THE RUBBER STAMP

PROCESS

Broken Governance in Planning and Development and How Communities Can Regain a Voice

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APPROVED

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Executive Summary

Today in Orange County, the development process has become a rubber stamp for developers, regardless of public input. Private, for-profit developers disproportionately influence the decision-making process, and cities frequently base their decisions on fiscal priorities rather than the needs of the general public. This disproportionate reliance on the private sector creates challenges for members of the public who wish to fairly participate in decision-making processes that affect their lives.

This report addresses these structural problems – which we call "Broken Governance" – and argues that the current local governance models in Anaheim and Santa Ana have led to diminished community voices and weakened the democratic process.

Summary of Findings

Due to the structural bias in favor of developers, development projects move forward even when the public strongly disagrees with them. In Anaheim and Santa Ana, 87 new development projects were presented between 2005 and 2010. Of these, 21 were met with more community opposition than support, yet 20 of the 21, or 95%, were approved.

Campaign contributions further sway the planning process in developers' favor. The top five industry contributors by economic sector as defined by the North American Industry Classification System (NAICS), account for 63% of all donations in Anaheim and Santa Ana. Of the top ten NAICS industry group classifications that contributed to political campaigns in Anaheim and Santa Ana, five had direct interests in development and accounted for 55% of all contributions from the top ten. In addition, outside interests have disproportionate sway over local politics, as 70% of all political contributions in Anaheim and Santa Ana came from outside city boundaries.

Local planning commissions do not represent every neighborhood or the general public as a whole. In Anaheim and Santa Ana, there is an over-representation of individuals with a background in business and/or development, as well as a spatial discrepancy between where planning commissioners live and the city at large. Over half of all planning commissioners came from the more affluent neighborhoods that have less than 20% of the city's total population.

Other significant barriers to public participation exist: Disproportionate representation, inadequate notice, ineffective public hearings, and constraints on city planners.

These research findings are supported by case studies of recent development approvals for Anaheim's Platinum Triangle and Santa Ana's Station District.

Conclusion

The local planning process is broken. Rather than working to promote and protect the general welfare of the public, the planning process is subject to undue influence from special interests, while neighborhood voices – and the needs and priorities they represent – are disregarded. As a result, major development projects are approved without job quality standards, affordable housing, parks, schools, adequate infrastructure and important community resources. Concerns about traffic, urban sprawl and incompatible land uses remain unaddressed.

Cities have the ability to set standards for private activity in order to promote the common good and protect the public interest. To fully employ a democratic planning process, every neighborhood must have representation in some way at the local governing level. Policies and ordinances that exist in other parts of the nation can be employed to enhance public participation, and ultimately, allow for more residents to have a hand in shaping their communities.

Policy Principles for Neighborhood Empowerment
- Encourage public participation early in the development process, before important decisions are made, by raising public awareness and increasing outreach to neighborhoods.
- Level the playing field by ensuring that all costs and benefits are taken into account and increasing transparency in the decision-making process.
- Empower every neighborhood to have a voice in development decisions that affect its quality of life.
- Make elected and appointed officials more accountable to the neighborhoods they represent.

Preface

In a healthy community, development decisions are linked to community needs through public participation. A healthy community empowers people of all income levels with the opportunities, resources, and knowledge to make healthy choices for themselves and their families. On a daily basis, people make choices about where to exercise and buy food, or how to protect their children from gangs and drugs. But they must also be empowered to participate in the larger, inherently political decisions that address the social determinants and environmental factors affecting community health. Without public involvement, policymakers are not sufficiently informed about community needs and priorities, and policy solutions too easily fall short or miss the mark entirely. Moreover, the lack of community involvement can exacerbate health disparities since feelings of disempowerment are linked, through fear and stress, to physical and mental health issues.

The lack of community involvement can exacerbate health disparities.

Introduction

Orange County and its cities have undergone an economic and demographic transformation since the 1970's (Hipp, 2009).[1] The region was once heralded as an ideal place for middle class families to settle, thrive and retire, but poverty and income inequality are now growing faster in Orange County than in the nation as a whole – threatening the stability of the regional economy, undermining community health and diminishing overall quality of life. It is within the backdrop of this transformation that we offer an assessment of the governance processes related to economic development in Orange County.

Industrial shifts since the 1950s, from defense and manufacturing to mainly leisure and service industries, have created a large number of insecure, low-paying jobs in Orange County. During this industrial realignment, the county and its cities have brokered development deals that have led to broken governance in the planning process. Today in Orange County, on the whole, the planning process ignores community voices and concerns on issues that affect people's daily lives. As a result, major development projects are approved without job quality standards, affordable housing, parks, schools, adequate infrastructure and important community resources. Concerns about traffic, urban sprawl, and incompatible land uses remain unaddressed.

A recent report by the Orange County Grand Jury (OCGJ) exposed the problem of what we describe as broken governance and irresponsible development in Orange County.[2] With the duty to "investigate and report both criminal and civil matters within the county," the Grand Jury found that the public decision making process at the county level of government is unclear, suspicious and not representative of the community at large. They found inadequacies in "how the money is spent; how decisions are made to allocate these funds; and the influence of paid lobbyists in this decision process" (OCGJ, 2009-2010).

The problem of broken governance extends to city governments as well: another recent Grand Jury report found that a lucrative contract was awarded by the Santa Ana City Council to a politically well-connected company. This deal was worth nearly five million dollars and was "fraught with political and administrative inconsistencies."[3]

In this context, our report poses the following three fundamental questions about the politics of land-use and development:

1) **Do current city electoral and decision-making structures fully represent all of the communities impacted by government decisions on land use and development?**
2) **Do current governance processes allow for community voices to be heard and taken into account before and during decision-making?**
3) **Is there an undue bias toward special interests and against neighborhood priorities in the public decision-making processes in Anaheim and Santa Ana?**

These research questions are addressed with a mixed methods approach, which permits analysis as to whether disconnections exist between communities and private industry needs, elected officials and the governance process. Finally, these findings are used to guide a set of policy alternatives outlined at the end of the study.

Governance and Development

The role of local government is often debated. What is its purpose? Who is it accountable to? And how should it function? While the merits of specific roles of government can be debated, a sentiment that is commonly shared is that local government should promote the general welfare of the public.

All states are granted the right of "police power" by the 10th amendment in the US Constitution.[4] Included in police power is the ability of a local governmental entity to set standards for private activity in order to promote the common good and protect the public interest. Police powers have often been used to protect public health, safety, and general welfare. For example, a city's zoning code, which is a form of police power, can be used to ensure that heavy industrial plants are not located in the middle of a residential neighborhood, thus protecting residents from heavy pollution and other adverse effects of heavy industry.

However, today in Orange County, private, for-profit developers and lobbyist firms disproportionately influence the decision-making process, and thus, cities frequently base more of their decisions on fiscal priorities rather than the needs of the general public. Due to an ever-decreasing property tax base (a structural problem that we will highlight later in the report), cities often struggle to find ways to balance their budgets, and they see private capital as a way to increase revenue by generating sales tax. This disproportionate reliance on the private sector creates challenges for members of the public who wish to fairly participate in decision-making processes that affect their lives. We call this disconnection Broken Governance and use this definition to study the cities of Anaheim and Santa Ana.

In Orange County, private, for-profit developers and lobbyist firms disproportionately influence the decision-making process.

Communities need accountable development. Accountable development brings neighborhoods and community stakeholders into the planning process, includes the voices of every demographic, socio-economic, and geographic group that will be affected, and ensures that projects meet the community's needs and priorities. In terms of the fiscal responsibilities, accountable development considers all the costs and benefits of a project, not just its impact on the city's balance sheet.

A. Background: Key Players in the Local Planning Process

A city's economic and public health is largely contingent on the type of development projects it approves. Are they sustainable and economically viable? Do they address community needs and neighborhood priorities? Do the benefits outweigh the costs? The decision-making process that determines the fate of these projects requires expertise in planning, negotiations with developers, and effective outreach for public input. In tandem, these three skills provide city officials with the necessary information to hold the public interest in mind when considering the impacts that their actions will have on the citizenry.

Typically, the development decisions that shape neighborhoods and local economies involve a bureaucratic chain of command, beginning with the local planning department, and ending with the city council. Given the role that local development has in shaping the economic and social futures of a community, it is important to first understand the planning process, how it works, and who the decision-makers are in the process.

The General Plan and Zoning Code:

A city's general plan is the key policy document used in shaping land use within its boundaries. The general plan provides broad guidance to help achieve the long-term vision of the city,

similar to the function of a constitution. General plans often look 20 years into the future and are typically updated every 10 to 15 years. The plan becomes the source for planning departments, commissions, and city councils when deciding on a development project's viability and fit.

