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Luncheon Address: Planning Decision Making—Balancing Legislative Restrictions, Modern Technology, Community Input, And Personal Objectives

ROBERT J. WEST*

Please excuse any rough edges on my speech, but I'm not accustomed to speaking to such a large group. Usually, the Council chambers are empty. However, about once a year, our meetings are packed—usually over a zoning issue—and one could light the city for a week with the electricity that is generated. On other occasions, it is noticeable that a developer has packed the house with his employees; cat-calls are heard in response to aired criticism of the proposed development, and hurrahs resound when an affirmative vote is cast. It is rare when I have the opportunity to speak to a group containing so many attorneys. Generally, the only time I face such an audience is when we are considering a major issue, such as the Irvine Industrial Complex East, and the developer is concerned that his project will be turned down.

It is not my purpose today to discuss the audience at council meetings but rather to focus on the council persons sitting up there

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with perplexed looks on their faces asking all those seemingly irrelevant questions. Who are they? How did they get there? Why do they say and do the things they say and do? Where is it all leading us?

I am only one council member from the city of Irvine, a city that is unique just like every other city is unique, yet people and politicians are not that different. Much of what I say will be based on personal experiences and analyses, necessarily from Irvine, but I hope the principles are general in their application. To understand any council members, one must know something about their backgrounds. What separated them from all the thousands who did not seek office? If they are new, perhaps they had some sort of axes to grind with the incumbents. They may have felt that the city's financial planning was weak, that housing needs were not being met, that development was occurring too fast, or that those in office were stifling the "free enterprise system." Incumbents undoubtedly thought they'd done such a good job that the city couldn't function without them, particularly when compared with those "power hungry upstarts" who have filed to run against them.

There are a number of other rather obvious reasons why people file to run for office. Particularly at the local level, some have run because a group of other people have encouraged them to do so. It is difficult to say "no" to all those people who think you will represent them, even if they happen to be only some close friends. Others file because they want community exposure for business purposes: real estate brokers, insurance salesmen, and, sometimes, attorneys. Generally, they are not serious candidates. There are also the people who see politics as a live chess game and enjoy the moves and countermoves of campaigning. "The game" is played by jockeying for the best newspaper ad placement, television spots, or campaign flyer distribution times. It is a challenge to "overpower the enemy" without making it look as if the candidate has expended any energy on strategy at all. Finally, it would seem some people are just masochists. They want to spend money and work hard for a job that has low or no pay for long hours, late nights, and both family and work interruptions.

All these reasons mentioned so far are basically superficial; they are merely evidence of deeper, more elemental emotional traits which, when combined with particular external situations, lead to candidacy and, sometimes, election. I have divided these motivational traits into three basic types: power, affiliation, and achievement.¹ The most common dominant trait of the past, and probably

1. These descriptions of personality traits are based on G. Litwin, A

of the present as well, is power. Much of the time this takes the form of manipulation. These politicians enjoy log-rolling for its own sake above and beyond commitment to any particular programs they are interested in having adopted. They also revel in speaking before groups and manipulating the crowd with gestures, words, and intonation. Often this is seen as charisma, and charismatic it may be; the question is whether or not this is the most desirable type of politician.

The second motivational trait can be called "affiliation." The Flower Children of the 1960's did not invent the word "love" as they would have had us believe. Politicians have been using it for years. What better ways to find out how many people "love" you than to review the polls, read the mail, answer the phone, and count the votes on election night. Decision making by straw vote is an attempt to get the maximum number of people to "love" the politician. Some have built giant public relations machines and even resorted to illegal means to assure that they were more "loved" than their opposition. To some, this kind of decision making appears most "representative," but is this the more desirable form of leadership?

The final type of personality motivation is achievement. As a dominant trait, it is rarely found in politicians. In a candidate, it is a mountain to climb because the others have been climbed or because the others are too steep and this one is attainable. In a politician, it can best be described as a problem-solving attitude. An achievement oriented person will generally set attainable goals. He has a respectable and credible concept of who he is, what he is doing, and where he is going. He enjoys finding solutions to problems and will tend to seek knowledge and use available tools to help him. This kind of person will demand facts, detailed studies, and complete analyses of the problems at issue. To some he may seem dull and indecisive, so is he the most desirable type of politician?

