall of 2009 to finish her undergraduate degree as an Environmental Studies major with an emphasis in the Urban Environment. In addition to California water policy issues, she is also interested in environmental law and urban sustainability. She is captivated by any new initiatives that will put urban centers on the path to efficiency and modernity, including smart landscapes, green roofs, intermodal transportation, and intelligent land use planning. She volunteers with and is a member of the San Francisco Planning and Urban Research Association as well as the San Francisco Bicycle Coalition. When Hilary is not geeking-out on the latest improvements in urban sustainability, she enjoys exploring the Bay Area and beyond by hiking, biking, backpacking, and beach-combing. For questions or comments, you can reach Hilary at: hilaryfinck@gmail.com.

Craig Baerwald

Craig Baerwald grew up in suburban Wisconsin before moving to Milwaukee to attend college. It was there that he developed an interest in urban redevelopment in a post-industrial city. He moved to San Francisco in 2005, securing a job working as a bell hop in a hotel. It was there that Craig was able to meet a variety of people, working with a diverse, middle class crew. He fell in love with San Francisco, its neighborhoods, history, diversity, and culture. Eventually, he enrolled at San Francisco State University as a Geography Major with a focus on the Urban Environment, Land Use planning, and Geographic Information Systems. He enjoys baseball, riding his bicycle, listening to music, and reading the newspaper.

Nikolara Jansons

Nikolara Jansons is a currently a junior in the Department of Urban Studies and Planning at San Francisco State University. New to San Francisco, she actively contemplates the streets where she likes to walk and observe the workings of the City. Although an amateur photographer, she enjoys the work for her own amusement and for the ability to capture the moment or a person. She is an accomplished gardener and adores flowers, composting, and the pleasure of seeing the transformation that takes place in starting new garden projects. Prior to massive amounts of schoolwork, she used to spend much of her leisure time reading travel writings, along with fiction and non-fiction. Nikolara is planning to attend graduate school and is looking forward to future employment in the public or private sector where she can implement her ideas and help to make the world a more beautiful place. She can be reached at: njansons@sfsu.edu.

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