The zoning code is the tool used to implement the general plan's vision. Included within the zoning code are development standards to protect public health, safety, and the general welfare. Every piece of property within a city is assigned a zoning designation, which dictates what can be built on that land. Typical zones include residential, commercial, and industrial uses but, depending on the city's vision for itself, may also include mixed-use, open space, office, or other zones. The purpose behind designating certain areas of a city for different uses is to provide uniform, safe, and healthy development.

The city council and planning commission shoulder a great responsibility.

The general plan and zoning code dictate future locations of major job hubs, housing, parks, schools, libraries, and other public resources. Over time, cities change, and the general plan and zoning code must be amended and updated to reflect these changes. The overseers of this change are the city council and planning commission. Given the importance of the general plan and zoning code, the city council and planning commission shoulder a great responsibility to ensure that the vision remains representative of the interests of the city. Changes to these documents have an impact on the lives of the general public, and influence the land-use decision-making process.

City Council

The city council is the lead decision-making body at the municipal governing level, and is voted into office by the general public. In Orange County, the city council is made up of a mayor and city councilmembers, although the number of councilmembers varies from city to city. In the City of Anaheim there are five councilmembers (the mayor and four city councilmembers), whereas in the City of Santa Ana, there are seven councilmembers (the mayor and six councilmembers).

The city council typically has final decision-making authority over large-scale development projects, and its members serve as stewards of the public interest. Among their responsibilities, councilmembers are entrusted to promote the general welfare of the public, including passage of development projects that will, when costs and benefits are taken into account, enhance the local economy and quality of life. As will be discussed later in this report, this can be a very complicated process, as different constituencies within a city can have competing interests.

Planning Commission

The planning commission consists of local residents who are appointed by the city council. Planning commissioners have the responsibility of reviewing a project and ensuring that it serves the public interest, as reflected in the general plan and zoning code. Planning commission meetings are open to the public, meaning that the public is free to attend and offer their input on a given development project. In theory, if a project does not meet community needs, as indicated by public opposition, the planning commission will deny the project and either eliminate it altogether or ask the developer to make changes that address the concerns raised during the public hearing.

Developers

Developers are usually private sector firms that propose and build homes, offices, retail stores, and many other projects. While the people who manage these firms are often visionary, their underlying business goal is to make a profit.

For example, during the "housing boom" in the mid 2000's, the median cost of a home in Orange County was in excess of $700,000. Developers, being profit-driven entities, took advan-

tage of the opportunity that the market presented and sought to construct as many housing units as possible, preferably fitting as many as possible on a parcel of land to fully maximize their profit – the more you can build, the more you can sell. The cost of constructing a house is far less than $700,000, so when a developer sells a particular housing unit, they can make a profit.

When developers propose their projects, they at times ask the city to change its general plan and/or zoning code to accommodate their own business goals. These general plan amendments and zoning code variances can become the focus of planning commission and city council decisions: Do the benefits of these changes outweigh the costs?

Development Is Needed to Address Current Needs

Orange County continues to grow in population. By the year 2030, it is estimated that the population of Southern California will increase by an additional 6 million people, or the equivalent of two Chicago's.[5] Currently, Orange County has the second largest county population in California, yet it is among the smallest in terms of land mass.

This creates several challenges for local politicians, planners, and developers. They must create comprehensive solutions for the influx in population while constrained by an ever-decreasing amount of available land. Increases in population will require more housing, more jobs, more parks, more schools, and improved infrastructure such as sewage, roads, and electrical lines.

In addition to providing needed infrastructure, development can also add to a city's overall revenue stream if housing, commercial, and office developments bring increased property and sales tax revenues. Housing units provide property tax revenues, while commercial developments provide both property taxes and sales tax revenues from any products sold.

B. Problems with the Structure – Why Planning Doesn't Work for Everyone

Proposition 13 and the Fiscalization of Land Use

California voters approved Proposition 13 in 1979 and effectively limited the ability of cities to raise property tax revenues across the state. Municipalities could no longer collect as much revenue from property taxes as in the past, and consequently, sales taxes have supplanted property tax as the largest new revenue source for local governments. The resulting budgetary shortfalls created by decreased property tax revenues are exacerbated with each passing year as rising city expenditures outpace city revenues.

Proposition 13 cut local tax revenue by about 53 percent, dramatically altering the way local governments fund public services.[6] Local governments fill this void by relying on sales and occupancy taxes to supplement the decline in property tax revenues. This practice – referred to as fiscalization of land use – results in the overzoning of commercial uses, and an underzoning of residential uses (which in turn drives up housing demand and therefore housing costs). Moreover, fiscalization of land use creates a reduced interest in affordable housing and public park space since they do little for tax revenues, and encourages the creation of restaurants, retail shops, and other businesses that generate sales tax revenues (often resulting in the creation of low-wage jobs).

Local governments rely on sales and occupancy taxes to supplement the decline in property tax revenues.

Developers Have Undue Influence Over the Public Planning Process

> "*There is a structural bias that allows developers to have the upper hand in terms of the argument. There often exists a predisposition on the part of most city councilors that equates the success of a private development with the success of the city budget. With this structural bias, a developer comes in almost having won the argument before he or she talks.*"
> *-Scott Bollens, Professor of Planning, Policy & Design, University of California, Irvine; Warmington Chair in Peace and International Cooperation (Ph.D. University of North Carolina, AICP)*

Developers have undue influence over the public planning process because most elected leaders and other city officials equate the success of private development with the success of the city budget. The city council gains because the project is perceived to bring in more tax revenue for the city budget, and the developer gains because they are able to make a profit.

Cities are faced with the daily challenge of providing parks, public safety, and infrastructure, as well as planning for the housing needs of police, teachers, and other working families. Fiscally, although these functions bring in some revenue, they cost significantly more and can be a strain on the city budget. By promising to increase tax revenue, developers exert fiscal leverage on cities and gain the upper hand in terms of what the community should look like, and what should be built.

Neighborhood priorities — such as parks, schools, community-serving retail, and housing for police, teachers, and other working families — are ignored since they don't add to developer profits or city revenues. If the city council wants a developer to meet these needs, they often feel that they must incentivize developers to do so through subsidies, tax breaks, density bonuses, or any other tool at their disposal.

C. Campaign Contributions

> ❝The big economic interests know the big political interests in the community and they are friends. And, when something needs to be done these people will see each other at social occasions or fundraisers and share information.❞ *– Louis DeSipio, Associate Professor of Political Science, University of California, Irvine (Ph.D., 1993, University of Texas at Austin)*

Campaign contributions play an important role in elections and can have a major impact on future decision-making at the local level. Contributions are a way for individuals, businesses, and industries to help elect candidates that support their interests. In this section, the sources of campaign contributions are analyzed to note if any industry or geographic patterns exist.

California's Public Records Act gives the general public access to political contributions. Using this policy, public records requests were made to the city of Santa Ana for Consolidated Campaign Disclosure Forms (Form 460). In the city of Anaheim, the city's online public database was used to access Form 460. Campaigns itemize and report all monetary contributions, loans received, and nonmonetary contributions, and Form 460 is required of every candidate who receives more than $1,000 in a given year.

Using Form 460, OCCORD compiled a unique database to "follow the money" of local politics in Anaheim and Santa Ana, specifically around mayoral and city council races. This database holds information from January 1, 2004, to October 12, 2010, and includes campaign committee identifiers, individual contributions by industry (when employer or employment was able to be identified), recipient committee, business entities and other like groups, political parties, and small contributor committees (applicable only to state candidates and committees). All contributions were matched to industry using the North American Industry Classification System (NAICS).[7]

Between 2004-2010, over $3 million in monetary contributions were made to city council and mayoral candidates who won office in the cities of Anaheim and Santa Ana. In total, 5,941 monetary contributions were made with an average dollar amount of $537. Of these donations, approximately 60% were made to council races and approximately 40% to mayoral campaigns.