Election campaigns are of short duration, so more important than how these personality types behave while campaigning is what they

Summary of the Thought and Behavioral Characteristics of Achievement, Affiliation, and Power Motivation, an unpublished material derived from earlier work appearing in J. Atkinson, ed., *Motives in Fantasy, Action, and Society* (1958).

do once elected. One of the first sessions faced by a newly elected councilmember is conducted by a city attorney who begins to tell him all the laws that limit his activities. The first constraint on one's freedom of movement is known as the Ralph M. Brown Act,² which basically eliminates secret sessions at which decisions are made. This is a definite change from a campaign strategy session. If one cannot have secret meetings with a few close friends, how can he expect to conduct his business and win? On top of that comes information on various conflict of interest laws,³ a presentation which is most unclear because even the city attorney cannot explain the exact status of the laws. The above kinds of laws fly in the face of traditional backroom politics. To many, they are almost un-American! Nevertheless, many of us in California feel these are the beginning ground rules under which all levels of government must operate.

Various planning laws⁴ and court cases that constrain the politician are far too numerous to mention, let alone remember. Besides, there are new court decisions almost daily, and the laws and other regulations are amended almost as often. The Subdivision Map Act,⁵ the Quimby Act,⁶ local park codes, tree cutting ordinances are all part of the reading material to which council members must apply speed reading "hand patterns." Add to these major cases such as *Friends of Mammoth v. Supervisors of Mono County*,⁷ *Associated Home Builders, etc., Inc. v. City of Walnut Creek*,⁸ and, more recently, *Construction Industry Association of Sonoma County v. City of Petaluma*,⁹ and one can readily see that the local politician has a great deal of judicial, as well as legislative, "guidance" in making his decisions.

Surrounded by this plethora of detail in what can probably best be called "disorientation sessions," a councilperson must sit back and return to a consideration of the basic philosophical principles in which he or she believes. Often real consideration is given to these principles for the first time. Planning law may alter priori-

2. CAL. GOV'T CODE §§ 54950-54961 (West 1966 and West Supp. 1974).

3. CAL. GOV'T CODE §§ 3600-3760 (West Supp. 1974); CAL. GOV'T CODE §§ 1090-1097 (West Supp. 1974); and Proposition 9, approved by the voters in June, 1974.

4. See, e.g., CAL. GOV'T CODE §§ 65000-66403 (West 1966 and West Supp. 1974).

5. CAL. BUS. & PROF. CODE §§ 11500-11545 repealed effective March 1, 1975; CAL. GOV'T CODE §§ 66410-66499.37, operative March 1, 1975 (West Supp. 1975).

6. CAL. BUS. & PROF. CODE §§ 11546 and 11547 repealed effective March 1, 1975; CAL. GOV'T CODE §§ 66477 and 66479, operative March 1, 1975 (West Supp. 1975).

7. 8 Cal. 3d 247, 502 P.2d 1049, 104 Cal. Rptr. 761 (1972).

8. 4 Cal. 3d 633, 484 P.2d 606, 94 Cal. Rptr. 630 (1971).

9. 375 F. Supp. 574 (N.D. Cal. 1974), appeal docketed, No. 742100, 9th Cir. 1974.

ties temporarily, but it will not become overriding. By philosophical principles and conflicts, I refer to such concerns as the role of "private enterprise" versus the role of government; development versus non-development or a slower rate of growth; views on what makes a city: housing; industry; open space in its many forms, including parks, ridge line preservation, agriculture, streetscapes, archeological sites, etc.; public, private, or both forms of transportation; and a myriad of other factors. Environmental concerns relate to basic philosophical values, and regional influences on all of the above are becoming more important daily. Lastly, in addition to decisions on local policies, the council member must decide just how active the government of which he is a part should be in seeking solutions to problems from sources outside the council at other governmental levels.

If you have decided that decision making that truly considers all these factors plus the specifics of the situation at issue is impossible, you are almost correct. The city attorney tells the council a decision must be made, and so it is. Sometimes the decision is not perceived as rational, but a decision it is. In fact, rational decision making may be the exception rather than the rule since the emphasis on this as an objective for governmental policymakers is a product of the past few years.

The Irvine experience is an example. Incorporation occurred in December, 1971. The biggest problem the new city faced was planning the urbanization of a rural environment. In March, 1972, a planning commission was appointed, and the new commissioners began to set planning priorities. High on the list was a mechanism for evaluating large development proposals. Shortly after their appointment, two planning commissioners met with a member of the city council and our planning consultant, Ed Haworth, who spoke to you this morning, and we decided that an environmental impact report (EIR) could become that evaluation tool. Irvine became the first city to develop guidelines and begin using the EIR as a tool to evaluate local projects.

The first reports were terrible, but by insisting upon answers to pertinent questions, we forced the preparers to dramatically improve their quality. They still aren't perfect today, and our review has had its faults, but we would have been completely lost without them. We would have been forced to either rubber stamp every

development as it came through or deny them all. Our experience, I feel, is that EIR's have provided an evaluation tool for planning commissioners and councilpeople and also have been a boon to developers. Where there is a no growth or slow growth philosophy, carefully prepared EIR's have taken away more arguments against development than they have provided. Even those EIR's that have been prepared at the behest of a proponent of a particular project have been useful as an evaluation mechanism.