Geography

Nearly 70% of all political contributions in Anaheim and Santa Ana came from outside city boundaries. In Anaheim, 71% of contributions to incumbents and successful mayoral and city

council candidates came from outside the city. A similar pattern was found in Santa Ana, where 65% of contributions came from outside the city. The vast majority of the money comes from contributors in other Orange County cities (48% for Anaheim and 44% for Santa Ana), and other parts of Southern California (16% for Anaheim and 14% for Santa Ana). Out-of-state contributions have also played a small role in Orange County political races.[8]

Total Monetary Contributions to City Politics by Geography, 2004-2010

<u>Anaheim</u>

<u>Santa Ana</u>

Anaheim pie chart:
- 3.92%
- 3.33%
- 3.92%
- 16.23%
- 28.94%
- 47.57%

Santa Ana pie chart:
- 2.87%
- 3.72%
- 13.79%
- 35.51%
- 44.11%

Legend:
- In City
- Orange County
- Southern California
- Rest of California
- Outside of California
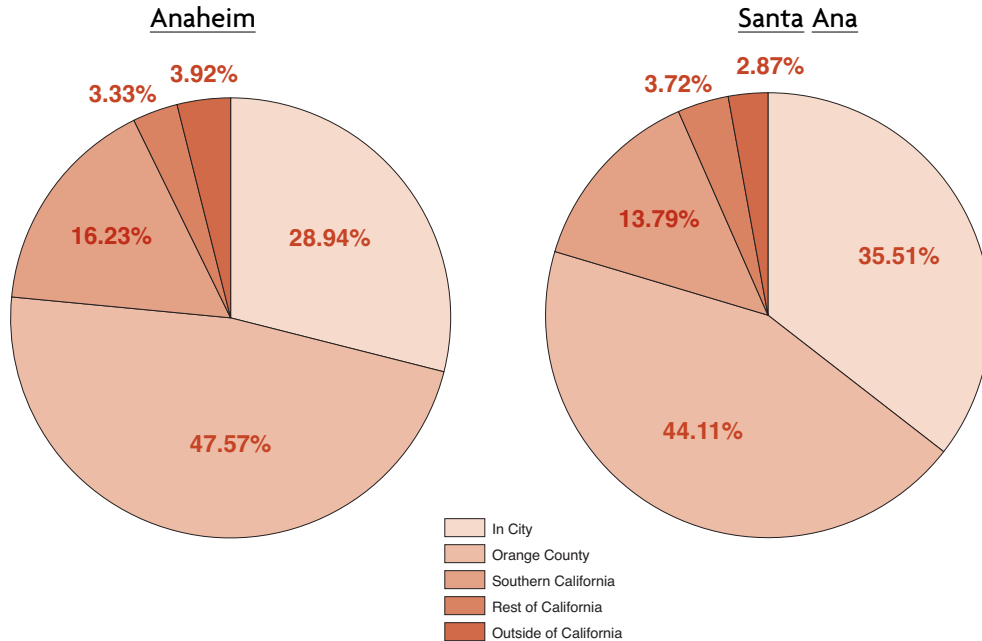
OCCORD Campaign Contribution Database

Industry Affiliation

Campaign contributions were also analyzed to determine the industry connections of individual and corporate contributors. From 2004 to 2010, the top five industries by economic sector that made donations to city politics in Anaheim and Santa Ana contributed $1,660,760 to incumbents and successful candidates for mayor and city council and were responsible for 63% of all monetary contributions.[9] Two of these five industries (Real Estate and Construction) are directly involved with development, and the other three include several development-related industry group classifications.

Furthermore, when the contributions by industry group classifications are examined, the pattern of industry influence remains high. The top ten NAICS industry group classifications that contributed to political campaigns in Anaheim and Santa Ana accounted for a total of 31% of total contributions in the two cities. Of these classifications, five had direct interests in development and accounted for 55% of all contributions from the top ten.[10] In addition, two other classifications, representing an additional 20% of contributions from the top 10, had links to, and/or benefited from development.

Total Monetary Contributions to City Politics by NAICS Economic Sector, 2004-2010
Anaheim and Santa Ana
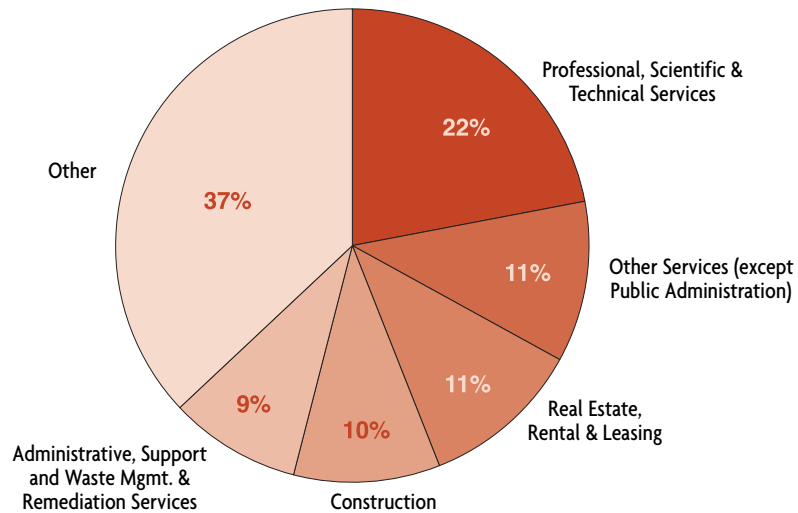
OCCORD Campaign Contribution Database

Top 5 Business and Industry Contributors, by Economic Sector: 2004-2010

Anaheim
Businesses

1. Construction	$216,598
2. Professional, Scientific & Technical Services	$184,314
3. Real Estate, Rental & Leasing	$148,723
4. Admin., Support, Waste Mgmt. & Remediation Servs.	$119,189
5. Retail Trade	$66,800

Individuals

1. Professional, Scientific & Technical Services	$175,086
2. Health Care & Social Assistance	$146,068
3. Real Estate, Rental & Leasing	$88,647
4. Other Services (except Pub. Administration)	$64,556
5. Construction	$61,750

Santa Ana
Businesses

1. Professional, Scientific & Technical Services	$75,798
2. Construction	$32,009
3. Retail Trade	$30,150
4. Real Estate, Rental & Leasing	$29,315
5. Admin., Support, Waste Mgmt. & Remediation Servs.	$22,663

Individuals

1. Professional, Scientific & Technical Services	$66,318
2. Real Estate, Rental & Leasing	$36,680
3. Finance & Insurance	$33,409
4. Admin., Support, Waste Mgmt. & Remediation Servs.	$30,347
5. Construction	$29,123

OCCORD Campaign Contribution Database

D. Representation on Planning Commissions

> *There need to be more points of access for community input in development. Also, it would benefit the outcome of the decision if there was a community representative on the planning commission.* – Louis DeSipio

In theory, Boards, Commissions, and Authorities are a way for citizens to participate directly in decision-making on development and other matters. These bodies consist of local citizens who are appointed by the city council to make recommendations on policy matters. But who are they? Who do they represent? And how are they selected?

Board, Commission, and Authority positions are open to the public at large. If a resident

wishes to serve, they typically complete an application, and if an applicant receives a majority vote from the city council, they are appointed. Santa Ana and Anaheim citizens can apply for a number of Boards, Commissions, and Authorities:

Santa Ana and Anaheim: Boards, Commissions, and Authorities (2010)

Santa Ana	**Anaheim**
Planning Commission	Planning Commission
Community Redevelopment & Housing Commission	Housing and Community Development Commission
Personnel Board	Budget, Investment and Technology Commission
Environmental & Transportation Advisory Committee	Public Utilities Board
Historic Resources Commission	Park & Recreation Commission
Board of Recreation and Parks	Library Board
Youth Commission	Community Center Authority
	Community Services Board
	Cultural and Heritage Commission
	Golf Commission
	Sister City Commission

Planning Commissions

Of particular interest to this report is the planning commission. The planning commission has a direct influence in the development process that shapes the economic and spatial landscape of its city.

The planning commission's primary responsibilities are to certify that development applications have followed the standards set forth by the city's zoning code and general plan, in addition to ensuring a fair balance between the developer's goals and the public interest. This is done during public meetings where city staff presents the application to the planning commission and the general public. It is at this stage of the development process that the public has its first formal avenue to offer input on the project. A recommendation to approve the project and forward it to the city council, table the project for further review, or reject the development project is then made by the commission.[11]

Employment, Education, and Place of Residence

OCCORD examined all appointed Board, Commission, and Authority member applications, in particular those appointed to serve on planning commissions between the years of 2000 - 2010. In reviewing the applications for planning commissioner, patterns were observed: Planning commissioners tend to live in more affluent neighborhoods and have a background or education in business.

Planning commissioners tend to be employed and/or have business interests with development firms and other industries that are connected with development. In particular, 76% of Anaheim's planning commissioners' employment and business backgrounds were in the following industries: New Multifamily Housing Construction, Real Estate and Rental and Leasing, Offices of Real Estate Agents and Brokers, Market Research, Engineering Services, Commercial Building and

Construction, Commercial Banking, and Business Associations. Santa Ana also had a high percentage (53%) of planning commissioners with employment and/or business interest in development and related industries.

A very large proportion of Anaheim planning commissioners had formal education backgrounds in business, administration, planning, and finance (69%). Santa Ana planning commissioners tended to have more diverse backgrounds including artist and school counselors. The percentage of Santa Ana planning commissioners with formal educational backgrounds in business, administration, planning, and finance was 39%. While those who have a background in business can certainly play an important role on planning commissions, those with other backgrounds have much to offer as well. Interestingly, although a high percentage of commissioners had advanced degrees (47%), there were no commissioners with only a high school diploma.

Planning Commission	Formal Education Linked to Business and/or Development	Employment Linked to Development
Anaheim	69%	76%
Santa Ana	39%	53%

The maps and tables that follow illustrate the spatial differences between the city at large and the neighborhoods where the majority of planning commissioners live. Anaheim Hills (eastern Anaheim) lays claim to the highest home-values and household incomes in Anaheim.[12] The average median income in the Anaheim Hills region is $82,195, whereas the median income in the rest of Anaheim is $47,122. The following table shows that over half of planning commissioners from the last 10 years were from Anaheim Hills[13], despite the fact that it represents just 20% of the overall population. Of course, Anaheim Hills residents have much to contribute to Planning Commission deliberations, but the perspectives of other neigborhoods are equally important.

	Population	% of Population	% of Planning Commissioners	Median Household Income	Median Property Value
Anaheim Hills	66,040	20%	56%	$82,195	$336,800
Rest of Anaheim	261,317	80%	44%	$47,122	$219,700

In Santa Ana, some of the highest property values and household incomes in the city are located north of 17th Street.[14] Similar to the Hills region in Anaheim, the majority of planning commissioners were appointed from this area. And similar to Anaheim, residents who reside north of 17th street only make up 19% of the population; yet represent more than half of all planning commission representation over the course of the past 10 years in Santa Ana.

	Population	% of Population	% of Planning Commissioners	Median Household Income	Median Property Value
North of 17th Street	66,209	19%	58%	$51,382	$331,187
Rest of Santa Ana	271303	81%	42%	$43,412	$182,200

There is also a fairly large income disparity between residents who live north of 17th street, and those who live south of 17th. Property values north of 17th street are nearly double those south of 17th, and as such, residents living north of 17th may have different interests than those living below. This is not to say that residents who live north of 17th should not be represented on the Planning Commission – indeed, their perspectives are very important, and they have much to offer – but there are many other neighborhoods whose views must be taken into account as well.

Anaheim Planning Commissioners
and Census Tract-level Household Income
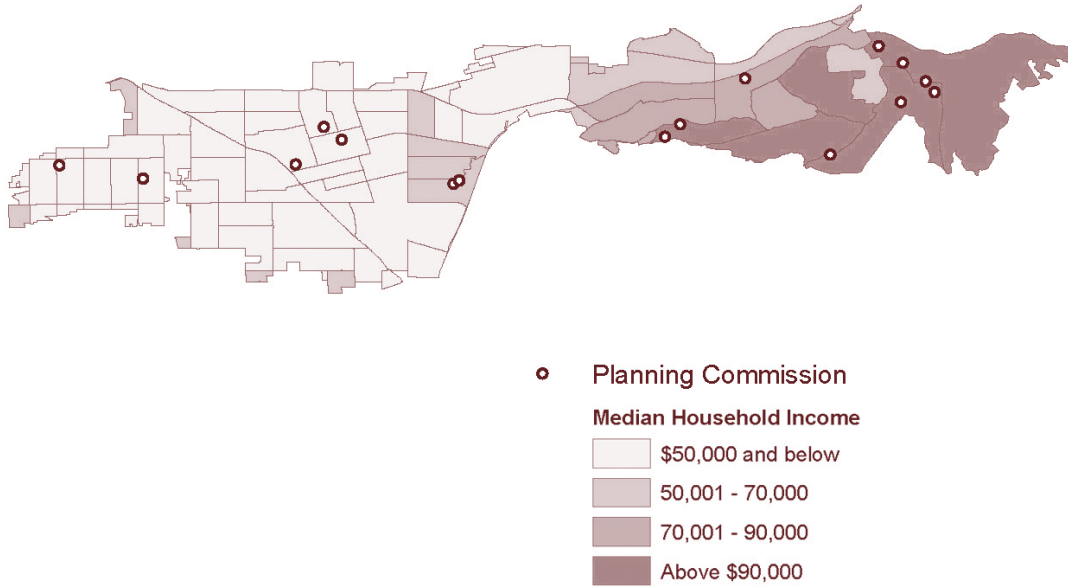
o Planning Commission

Median Household Income

- $50,000 and below
- 50,001 - 70,000
- 70,001 - 90,000
- Above $90,000

Santa Ana Planning Commissioners
and Census Tract-level Household Income

o Planning Commission

—— 17th Street

Median Household Income

- $30,000 and below
- 30,001 - 50,000
- 50,001 - 70,000
- Above $70,000

Anaheim Planning Commissioners
and Census Tract-level Property Values

○   Planning Commission

Median Property Value

	$94,000 and below
	94,001 - 205,000
	205,001 - 288,000
	288,001 - 473,000
	Above $473,000

Santa Ana Planning Commissioners
and Census Tract-level Property Values

○   Planning Commission

——   17th Street

Median Property Value

	$66,000 and below
	66,001 - 135,000
	135,001 - 190,000
	190,001 - 240,000
	Above $240,000
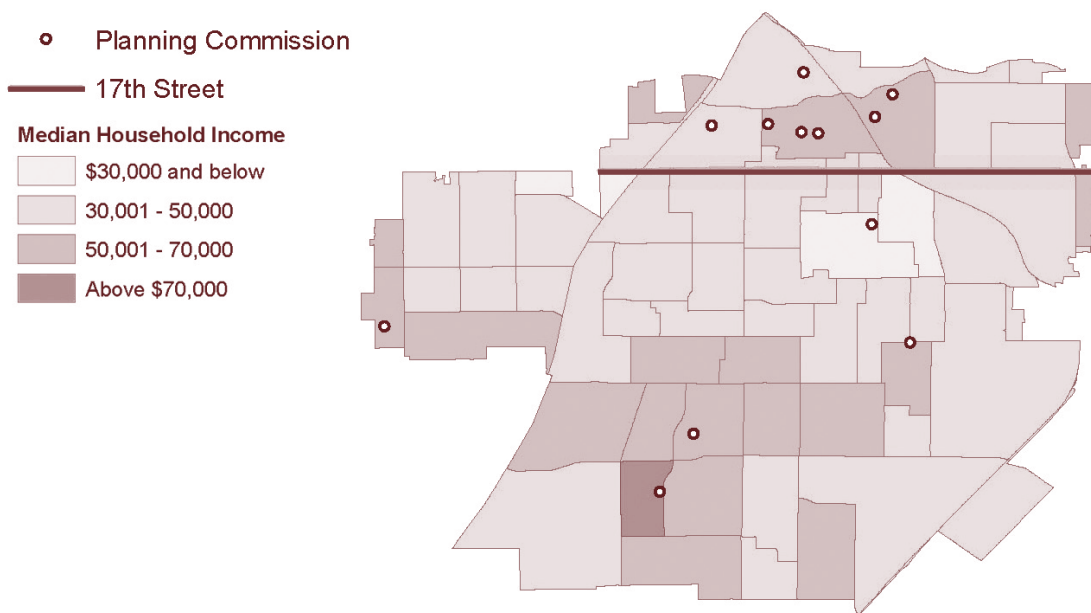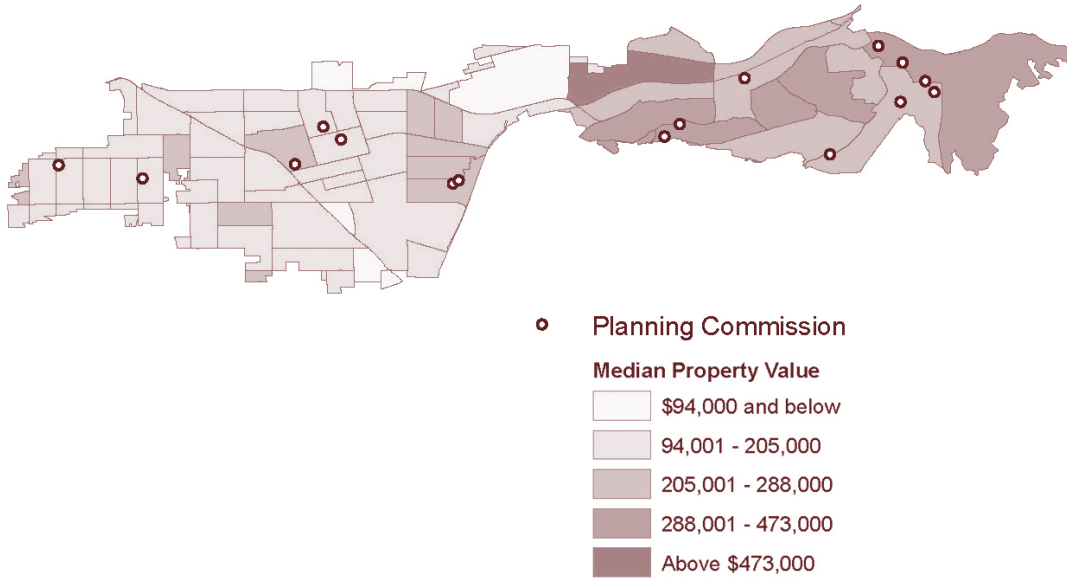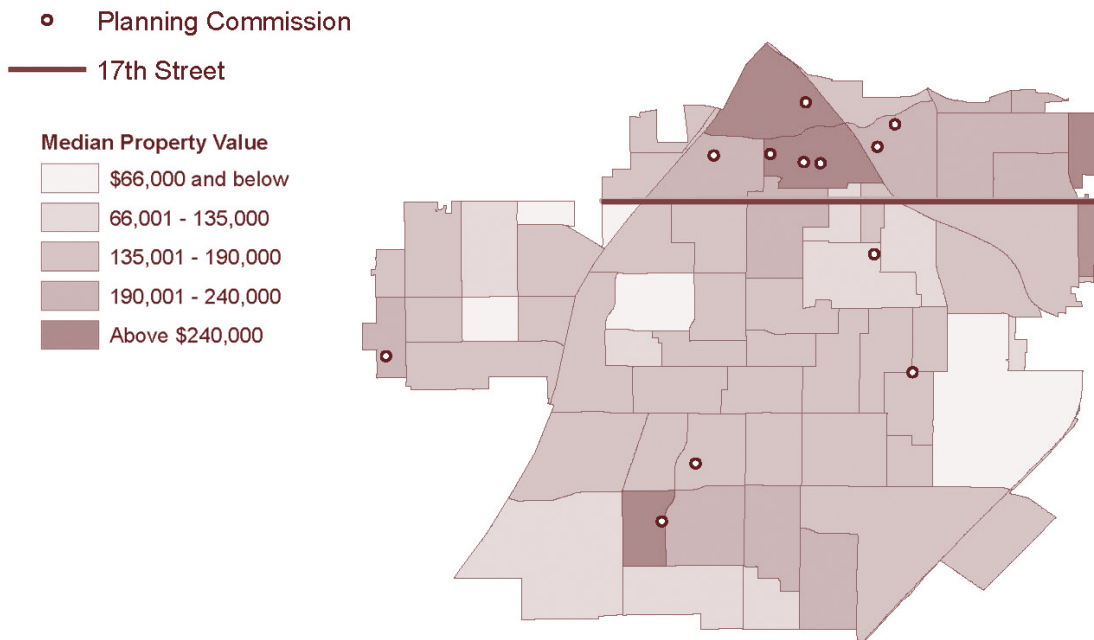
The cities of Anaheim and Santa Ana are the two largest cities in Orange County, and are home to wide-ranging, demographically and socio-economically diverse populations. To fully employ a democratic planning process, every neighborhood must have representation in some way at the local governing level. However, when the planning commission appointees are examined closely, it becomes apparent that they are not representative of the city at large.