Other evaluation tools have or will become common in Irvine. The list includes long-range financial planning, long-range capital improvements programming, policy plans, our general plan, specific area plans, and transportation planning. Citizen input takes place at every level of this planning, and its direct influence at council meetings is well known to any observer of the local government political process. Planning and other decision making by "windage" is still with us, but it is becoming less prominent in the face of technical tools for evaluation. On the horizon we face the Environmental Protection Agency parking management plans.¹⁰ We, in Irvine, consider these inadequate and are drawing up our own which we hope to complete this month. Nevertheless, these regulations did serve as a prod to force us to consider our needs and plans in this area.

All these plans and project evaluation tools are worthless, however, unless a source for funds exists to implement either the plans or the mitigation measures suggested by project evaluations. Requiring 10% low and moderate income housing in a planned community is meaningless until funds are available to meet the need. This housing simply cannot be built to minimum acceptable community standards without subsidies. Environmental Protection Agency standards are directed at land use planning, but such planning will be futile without an acceptable means of public transportation. Again, this means government subsidies.

Not only must the programs and funding be available, but the local council must also be knowledgeable about them and willing to use them. Ultimately, the willingness to use the means available for achieving policy objectives and the willingness to use mechanisms for evaluating proposals depends upon the knowledge each councilmember has of the means and mechanisms, whether or not they are personally acceptable to him or her, individual weighing of various factors, and, finally, the psychological make-up of each person.

10. See 40 C.F.R. § 52.22(b) and § 52.251, effective June 30, 1975.

Let me go back to the three personality trait categories previously mentioned and cite an example. Recently the City of Irvine approved the planned community district regulations for a 2,000 acre industrial complex which, if completed, will directly employ 60,000 people and have a total growth inducing impact of 300,000 to 400,000 people. This is the Irvine Industrial Complex East, referred to at the beginning of my speech. Seventy percent of the businesses expected to move to the area will most likely come from Los Angeles so that one might expect increased unemployment in that area of 42,000 people or the relocation of these people and their families to Orange County. At any rate, the projected long range effect on Los Angeles is a population decline of 210,000 to 280,000 people.

The members of the Irvine City Council viewed this project in a number of ways. One great concern expressed in public hearings was the tax effect on the city and on the Irvine Unified School District. Since few in the projected work force will be able to afford to live in Irvine, the tax windfall to the city will be enormous. A vote based primarily on this factor would be a favorable one if it defined the geographic limits of concern to include only land within the city boundaries of Irvine. Such a vote reflects a problem solving attitude, i.e., tax base increase, and this person could be said to be primarily achievement motivated.

If the concern of the achievement motivated councilperson extended beyond the city limits to a consideration of the burden on the basin's air quality and water availability and quality, I feel he would tend to vote against the project. Likewise, if he wished to consider the full financial impact on his neighboring cities, as well as his own, he would also tend to vote no, absent more information.¹¹ Thus an achievement oriented councilmember with a "city only" view would be favorably disposed to the project, whereas one with the same motivation but a regional view might lean toward the negative.

Turning to another trait, at least once during the hearings there was a not so subtle expression that if the developer would provide for and promote a particular facility, favorable consideration would be given the project by that councilmember. This was one of the purest examples of the old log-rolling, power motivation at work.

11. For recent developments regarding this zoning change see, DiMento *Looking Back: Consistency or Interpretation of and Response to the Consistency Requirement*, A.B. 1301, n.68, *infra* this issue at —.

Finally, the popularity of the proposed project among the electorate was discussed and seemed to be given great weight by at least one councilmember. This was an example of affiliation motivation decision making: "if most people are for it, I will vote for it, and most people will love me."

At this point all of us-voters and advocates for or against proposals before city councils—should sit back and determine the predominant personality trait we want in our leaders. For each of us, our own motivations will influence our choice. It should be realized that each individual and each politician has all three personality characteristics. Therefore, each potential decision maker should be evaluated carefully in an attempt to determine which is the dominant motivating trait. It is my personal opinion that the modern electorate will, by so doing, tend to vote for those people who are problem solvers, motivated by achievement, so that all decisions, including those related to land use planning and control, will be made rationally. I feel we cannot afford to do otherwise. There are now an overwhelming number of technical tools at the disposal of the decision maker and laws that require him to use them. Whether he will use these tools to make a better world or abuse them for his own ends ultimately depends in large measure on whether his dominant motivation is power, affiliation, or achievement.