E. Development Approvals in Anaheim and Santa Ana

> "*It is important to democracy that elected officials take a particular interest in soliciting public advice and use the power of their office to incorporate public voices into land use decisions. This would require them to alert community organizations and individuals from the start of a project regardless if the public voice is in support or opposition of the development.*" — *Louis DeSipio*

Development projects are essential for a city's health both fiscally, and in meeting existing community needs such as jobs and housing. However, development projects don't always live up to their promise due to conflicts between the public interest and the profit-driven goals of developers. In reviewing all Anaheim and Santa Ana city council minutes from 2005 to 2010, it was discovered that a large majority of "ground-up" projects—that is, new projects constructed from scratch – receive rubber-stamp approval in city hall, regardless of public opposition.

The following table summarizes the outcomes of development projects that have gone through the planning commission and city council.

City	Number of New Development Projects	Planning Commission Approval	City Council Approval	City Council Approval Rate
Anaheim	47	40	44	94%
Santa Ana	40	40	40	100%

Regardless of community opposition or concern, projects were almost entirely approved, as presented, at their City Council public hearings:

City	Number of Contested Development Projects	Had More Support Than Opposition	Had More Opposition Than Support	Even Opposition and Support	City Council Approval[15]	City Council Approval Rate
Anaheim	18	3	13	2	17	94%
Santa Ana	12	1	8	3	12	100%

In Anaheim and Santa Ana, 87 new development projects were presented between 2004 and 2010. Of these, 21 were met with more community opposition than support, yet 20 of the 21, or 95%, were approved.

Anaheim

The City of Anaheim considered 47 new development projects during this timeframe, and 94% of them were approved. These developments ranged from the construction of a wedding chapel, to large-scale developments that proposed 2,600 residential units and 150,000 square feet of commercial space.

Of the 47 new development projects that were proposed in Anaheim, 18 of them were met with some form of opposition from the public as noted in Anaheim City Council minutes. Of the 18 projects that were met with some opposition, 13 (72%) had more opposition than support, and 17 (94%) were approved. Moreover, since the City Council's approval rate for contested projects

was virtually the same as its approval rate for all projects, it would appear that public input was disregarded entirely.

Santa Ana

The city of Santa Ana voted on 40 proposed development projects between 2005 and 2010. Of the projects, the city considered thirteen as major developments and, "only the City Place and Skyline Towers [development] project[s] have been constructed." (Public Hearing, Santa Ana, July 14, 2010).[16] Nonetheless, during the decision-making process for these developments, citizens attended public hearings and shared their concerns only to have their voices ignored by the process. There were 12 instances of opposition or concern regarding specific projects between 2005 and 2010, and of the 12 instances, each development was approved as proposed, despite the fact that 8 proposals had more opposition than support. In total, 100% of new development projects were approved by the city, regardless of public input.

Discussion

The purpose of planning commission and city council hearings is to ensure that development projects fall within the parameters of the general plan and zoning code, and more importantly, to ensure that their benefits outweigh their costs for the community as a whole. However, in Anaheim and Santa Ana, city council minutes show that development projects in these cities are approved even when the public disagrees with them. Developers expertly navigate the planning process and are able to manipulate city zoning codes and the general plan almost at will.

F. Other Barriers to Public Participation

Disproportionate Representation

Planning and urban history says that at-large representation lessens the ability of spatially concentrated groups to assert their voice. A lot of these spatially concentrated groups have historically been ethnic and racial groups, and that is still largely true today. In Orange County, council members are elected at large in most cities. This practice can be helpful because it means that elected leaders will look out for the city as a whole, but it also dilutes the voices of individual neighborhoods. This is especially true for larger cities such as Anaheim and Santa Ana.[17]

Inadequate Notice

Informing the public of a proposed development project is the cornerstone to getting their input. State law only requires developers to notify residents living within 300 feet of a proposed development, regardless of how large it is, or the implications that it may have. This excludes a large majority of residents who may be indirectly affected by the project. For instance, if a large mixed-use project with 200 new housing units and 10,000 square feet of retail space were to be proposed, it would undoubtedly impact residents living beyond 300 feet of the project through increased traffic, noise, and strain on infrastructure. But by law, residents living beyond a 300 foot radius of the development are not required to receive public notice. This process minimizes the opportunity for those who are most impacted to have a voice.

Moreover, cities have a tendency to go through the motions of the public hearing process — they advertise hearings on their web site and on additional postings around the city, record the meeting for the public record, and believe that any resident who wanted to comment on the project had an opportunity to do so if they wanted. These practices may serve as legal justification for city approvals, but they do not effectively encourage public involvement. In many cases,

important decisions are agendized for council or planning commission meetings with only a few days' notice to neighborhoods and community stakeholders.

Ineffective Public Hearing Process

> **"***The key to public input is to get as much done at the front end as possible. Early visioning with the public is important so that the community can be there. They can lay out their planning concerns and propose their ideas for the project. I think you have to get public input early in the process to make it meaningful.***"** *–Scott Bollens*

In theory, the purpose of a public hearing is to allow residents to voice any concerns with a project, and to find applicable solutions to resolve any issues presented. However, simply hosting a public hearing is not sufficient public participation.

In its current form, public participation is allowed during the public hearing phase of the planning process, which is at the *end* of a project. By this stage of the planning process, city officials have already signed off on the application, which makes any change from public input a costly and time-consuming effort for the developer.

In Anaheim and Santa Ana, this research shows that projects are all but approved by the time they reach the public hearing. A better approach would be to hold neighborhood meetings early in the process, so that neighborhood priorities are incorporated in the project from the start. If neighborhood priorities are not addressed early on, developers get more and more defensive as they invest more time and money in the project. The earlier the public is able to give input, the more likely the input will be taken into account.

Constraints on the Planner

> **"***The process itself needs to change to allow planners to engage in more front end acitivities.***"** *–Scott Bollens*

Planners are highly skilled technicians in the realm of public planning, and are the ambassadors between developers, the public, and the city council. Yet, with all of their expertise, their role is very limited as to what they can and cannot do for a project. Good city planners meet very early in the process with developers and inform them about the existing issues within the city, as well as where pockets of resistance may come from. It allows the planner an opportunity to help shape the project to meet existing community needs as well as find a profit motive for the developer.

However, planners are greatly constrained in terms of what they can and cannot do. If a developer is open, they can allow a planner to help shape the project, beyond what the city code requires, to use their project to enhance the quality of life for the city's residents. But, if a developer chooses to ignore a planner's input and simply do the bare minimum required by city code, the planner is powerless.

Case Studies

A. Anaheim's Platinum Triangle

The City of Anaheim envisions its upscale Platinum Triangle district as a high density, mixed-use development unlike anything that has been seen in Orange County. Taken together, the original Platinum Triangle plan and its recently approved expansion will permit 18,909 housing units, 4,909,682 square feet of commercial space, 14,340,522 square feet of office space, and 1,500,000 square feet of institutional space – all within an 820-acre area. According to the Orange County Register, these development densities are the equivalent of eleven U.S. Bank Towers (the tallest building in Downtown Los Angeles) and two South Coast Plazas (one of the largest shopping malls in the United States). When complete, the Platinum Triangle will have a population greater than the City of Seal Beach.

The Platinum Triangle features two prominent sports venues (Angel Stadium and the Honda Center), an entertainment venue (the Grove), and a regional transportation hub (the Anaheim Regional Transportation Intermodal Center) with connections to high-speed rail, commuter rail, bus routes, and a local people mover system. Thus, it would be an excellent opportunity for responsible, transit-oriented development following smart growth principles. Unfortunately, the City's plan for the area does not include any affordable housing, job quality standards, a community park, or even a school.

The project originated in 2004-05, when the City created a zoning overlay to encourage high-density, mixed-use development in an area that had been primarily industrial. Plans for this "upzoning" were approved despite concerns raised by the Anaheim City School District about the need for a school site, and with little or no outreach and participation of residents from adjacent, low-income neighborhoods. The first phase of the project received its final approval in 2005 with a 4-0 vote.

Because of its high-density land-use designation and proximity to taxpayer funded sports entertainment, and transportation amenities, the Platinum Triangle attracted a great deal of interest from major real estate developers. Within two years, more than a dozen projects had received entitlements, and in 2007, the City proposed an expansion of the Platinum Triangle that would more than double the previously authorized development densities. By this time, through the efforts of OCCORD and the Community Benefits Coalition, more residents and stakeholder groups had become aware of the Platinum Triangle, and they used the approvals process to press for good jobs, affordable housing, universal design, child care, parks, and schools, among other things.

In effect, the Planning Commission's decision, despite the good faith efforts of commissioners, turned out to be little more than a rubber stamp.

The expansion plan was fast-tracked for approval: The City Council voted 4-1 in favor of the plan just one day after it was heard by the Planning Commission. However, this process violated the City's Municipal Code, which allows a period of time for citizens to appeal Planning Commission decisions, and it also denied Councilmembers, staff, and the general public a sufficient opportunity to review the Planning Commission's deliberations. In effect, the Planning Commission's decision, despite the good faith efforts of commissioners, turned out to be little more than a rubber stamp. A citizens group subsequently sued the City, which agreed to give the project another hearing in April 2008, and the project was approved again over the objections of residents and stakeholders who testified about the need for responsible development. After approval, OCCORD sued the City for violating the California Environmental Quality Act (CEQA). Eventually, the City admitted that the project's Environmental

Impact Report was "defective," rescinded the approval, and began the planning process again.

In the meantime, residents and stakeholder groups embarked upon an 18-month, community-based planning process, involving several hundred people, to articulate a community-driven vision for development in the Platinum Triangle. In the summer of 2008, OCCORD surveyed 524 families living in nearby neighborhoods: 69% of respondents felt that housing costs were too high, and 59% reported that new jobs created in Anaheim did not pay enough. In February 2009, over 200 residents filled a local church hall to discuss the Platinum Triangle, its potential impacts, and ways to leverage the development to address their needs. With the issues, ideas, and priorities gathered at the community forum, OCCORD, the Community Benefits Coalition, neighborhood leaders, and a team of urban planning master's students from UC Irvine began drafting a plan for the Platinum Triangle that would follow smart growth principles, address community needs, and maximize the benefits of transit-oriented development. After months of learning sessions, house meetings, neighborhood gatherings, and more, the group released its *Community Vision for the Platinum Triangle* in December 2009.

The plan saw transit-oriented development as an opportunity to make vital resources more accessible to neighboring residents. It called for grocery stores, child care facilities, community parks, local schools, and other community resources to be located within a half mile of any proposed transit stop. It also addressed issues of housing affordability and showed how the Platinum Triangle could serve as a prime location for affordable housing development. Finally, and perhaps most importantly given the economic climate, the plan emphasized the need for good quality jobs, offering recommendations and rationale for the creation of living wage jobs that can sustain working families, instead of the low-wage, no-benefit jobs that have proliferated in the region. Ultimately, the plan's principles were endorsed by 1,000 Anaheim residents through a door-to-door outreach effort led by neighborhood leaders.

Public participation increased each time the project came up for a vote but was ultimately disregarded.

The revised Platinum Triangle expansion plan came back before the City Council in October 2010. Despite the efforts of neighborhood leaders and stakeholder groups to participate in formal scoping sessions, meet with Councilmembers, and advocate for the kind of development described in the *Community Vision,* the revised Platinum Triangle plan did little or nothing to address the community's ideas, priorities, and concerns. At the City Council hearing, 28 speakers, representing hundreds of Anaheim residents, testified that the plan did not reflect what they wanted for their communities and asked the City to address their concerns before approving it. This diverse group of speakers included representatives from neighborhoods across the City: The Colony, Guinida Lane, Hermosa Village, Ponderosa Park, and West Anaheim. There were youth and seniors, liberals and conservatives, professionals and service workers. All five members of the Anaheim City School District Board of Education attended the meeting, and the Board President spoke about the need for schools in the Platinum Triangle. Only 8 speakers, most of them representing real estate developers and other business interests, testified in support of the City's vision for the Platinum Triangle. A majority of the City Council disregarded the public testimony and voted 3-2 in favor of the project.

In summary, the Platinum Triangle was considered by the City Council several times over the course of six years. Public participation increased each time the project came up for a vote but was ultimately disregarded. The end result was a massive new development project that lacks community support and does not include components such as a school, a community park, and the balance of good jobs and affordable housing that are necessary to sustain it over the long term.

B. Santa Ana's Station District

In 2007, various Santa Ana community organizations came together in response to the lack of inclusion within the planning process of Santa Ana's proposed Renaissance Specific Plan, which sought to transform Santa Ana into Orange County's Downtown, as a destination for "authentic urban living." Development was planned along a 421-acre corridor including the Downtown, First Street, the Transit Area, and two historic neighborhoods, Logan and Lacy. The plan would capitalize on transportation oriented development around the Santa Ana Train Station and implement zoning changes to allow mixed-uses of residential, commercial and retail in and around Santa Ana's downtown. While the City and consultants Moule & Polyzoides Architects and Urbanists hosted a series of monolingual, terminology-heavy planning charrettes, different groups gathered informally to discuss the Renaissance Plan, understand it, as well as brainstorm on possible alternatives. At the same time, various non-profits had already gathered information and began outreach efforts in both Logan and Lacy. Despite the planning charrettes the city had conducted— often during working hours—the community felt excluded from the process of participation within the development of the project and questioned the intentions and interests that were behind the plan. These concerns were made public in community forums organized by both the City and community based organizations, as well public comments during City Council meetings.

The community felt excluded from the process of participation within the development of the project.

About a year later, the Santa Ana Collaborative for Responsible Development (SACReD) had formed. It included business owners, community members, and non-profit organizations. Both creating their own community based spaces for alternative forms of participation, as well as participating in city run charrettes, SACReD led an effort to respond to the City's empty charrette processes that failed to include the community in decision-making. Strategies included forums, participatory action research, and organizing door to door to give out information as well as capture the community's knowledge on the plan. Due to the community's disapproval, the city decided to postpone the approval of the Renaissance Plan.

In 2009, the city decided to break up the plan and sent out a Request for Qualifications to develop a section of the Renaissance Plan. The Station District, a transit oriented development, included a 94-acre area, 48 parcels the City had acquired over the past years along the Santa Ana Boulevard Corridor. Related California and Griffin Holdings were selected as developers for the project. They would apply for tax incentives and entitlements for the first phase to develop affordable housing. SACReD had now consolidated all the information gathered from different organizations, such as Latino Health Access, Orange County Congregation Community Organization, Chicanos Unidos and El Centro Cultural de Mexico to present an accurate portrayal of the areas' real needs and build a foundation for a responsible alternative development plan. From 2008 to 2010, SACReD took the lead in bringing in residents to present their alternative proposal to the City. During this time SACReD broadened its goal of alternative participation models and community to change the way "the city does business."

Community organizing and facilitation was lead by OCCORD, OCCCO, LHA, El Centro Cultural de Mexico and Kennedy Commission. A resident engagement component was formed to both develop neighborhood resident leaders particular to the area of Logan and Lacy as well as take the lead in the negotiation process. This strategy was essential in building a base that was specific to Santa Ana and representative of the existing communities being affected. A partial listing of community members involved residents from Logan, Lacy, Latino Health Access, Kennedy Commission, Orange County Congregation Community Organization, Chicanos Unidos,

El Centro Cultural de Mexico, Orange County Communities Organized for Responsible Development, Public Law Center, Logan Neighborhood Association, Friends of the Historic Lacy Neighborhood, local business leaders, and individual community members.

After years of forums, community research, and outreach, the coalition together with the resident leaders developed 28 proposals, captured through a proposed Community Benefits Agreement (CBA), for development that would address existing community needs. The proposals were organized under the following subsections:

• Housing that is targeted to meet the needs of the local community
• Development that preserves and enhances the history and cultural life of the community
• Public open space that serves the community and enhances a central focus for the area
• Development that protects the needs of businesses and workers
• Infrastructure improvements that are designed to protect the safety of local residents and school children.

These benefits included affordable housing for families with extremely low income levels, multifamily housing, community centers, historic homes, public art, historic centers, parks, labor agreements, living wages, and various safety measures.

Unlike in the planning process for the Renaissance Plan, City Staff emphasized outreach to community members and inclusion of the SACReD coalition in planning for the Station District development. From brown bag lunches with City Staff and coalition members, to meetings with Councilmembers and neighborhood residents, SACReD created and utilized opportunities to inform and shape the plan for the benefit of those who would be directly impacted. Various negotiation meetings were held where the 28 points for the proposed Community Benefits Agreement were brought down to 14 points. Some early wins included 20% extremely low affordable housing, and conversations with the School District to develop a community center on

City Staff was unwilling to guarantee any of its concessions in a legally binding, enforceable agreement.

school property. City staff was reluctant, however, to prevent further residential displacement by providing interim housing and ensuring priority for new housing go to displaced residents – a critical concern since development was slated to continue displacing long-time residents of the Lacy neighborhood with no guarantee of protection. The City was also reluctant to assure the development of a much needed park – despite the data revealing open space as one of the biggest concern for the area – commit to labor peace, or ensure a place at the table for area residents and community members to continue being a part of decision making in future development plans. Above all, City Staff was unwilling to guarantee any of its concessions in a legally binding, enforceable agreement that would protect the community's ability to keep development accountable, while committing community members' support for the project.

Despite the initial support from City Councilmembers for the CBA, at the final City Council meeting, the Station District development project was approved 4-0 without a Community Benefits Agreement. Hundreds of community members – including families, children, youth, and mothers – attended and spoke on behalf of real guarantees and responsible development, many staying until almost midnight after Councilmembers made a decision to push the vote to the end of the agenda. Community members voiced disapproval for the minimal benefits that would be included solely in the Development Agreement between the City and the developer with no accountability measures. The community once again had no guarantee that any of the promises would be met and were left vulnerable to future amendments to Development Agreements as was not uncommon in Santa Ana's development history and present. The City had done business "as usual." With well-documented community meetings and negotiations with SACReD, the City

had met its public participation requirements without implementing alternatives proposed and developed by the community in the previous four years through grassroots participation and broad collaboration. A few months later, the community was to learn that two Councilmembers had voted to approve the project even after they received campaign contributions from Related and Griffin, the Station District developers, during negotiations with SACReD on the project – contributions that would have disqualified them from voting had they been disclosed at the time. Soon after, the City Council held a meeting to decide whether to rescind its vote on the project in the face of exposed violations, but ultimately ratified their original vote and decisions.

Conclusion

The local planning and development process is broken in Anaheim, Santa Ana, and we suspect, many other cities in Orange County. Rather than working to promote and protect the general welfare of the public, the planning process is subject to undue influence from special interests, while neighborhood voices – and the needs and priorities they represent – are disregarded. From overly narrow representation on local planning commissions, to large political contributions from development-related industries, the planning process has become a rubber stamp for development, regardless of public will.

As a result, major development projects are approved without job quality standards, affordable housing, neighborhood-serving retail stores, parks, schools, adequate infrastructure, and important community resources. Concerns about traffic, urban sprawl, and incompatible land uses remain unaddressed.

Because of the undue influence of developers, development projects move forward even when the public strongly disagrees with them. In Anaheim and Santa Ana, 87 new development projects were presented between 2004 and 2010. Of these, 21 were met with overwhelming community opposition, yet 20 of the 21, or 95%, were approved.

Campaign contributions further sway the planning process in developers' favor. The top five economic sectors by industry account for 63% of all donations in Anaheim and Santa Ana. Of the top ten NAICS industry group classifications that contributed to political campaigns in Anaheim and Santa Ana, five had direct interests in development and accounted for 55% of all

Development projects move forward even when the public strongly disagrees with them.

contributions from the top ten. In addition, outside interests have disproportionate sway over local politics, as 70% of all political contributions in Anaheim and Santa Ana came from outside city boundaries.

Lastly, local planning commissions do not represent every neighborhood or the general public as a whole. In Anaheim and Santa Ana, there is an over-representation of individuals with a background in business and/or development, as well as a spatial discrepancy between where planning commissioners live and the city at large. Over half of all planning commissioners came from relatively affluent neighborhoods that have less than 20% of the city's total population.

Orange County is home to a wide-ranging, demographically and socio-economically diverse population. To fully employ a democratic planning process, every neighborhood must have representation in some way at the local governing level. Policies and ordinances that exist in other parts of the nation can be employed to enhance public participation, and ultimately, allow for more residents to have a hand in shaping their communities.

Policy Principles

1. Encourage public participation early in the development process, before important decisions are made.

Developers and communities need each other. Without a great project customized to meet community needs, a neighborhood can be left with heavy traffic congestion, poverty-wage jobs, and a diminished quality of life. Without the backing of an engaged community, a developer can face delays, protests, bad press, and an imperiled project. Forming a partnership with the community upfront makes public participation a predictable and useful part of the development process. The same is true when cities take the lead in developing a large area such as Anaheim's Platinum Triangle or Santa Ana's Station District.

1A. Raise public awareness. People become frustrated when they don't find out what's happening in their neighborhood until it's too late for their voice to be taken into account. With its Sunshine Reforms, the City of San Jose addressed this source of frustration with enhanced public notice, committing to post agendas and staff reports 10 days in advance for most decisions, 14 days in advance for expenditures of $1 Million or more, and 30 days in advance for public subsidies of $1 Million or more. In addition, on specific projects, San Jose increases the radius and modes of communication for official public notice as project impacts increase. Projects determined to have citywide impact, such as a change in service levels, trigger a much higher level of public outreach, including at least three public meetings (two at meaningful points in the process and one to present the final recommendation).

1B. Increase outreach to neighborhoods. Even when neighborhoods are aware of development, the planning and approvals process often lacks any formal channel for their views to be taken into account. In response, some cities have changed the process to involve neighborhoods from the start. In several California cities, including Chico, San Mateo, and San Francisco, if a development project meets specific criteria or a certain threshold, a neighborhood meeting is held to seek feedback from those who will be most affected. These meetings are a formal part of the development process and take place before development applications are filed. Conflicts can be identified and resolved before the project reaches the Planning Commission or City Council. For example, in the City of San Mateo, a pre-application neighborhood meeting is intended to foster "a positive dialogue between the development team and the residents," to create an opportunity for "project modifications early in the process," and to lessen the possibility of "later opposition and delays during public hearings due to neighborhood opposition." Similar policies exist in places as diverse as Gilbert, Arizona; Howard County, Maryland; and Sammamish, Washington.

> **Some cities have changed the process to involve neighborhoods from the start.**

2. Level the playing field, so that all the facts are known and everyone's voice is heard.

Too often, community leaders find themselves excluded from the development process and without reliable information about projects. Developers typically have good access to decision-makers but are reluctant to share too much information with the public. Local officials struggle with competing interests and demands. The results of this failed communication are development projects that meet the needs of few and cost the majority a great deal.

2A. Ensure that costs and benefits are taken into account. Too often development projects are approved without considering the impact they will have on traffic, quality of life, job market, the local economy, etc. Community impact reports provide a mechanism for documenting and considering all of the public costs and benefits of proposed projects to inform public approval

and subsidy decisions. For example, the City of Petaluma's Fiscal and Economic Impact Assessment, which covers commercial projects over 25,000 square feet, measures impacts on existing local businesses, net sales tax revenues, job quality, and wage and benefit levels. San Jose's Sunshine Reforms require staff reports for City-subsidized projects to analyze the impacts on jobs, housing, and neighborhoods, and to assess the City's options if the project doesn't meet projected returns. Similar policies have been adopted in jurisdictions ranging from the State of Maine to the City of Los Angeles.

2B. Increase transparency in the decision-making process. Special interests often claim that their campaign contributions buy access, not votes. Elected officials can alleviate negative perceptions by disclosing their contacts with paid lobbyists and individuals who have business before the City. For example, the California Coastal Commission requires disclosure of ex parte communications (verbal or written), which means that Commissioners must tell the public about party-in-interest communications that aren't on the public record. Similarly, San Jose's Sunshine Reforms require elected officials and their appointees to maintain updated calendars online and readily available to the public on the City's website.

3. Empower every neighborhood to have a voice in development decisions that affect its quality of life.

Thriving neighborhoods are vital for our local economy and quality of life. Every neighborhood has its own character, needs, and priorities for development, but too often, decisions about development are based on other factors. Cities can address this incongruity by empowering neighborhoods to set their own development priorities. For example, San Jose's Strong Neighborhoods Initiative created 19 Neighborhood Advisory Committees (NACs) comprised of owners and renters, neighborhood associations, businesses, faith-based groups, schools, and other community stakeholders. Each NAC is involved in setting priorities for how redevelopment funds are used in its own neighborhood. Over ten years, over $136 Million in local funds were invested in these neighborhoods through this initiative. (The City of Anaheim has taken a good step in this direction by involving its neighborhood councils in federal Community Development Block Grant funding decisions.)

4. Make elected and appointed officials more accountable to the neighborhoods they represent.

Despite good faith efforts, decision-makers from one neighborhood may not understand the needs and concerns of others. Due to population growth and changing demographics, elected leaders, especially those who serve part time, may represent more neighborhoods than they can possibly get to know during their time in office. Unlike Anaheim and Santa Ana, where City Council members are elected citywide, elected representatives from most mid-sized U.S. cities are accountable to voters in geographic districts or wards through district elections. Members of boards and commissions with decision-making authority should also include representation from a broad range of neighborhoods: When Los Angeles voters created a Board of Neighborhood Commissioners to oversee their citywide system of neighborhood councils, they required commissioners to be from diverse geographic areas in order to ensure broad representation.

Methodology

Study of Anaheim and Santa Ana, California

The OCCORD research team developed a multi-methods research design to study governance and land-use decisions in Anaheim and Santa Ana, California. Three major data sets where collected and compiled into unique databases: City council minutes; Boards, Commissions, and Authorities appointee's applications; and, Consolidated Campaign Disclosure Form 460. The data was collected with the use of Public Records Act Request (hereafter known as PRR) of the Cities Clerks and downloaded from city websites. Also, expert testimony was acquired through in-depth interviews.

Data

1. Council Meeting minutes from 2005 – 2010:
   • Anaheim: (Available Online) minutes form January 1, 2005 to July 6, 2010 (1939 total pages)
   • Santa Ana: (PRR) minutes from January 11, 2005 to May 18, 2010 (1959 total pages)
2. Applications of City Council appointed to Boards, Commissions, and Authorities (BCA's) 2000 – 2010:
   • Anaheim: Obtained through PRR (125 BCA applications)
   • Santa Ana: Obtained through PRR (87 BCA Applications)
3. Consolidated Campaign Disclosure Form 460 (Schedule A) for all City Council members and Mayors between 2004-2010:
   • Anaheim: Available Online. (3909 Monetary Contributions)
   • Santa Ana: Obtained through PRR. (1812 Monetary Contributions)
   • There were a total of 266-unidentified/unmatched donors to industry. These donations were from individuals who did not list employment or source of income (mainly home-makers, students, and retired)
4. Expert Interviews:
   • Scott Bollens
     Professor of Planning, Policy & Design, University of California Irvine
   • Louis DeSipio
     Associate Professor of Political Science, University of California Irvine

Analysis

The report begins with a thorough discussion of governance in the decision-making processes that involve land use. It then offers an analysis of campaign contributions to all elected city councilmembers and mayors in the two study cities. Form 460 requires addresses, amounts, and employment of all contributors to be disclosed and made available for public viewing. The report highlights the geography and industry of the contributions.[18] The Boards, Commissions, and Authorities applications offer insight into different city governing bodies, especially planning commissions. Analysis of planning commissioners' education and industry ties comes directly from the applications while median household income and home values are drawn using Census tract data. Finally, council minutes are used to track development project and note final decisions from the city councils. Special attention was given public input in the decision-making process and noted if public input influenced final decisions on development and land use. The study concludes with a discussion and interpretation of the findings and offers policy alternatives that can be implemented to enhance community voices in development and land use planning.

Notes

1 John R. Hipp. "The Orange Crush: The Squeezing of Orange County's Middle Class". January 28, 2009.

2 "Each county is required by law to impanel a body of 23 or 19 members, depending on county population, to serve for a term of one year. This body is mandated to investigate and report on both criminal and civil matters within the county." http://www.ocgrandjury.org/geninfo.asp

3 "Well-connected firm got 'flawed' contract." Orange Count Register. May 24, 2010
http://www.ocregister.com/articles/grand-250102-cordoba-jury.html

"Documents reveal internal strife over streetcar choice." Orange County Register. August 21, 2009.
http://www.ocregister.com/news/city-168443-cordoba-council.html

4 William and Paul Shigley. 2005. "The Guide to California Planning, Third Edition." Solano Press.

5 "Orange County Progress Report, 2010." Center for Demographic Research. CSU Fullerton.

6 Proposition 13 and the Fiscalization of Land Use *From the FACSnet archives, circa 2000* By Brandee Freeman, Paul Shigley & William Fulton
http://www.facsnet.org/index.php?option=com_content&view=article&id=257:prop-13-and-fiscalization-of-land-use&catid=75:archives&Itemid=100003

7 A small proportion of contributions were not matched.

8 Study cities are stand-alone data and are excluded from the county, Southern California and rest of California totals. Consequently, County is excluded from the Southern California and rest of California totals; Southern California excludes data from study cities, county and rest of California; and, rest of California exclude data from study cities, county, and Southern California.

9 Excludes unidentified industry contributors [usually homemakers, students and retired contributors]

10 This report deems the following NAICS subcategories to be directly tied to development: Offices of Real Estate Agents and Brokers; Land Subdivision; Engineering Services; Lessors of Nonresidential Buildings (except Mini-warehouses); Lessors of Residential Buildings and Dwellings.

11 By the this stage in the process the development application has gone through several formal reviews and the city staff has certified the application has met all requirements for development within the city.

12 Anaheim data based Census 2000 Tracts

13 Anaheim Hills is represented by Census 2000 Tracts

14 Santa Ana, North of 17th street is represented by Census 2000 Tracts

15 Two of the initially approved projects were later rescinded.

16 "Projects still in development Brookhollow Office project, City Place, Cordoba courtyard housing, First and Cabrillo condominiums, Montage condominiums, Nexus Skyline Towers, Nexus Phase II, One Broadway Plaza office tower, Promenade Pointe condominiums, Sixth and Parkcenter condominiums, Town and Country Manor, Village Green and the West End Lofts." Public Hearing, Santa Ana, July 14, 2010.

17 Unlike Anaheim, Santa Ana has council districts, but while candidates run to represent a particular district, they are elected at large.

18 All donations where individually matched to industry with the use of the North American Industry Classification System (NAICS): http://www.census.gov/eos/www/naics/

THE RUBBER STAMP PROCESS

Broken Governance in Planning and Development and How Communities Can Regain a Voice

A report by **Orange County Communities Organized for Responsible Development**

OCCORD

Orange County Communities Organized for Responsible Development